

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

IARNACH TECHNOLOGIES LTD.,

Plaintiff,

v.

**AT&T CORP., AT&T
COMMUNICATIONS LLC, AT&T
MOBILITY LLC, AT&T MOBILITY II
LLC, AND AT&T SERVICES INC.**

Defendants.

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§ **Civil Action No. 2:23-cv-00231-JRG**
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§ **Jury Trial Requested**
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**PLAINTIFF’S DISCLOSURE OF ASSERTED CLAIMS AND PRELIMINARY
INFRINGEMENT CONTENTIONS PURSUANT TO P.R. 3-1 & PR 3-2 DOCUMENT
PRODUCTION ACCOMPANYING DISCLOSURE**

Pursuant to Patent Rules 3-1 and 3-2, Plaintiff Iarnach Technologies Ltd. (“Iarnach”) hereby provides its Disclosure of Asserted Claims and Preliminary Infringement Contentions and Document Production Accompanying Disclosure concerning Defendants AT&T Corp., AT&T Communications LLC, AT&T Mobility LLC, AT&T Mobility II LLC, and AT&T Services Inc. (collectively, “Defendants” or “AT&T”). Iarnach reserves the right to further amend or modify its disclosures herein—including to supplement its infringement contentions pursuant to P.R. 3-6—based on additional information obtained through discovery or other means concerning the Defendants’ products or services.

I. Iarnach’s P.R. 3-1 Disclosures

A. P.R. 3-1(a): Infringed Claims

Subject to ongoing discovery and investigation, Iarnach contends that AT&T infringes the following claims of U.S. Patent Nos. 8,712,242; 8,934,359; 8,942,378; 9,363,013; and 9,806,892 (“Patents-in-Suit”) under 35 U.S.C. § 271(a) by making, using, offering to sell, and/or selling in

the United States and/or importing into the United States, the Accused Instrumentalities set forth in Part I.B below. Iarnach further contends that AT&T infringes the Patents-in-Suit by (i) practicing the asserted method claims of the Patents-in-Suit in the United States, and/or (ii) by making, using, offering to sell, and/or selling in the United States and/or importing into the United States the Accused Instrumentalities set forth in Part I.B below, which practice the asserted method claims of the Patents-in-Suit.

Iarnach further contends that AT&T infringes the following claims of the Patents-in-Suit under 35 U.S.C. § 271(b) by actively and knowingly inducing, directing, causing, and encouraging others, including, but not limited to, their designers, manufacturers, suppliers, distributors, resellers, software developers, customers, end users, subscribers, and repair providers, to directly infringe the Patents-in-Suit by making, using, offering to sell, and/or selling in the United States and/or importing into the United States, the Accused Instrumentalities set forth in Part I.B below.

Iarnach contends that the Defendants actively and knowingly induce infringement by others by, *inter alia*, providing the aforementioned direct infringers with (i) infringing functionality and/or devices; (ii) manuals and guides, technical documentation, technical support and assistance, advertisements and marketing; and/or (iii) software and/or firmware updates. Iarnach reserves the right to supplement its position as to infringement following further discovery and/or claim construction.

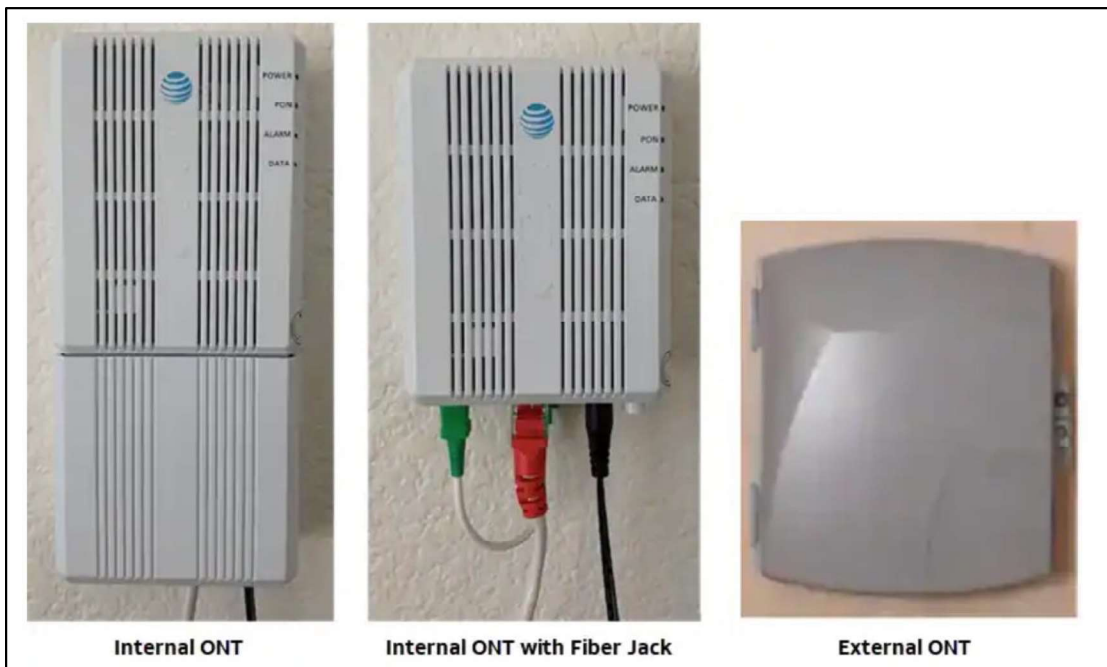
U.S. Patent No.	Claims Infringed
8,712,242	Claims 1-7
8,934,359	Claims 1-3 and 5-9
8,942,378	Claims 1-8
9,363,013	Claims 1-4, 11, 13, and 14
9,806,892	Claims 1, 2, 3, and 5

B. P.R. 3-1(b): Accused Instrumentalities

Subject to ongoing discovery and investigation, and based on available information obtained to date, the Accused Instrumentalities include all components necessary for AT&T to provide fiber-optic networks and network services to its customers, including all hardware and

software, optical line terminals (OLTs), and optical network units (ONUs)/optical network terminals (ONTs). This includes both residential and commercial customers, as well as fiber used to support AT&T's wireless backhaul.

AT&T's ONUs include (but are not limited to) the BGW320, BGW210, Pace 5268, NVG599, and NVG589. <https://www.att.com/support/article/u-verse-high-speed-internet/KM1011652/> (last visited 9/8/2023). The BGW320 is an XGS-PON ONU. *See* BGW320-500 XGS Broadband Gateway Release 1.0 Install and Operation Guide. AT&T also provides ONTs to customers.



<https://www.att.com/support/article/u-verse-high-speed-internet/KM1011652/>.

Additionally, the Accused Instrumentalities include any OLT/ONU/ONT equipment identified by AT&T in response to Iarnach's forthcoming interrogatories seeking the identity of the model of each OLT/ONU/ONT used by AT&T to support its fiber networks and network services.

The Accused Instrumentalities also include the integrated circuits, processors, chips, chipsets, modules, and/or components used in the Accused Instrumentalities, including, but not

limited to, modems, transceivers, Systems-on-Chip (“SoCs”), and SoC components by other designers and/or manufacturers.

AT&T both directly and indirectly infringes each of the Asserted Claims. AT&T directly infringes the asserted method claims by using the Accused Instrumentalities in the United States without a license.

AT&T also indirectly infringes the asserted claims by inducing third parties— including AT&T’s customers and end-users of AT&T’s products—to use the Accused Instrumentalities in the United States in an infringing manner, as directed and instructed by AT&T. For example, AT&T teaches its customers how to use the Accused Instrumentalities, including the accused ONTs or ONUs. *See, e.g.,* <https://www.att.com/support/article/u-verse-high-speed-internet/000092497/> (detailing how to set up your BGW320); <https://www.att.com/support/article/u-verse-high-speed-internet/000092083/> (similar); <https://www.att.com/support/article/u-verse-high-speed-internet/KM1395833/> (BGW320 FAQ).

Iarnach reserves the right to supplement its infringement contentions to identify additional products and/or services, if necessary, when it is provided with non-public documents and/or source code from third parties and/or AT&T via the discovery process.

C. P.R. 3-1(c): Preliminary Infringement Charts

Subject to ongoing discovery and investigation, and based on available information obtained to date, Iarnach hereby contends that each element of each infringed claim is found within each Accused Instrumentality as shown in preliminary infringement charts attached hereto as Exhibits A through E. Iarnach reserves the right to amend its asserted claims and infringement contentions pursuant to P.R. 3-6 as discovery progresses and additional information is gathered.

D. P.R. 3-1(d): Literal Infringement and Infringement Under Doctrine of Equivalents

Subject to ongoing discovery and investigation, and based on available information obtained to date, Iarnach hereby contends that each element of each asserted claim is literally present in each of the Accused Instrumentalities as specifically shown in Exhibits A through E. As

indicated above, discovery is necessary to further develop Iarnach's infringement positions—either literal or under the Doctrine of Equivalents—and the Court has yet to issue a claim construction order. Pursuant to P.R. 3-6, Iarnach expressly reserves the right to amend and supplement its position on whether there is infringement under the Doctrine of Equivalents of any other elements of any asserted claims after further discovery from the AT&T and/or pending this Court's claim construction order.

E. P.R. 3-1(e): Priority Dates

The '242 Patent Application entered the national stage on January 18, 2012 as Application No. 13/384,746 and claims the benefit of World Intellectual Property Organization International Application No. PCT/CN2010/078919, filed on November 19, 2010, which claims the benefit of Chinese Patent Application No. 2009 1 0222636, filed on November 23, 2009. Based on information currently available to Iarnach, the earliest priority date for the '242 Patent is November 23, 2009.

The '359 Patent Application entered the national stage on April 2, 2012 as Application No. 13/257,621 and claims the benefit of World Intellectual Property Organization International Application No. PCT/CN2010/073773, filed on June 10, 2010, which claims the benefit of Chinese Patent Application No. 2009 1 0212093, filed on November 4, 2009. Based on information currently available to Iarnach, the earliest priority date for the '359 Patent is November 4, 2009.

The '378 Patent Application entered the national stage on September 20, 2011 as Application No. 13/257,731 and claims the benefit of World Intellectual Property Organization International Application No. PCT/CN2010/078611, filed on November 10, 2010, which claims the benefit of Chinese Patent Application No. 2010 1 0102646, filed on January 25, 2010. Based on information currently available to Iarnach, the earliest priority date for the '378 Patent is January 25, 2010.

The '013 Patent Application entered the national stage on June 1, 2014 as Application No. 14/111,557 and claims the benefit of World Intellectual Property Organization International Application No. PCT/CN2012/073957, filed on April 12, 2012, which claims the benefit of World

Intellectual Property Organization International Patent Application No. PCT/CN2011/072746, filed on April 13, 2011. Based on information currently available to Iarnach, the earliest priority date for the '013 Patent is April 13, 2011.

The '892 Patent Application entered the national stage on January 13, 2015 as Application No. 14/414,698 and claims the benefit of World Intellectual Property Organization International Application No. PCT/US2013/050533, filed on July 15, 2013, which claims the benefit of World Intellectual Property Organization International Patent Application No. PCT/CN2012/078649, filed on July 13, 2012. Based on information currently available to Iarnach, the earliest priority date for the '892 Patent is July 13, 2012.

F. P.R. 3-1(f): Right to Rely on Plaintiffs' Own Instrumentality

Iarnach does not contend that it practices the asserted claims of the asserted patents.

II. Iarnach's P.R. 3-2 Production

A. P.R. 3-2(a): Disclosure Prior to Application Date

Iarnach does not presently possess any relevant, non-privileged documents responsive to P.R. 3-2(a). Iarnach will supplement this response should any relevant, non-privileged documents be identified in the future.

B. P.R. 3-2(b): Conception and Reduction to Practice

Iarnach does not presently possess any relevant, non-privileged documents responsive to P.R. 3-2(b). Iarnach will supplement this response should any relevant, non-privileged documents be identified in the future.

C. P.R. 3-2(c): File Histories for Patents-in-Suit

Iarnach produces concurrently herewith a copy of the certified file history for each patent-in-suit at IARNACH_0000001-2727.

Dated: September 14, 2023

Respectfully submitted,

/s/ R. Allan Bullwinkel

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CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2023, a copy of the foregoing and attachments thereto were served via electronic mail to all counsel of record in this matter.

/s/ R. Allan Bullwinkel
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