

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

IARNACH TECHNOLOGIES LTD.,

Plaintiff,

v.

CHARTER COMMUNICATIONS, INC.,
CHARTER COMMUNICATIONS HOLDING
COMPANY, LLC, CHARTER
COMMUNICATIONS OPERATING, LLC,
SPECTRUM MANAGEMENT HOLDING
COMPANY, LLC, AND SPECTRUM GULF
COAST, LLC,

Defendants.

Civil Action No. 2:24-cv-00230-JRG

JURY TRIAL DEMANDED

**IARNACH'S P.R. 3-1 DISCLOSURE OF ASSERTED CLAIMS AND
INFRINGEMENT CONTENTIONS AND P.R. 3-2 DOCUMENT PRODUCTION**

Pursuant to Patent Rules 3-1 and 3-2 and the Court’s Order regarding scheduling (Dkt. Nos. 32 and 37), Plaintiff Iarnach Technologies Ltd. (“Iarnach”) hereby provides its Disclosure of Asserted Claims and Infringement Contentions and its Document Production Accompanying Disclosure against Defendants Charter Communications, Inc., Charter Communications Holding Company, LLC, Charter Communications Operating, LLC, Spectrum Management Holding Company, LLC, and Spectrum Gulf Coast, LLC (collectively, “Charter” or “Defendants”).

Iarnach presents these Infringement Contentions based on its analysis of the facts currently known based on its review of certain publicly available information. Iarnach reserves the right to amend or further supplement these disclosures—including to supplement its infringement contentions pursuant to P.R. 3-6—with additional information learned in the course of discovery or further investigation concerning Charter’s 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, and based on present information and belief, Iarnach asserts that Charter infringes the following claims (collectively, “the Asserted Claims”):

- Claims 1-4, 6-7, and 9-12 of U.S. Patent No. 8,942,378 (“the ’378 Patent”);
- Claims 1-11 of U.S. Patent No. 9,287,982 (“the ’982 Patent”); and
- Claims 1-18, 20-24, 26-30 and 32 of U.S. Patent No. 9,674,035 (“the ’035 Patent”).

Iarnach reserves the right to supplement the Asserted Claims following further discovery and/or claim construction.

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

Subject to ongoing discovery and investigation, and based on present information and belief, the Accused Instrumentalities are the functionality necessary for Charter to provide DPoE

v2.0 compliant networks to its customers, including all hardware and software, optical line terminals (OLTs), optical network units (ONUs)/optical network terminals (ONTs), transport networks, and DOCSIS back office equipment (*e.g.*, the Operation Support System, OSS).

Based on publicly-available information, Charter uses at least the following fiber equipment in its DPoE network: (A) Spectrum ONU (SONU) Modem, 10G EPON DPoE Advanced Fiber Voice Modem; (B) Alcatel-Lucent XE-040G-A ONT, 10G EPON Bridging Optical Network Unit; (C) Commscope C1004, 10 G EPON Bridging Optical Network Unit; and (D) Adtran 1004W. <https://www.spectrum.net/support/internet/modems-routers-wireless-adapters> (IARNACH_CHTR_00000001). Each of these devices complies with the DPoE specifications.*E.g.*, <https://d15yx0mnc9teae.cloudfront.net/sites/default/files/C1004Datasheet.pdf> (IARNACH_CHTR_00000005) (“CableLabs DPoE 1.0 and 2.0 compliant). However, the above listing is non-exhaustive listing and will necessarily be incomplete since much of the information regarding Charter’s DPoE v2.0 networks is not publicly-available.

Charter both directly and indirectly infringes each of the Asserted Claims. Charter directly infringes the asserted method claims by using the Accused Instrumentalities in the United States without a license. Charter directly infringes the asserted apparatus claims by making, using, selling, offering to sell, and/or importing the Accused Instrumentalities in the United States without a license.

Charter also indirectly infringes the asserted method claims by inducing third parties—including Charter’s customers and users of Charter’s DPoE v2.0 networks—to use the Accused Instrumentalities in the United States in an infringing manner, as directed and instructed by Charter. Charter also indirectly infringes the asserted apparatus claims by inducing third parties—including Charter’s customers and users of Charter’s DPoE v2.0 networks—to make, use, sell,

offer to sell, and/or import the Accused Instrumentalities in the United States in an infringing manner, as directed and instructed by Charter.

For example, Charter tells its customers that the Accused Instrumentalities, which use fiber, provide: “a high-performance internet connection that can help keep your critical business applications running. Fiber Internet Access is a dedicated service that offers reliable connectivity nationwide.” <https://enterprise.spectrum.com/products/internet/fiber-internet-access.html>

(IARNACH_CHTR_00000010). Charter also explains that the Accused Instrumentalities provide “the most reliable download speeds from 300 Mbps up to 1 Gig with fiber-rich connectivity.” https://www.spectrum.com/business?cmp=enterprise_nav(IARNACH_CHTR_00000013).

Charter also touts its “multi-year, multi-billion-dollar rural construction initiative will add over 100,000 miles of fiber-optic network infrastructure to deliver gigabit-speed internet access to more than 1 million currently-unserved, mostly rural homes and small businesses across the country.” <https://corporate.charter.com/broadband-expansion>(IARNACH_CHTR_00000016). And Charter

explains the benefits of the Accused Instrumentalities, including: (1) “DEPENDABLE. Get the reliable performance you need, every day. A reliable internet connection means everything to your organization’s productivity, efficiency and growth. Get the consistent high-speed and low-latency connectivity you need through our private, high-performing fiber network;” and (2) “SCALABLE. Ready to grow with you. As your needs change, we’re right there with you. With our nationwide reach and dense metro coverage, you can add locations or increase speeds to support your requirements.” <https://enterprise.spectrum.com/products/internet/fiber-internet-access.html>

(IARNACH_CHTR_00000010). Charter also provides its customers with instructions on how to use its products to implement the infringing DPoE v2.0 networks and methods. These instructions may be found as part of the packaging of Charter’s DPoE v2.0 network equipment, as well as on

Charter's website. E.g., <https://enterprise.spectrum.com/support/user-guides.html> (IARNACH_CHTR_00000851); <https://enterprise.spectrum.com/support/faq/network/how-do-you-set-up-a-fiber-network.html> (IARNACH_CHTR_00000852); <https://www.spectrum.net/support/general/equipment-manuals> (IARNACH_CHTR_00000854); <https://enterprise.spectrum.com/support/faq/network/how-do-fiber-optic-networks-work.html> (IARNACH_CHTR_00000855).

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 Charter via the discovery process.

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

Subject to ongoing discovery and investigation, and based on present information and belief, Iarnach contends that each element of each infringed claim is found within each Accused Instrumentality as shown in the infringement charts attached as Exhibits A to C. Iarnach's identification in the claim charts is exemplary and based upon public information currently available to Iarnach.

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 the Doctrine of Equivalents

Subject to ongoing discovery and investigation, and based on available information obtained to date, Iarnach contends that each element of each asserted claim is literally present in each of the Accused Instrumentalities as specifically shown in Exhibits A to C unless otherwise stated in that exhibit. 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 element of any asserted claim after further discovery from Charter (and/or third parties) and/or pending this Court's claim construction order.

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

These initial disclosures are based on the present state of Iarnach's knowledge. Iarnach's investigation is ongoing, and Iarnach reserves all rights to modify the positions taken in these initial disclosures.

1. U.S. Patent No. 8,942,378 ("the '378 Patent")

The '378 Patent was filed on September 20, 2011 as Application No. 13/257,731, and claims the benefit of PCT Application PCT/CN2010/078611 (filed November 10, 2010) and Chinese Patent Application No. 2010 10102646 (filed January 25, 2010). Based on information currently available to Iarnach, the earliest priority date for the '378 Patent is January 25, 2010.

2. U.S. Patent No. 9,287,982 ("the '982 Patent")

The '982 Patent was filed on October 3, 2013 as Application No. 14/009,703, and claims the benefit of PCT Application PCT/CN2012/072633 (filed March 20, 2012) and Chinese Patent Application No. 2011 100921139 (filed April 13, 2011). Based on information currently available to Iarnach, the earliest priority date for the '982 Patent is April 13, 2011.

3. U.S. Patent No. 9,674,035 ("the '035 Patent")

The '035 Patent was filed on March 28, 2012 as Application No. 13/433,235, and claims the benefit of Provisional Application No. 61/468,504 (filed March 28, 2011). Based on information currently available to Iarnach, the earliest priority date for the '035 Patent is March 28, 2011.

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

Iarnach does not contend that it practices the Asserted Claims.

II. Iarnach's P.R. 3-2 Document Production Accompanying Disclosure

A. Documents Responsive to 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. Documents Responsive to P.R. 3-2(b): Conception and Reduction to Practice

The following documents evidence the conception, reduction to practice, design, and development of the inventions in the Asserted Claims and were created on or before the date of application for the asserted patents and/or the priority dates identified pursuant to P.R. 3-1(e) above: [IARNACH_CHTR_00002450 – IARNACH_CHTR_00002499].

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

Pursuant to P.R. 3-2(c), a copy of the file histories of the asserted patents has been produced at [IARNACH_CHTR_00000020 – IARNACH_CHTR_00000850 AND IARNACH_CHTR_00000857 – IARNACH_CHTR_00002449].

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Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF IARNACH
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served on all counsel of record on July 12, 2024.

/s/ Eric J. Enger
Eric J. Enger