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18 **UNITED STATES DISTRICT COURT**
19 **CENTRAL DISTRICT OF CALIFORNIA**

20 TS-OPTICS CORPORATION,

21 Plaintiff,

22 v.

23 MICROSOFT CORPORATION,

24 Defendant.

Case No. 8:24-cv-01974-DOC-DFM

**PLAINTIFF TS-OPTICS
CORPORATION'S DISCLOSURE
OF ASSERTED CLAIMS AND
INFRINGEMENT
CONTENTIONS TO MICROSOFT
CORPORATION**

Pursuant to the schedule agreed with the Special Master as well as the agreement of the parties to apply the patent local rules of the Eastern District of Texas, plaintiff TS-Optics Corporation (“TS-Optics”) serves the following.

I. E.D. Tex. P.R. 3-1: Disclosure of Asserted Claims and Infringement Contentions

Pursuant to Eastern District of Texas Patent Rule 3-1, TS-Optics submits the following Disclosure of Asserted Claims and Infringement Contentions.

This disclosure is based on the information available to TS-Optics as of the date of this disclosure, and TS-Optics reserves the right to amend this disclosure to the full extent consistent with the Court’s Rules and Orders. These contentions incorporate the information made openly accessible through public sources by Microsoft. TS-Optics reserves the right to identify additional infringing products and/or to more specifically identify infringing products as discovery proceeds.

A. E.D. Tex. P.R. 3-1(a): Asserted Claims

TS-Optics asserts that Microsoft infringes one or more of the following claims, directly, and/or by inducement:

(1) U.S. Patent No. 7,266,055 (the “’055 patent”): Claims 1-4, 40, 42-45 (collectively, the “’055 Asserted Claims”); and

(2) U.S. Patent No. 9,612,709 (the “’709 patent”): Claims 1-8 (collectively, the “’709 Asserted Claims”)

(collectively, “Asserted Claims”).

B. E.D. Tex. P.R. 3-1(B): Accused Instrumentalities Of Which TS-Optics Is Aware

TS-Optics asserts that the Asserted Claims are infringed by the following systems, apparatuses, services, and methods made, used, sold, offered for sale, imported, or supplied by Microsoft. As addressed above, the availability of detailed public information is limited and TS-Optics has made good faith efforts to identify all Accused Instrumentalities based on the available information. TS-Optics reserves

its right to further amend this identification as further information becomes available during discovery.

'055 Patent: The optical pickup actuator used in the XBOX One, XBOX One S, XBOX One X, and XBOX Series X, including the DG-6M1S and DG-5M5S, and all related hardware.

'709 Patent: Microsoft's XBOX Cloud Gaming products, including all servers and software implementing the products, and XBOX Remote Play products, including all servers and software implementing the products.

Collectively, all of these products are the "Accused Instrumentalities."

Accused Instrumentalities that infringe each of the Asserted Claims are further specified in Exhibits 1 and 2, and any exhibits or evidence attached respectively thereto. TS-Optics in no way intends that the Accused Instrumentalities are limited to the methods and apparatuses that are identified in said exhibits. The Accused Instrumentalities specifically include all systems, apparatuses, services, and methods similar to those identified in these exhibits that include the limitations of the Asserted Claims. Unless otherwise stated, TS-Optics' assertions of infringement apply to all variations, versions, editions, and applications of each of the Accused Instrumentalities, on information and belief, that different variations, versions, editions, and applications of each of the Accused Instrumentalities all operate in the substantially the same manner for purposes of infringement of the Asserted Claims.

C. E.D. Tex. P.R. 3-1(c): Claim Charts

TS-Optics' analysis of the Accused Instrumentalities is based upon information that is publicly available and based on TS-Optics' own investigation prior to any discovery in these actions. While the publicly available information constitutes evidence of the methods and apparatuses used by Microsoft in the Accused Instrumentalities, direct evidence of the actual apparatuses and methods are at times not readily available. Accordingly, these infringement contentions are based

on the available public information and reasonable inferences drawn from that information.

TS-Optics reserves the right to amend or supplement these disclosures for any of the following reasons:

- (1) Microsoft provides evidence of the apparatuses and methods used in the Accused Instrumentalities;
- (2) The Asserted Claims may include elements that involve features that are implemented by hardware and software structures and logic and TS-Optics' current positions on infringement are set forth without the benefit of access to Microsoft's (and/or a third party's) source code, schematics, drawings, or other proprietary specifications or information, which cannot be obtained through publicly available information, for the Accused Instrumentalities. Therefore, it may be necessary for TS-Optics to supplement its positions on infringement after a complete production of such proprietary specifications or information by Microsoft;
- (3) TS-Optics' position on infringement of specific claims will depend on the claim constructions adopted by the Court. Because said constructions have not yet occurred, TS-Optics cannot take a final position on the bases for infringement of the Asserted Claims; and
- (4) TS-Optics' investigation and analysis of the Accused Instrumentalities are based upon information made publicly available by Microsoft and by TS-Optics' own investigations. TS-Optics reserves the right to amend these contentions based upon discovery of non-public information that TS-Optics anticipates receiving from Microsoft during discovery.

Attached as Exhibits 1 and 2, and incorporated herein in its entirety, are charts identifying where each element of the Asserted Claims of the Asserted Patents is found in the Accused Instrumentalities.

Unless otherwise indicated, the information provided that corresponds to each claim element is considered to indicate that each claim element is found within each of the different variations, versions, editions, and applications of each respective Accused Instrumentalities described above.

D. E.D. Tex. P.R. 3-1(d): Literal Infringement / Doctrine of Equivalents

With respect to the patents at issue, TS-Optics contends that each element of each Asserted Claim is literally present. To the extent that Microsoft identifies elements of the Asserted Claims that it contends are not literally present in the Accused Instrumentalities, TS-Optics contends that such elements are present under the doctrine of equivalents. TS-Optics also refers to the disclosures in Exhibits 1 and 2.

At this time, TS-Optics believes that Microsoft's no-literal-infringement arguments are likely to be based either on unknown claim construction positions that TS-Optics will not agree with or information about the Accused Instrumentalities not reasonably available to TS-Optics, such as confidential implementation details for each of the Accused Instrumentalities. To the extent that Microsoft should make any such arguments, the Accused Instrumentalizes would still directly infringe under the doctrine of equivalents because the Accused Instrumentalities have substantially similar functions, infringe in a substantially similar way, and have a substantially similar result.

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

The Asserted Claims of the '055 patent are entitled to priority dates of June 2, 2003.

The Asserted Claims of the '709 patent are entitled to priority dates of June 22, 2012.

**F. E.D. Tex. P.R. 3-1(f): Identification of Instrumentalities
Practicing the Claimed Invention**

TS-Optics does not presently assert that its own apparatuses, products, devices, processes, methods, acts, or other instrumentalities practice the claimed invention. TS-Optics reserves the right to supplement this response should further investigation, discovery, or the courts' claim construction ruling make such supplementation appropriate.

II. E.D. Tex. P.R. 3.2. Document Production Accompanying Disclosure

Pursuant to Eastern District of Texas Patent Rule 3-2, TS-Optics submits the following Document Production Accompanying Disclosure, along with an identification of the categories to which each of the documents corresponds.

A. E.D. Tex. P.R. 3-2(a) documents

TS-Optics is presently unaware of any documents sufficient to evidence any discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, the inventions recited in the Asserted Claims of the Asserted Patents prior to the application date or priority date for the Asserted Patents.

A diligent search continues for documents and TS-Optics reserves the right to supplement this response.

B. E.D. Tex. P.R. 3-2(b) documents

TS-Optics is presently unaware of any documents that relate to conception, reduction to practice, design, and development created on or before the application date of the Asserted Patents or priority date identified pursuant to E.D. Tex. P. R. 3-1(e), as disclosed above.

A diligent search continues for other documents and TS-Optics reserves the right to supplement this response.

C. E.D. Tex. P.R. 3-2(c) documents

TS-Optics identifies the following documents as being the file histories for the Asserted Patents: TSO-000001-951.

DATED: March 28, 2025

Respectfully submitted,

/s/ Benjamin T. Wang

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CERTIFICATE OF SERVICE

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served on March 28, 2025 with a copy of this document via email.

/s/ Benjamin T. Wang
Benjamin T. Wang