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IN THE UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

SANDPIPER CDN, LLC, *Plaintiff,* v. GOOGLE LLC, *Defendant.*	Civil Case No. 2:24-cv-03951 **PLAINTIFF'S PRELIMINARY DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS**

PLAINTIFF'S PRELIMINARY DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS FOR DEFENDANT GOOGLE LLC.

Plaintiff Sandpiper CDN, LLC ("Sandpiper" or "Plaintiff") hereby makes the following infringement disclosures to Google LLC ("Google" or "Defendant") with respect to United States Patent Nos. U.S. Patent Nos. 8,478,903 ("'903 Patent");

8,645,517517 ("'517 Patent"); 9,021,112 ("'112 Patent"); 10,924,573 ("'573 Patent"); and 10,057,322 ("'322 Patent") (collectively, the "Asserted Patents").

Sandpiper waives no claim, contention, or argument regarding the factual and/or legal details of the following preliminary infringement contentions. The following should not be construed as Sandpiper's preliminary construction of any asserted claim or claim term. Sandpiper reserves the right to change, amend, supplement, or otherwise alter these contentions based on receipt of further information that will be provided by, produced by, or otherwise made available by Defendant through discovery that is not available at the time of these disclosures. Sandpiper reserves the right to amend its contentions should supplementation become necessary. Sandpiper reserves the right to contend that the claims do not require further construction, clarification, or interpretation. The claim charts in the attached Exhibits are not designed to represent the entire scope of infringement, but are merely to illustrate examples of manners in which the Accused Functionalities infringe the identified claims of Sandpiper's patents. Further, the division of claim elements in the attached claim charts is neither intended to be a modification of the claim language itself nor an admission that the claims should be construed by the division. Rather, the division of claim elements is provided for convenience and clarity. Sandpiper's contentions apply to Defendant's products and any other similar past, present, or future products, as well as systems incorporating the Defendant's products or other products with the same or substantially similar features. Sandpiper reserves all rights to rely on additional evidence, including evidence yet to be discovered.

A. ASSERTED CLAIMS

Google has infringed and continues to infringe at least the following claims of the Asserted Patents:

- **'903 Patent:** Claims 28, 29, 30, 31, 32, 36, 37, 38, 39
- **'517 Patent:** Claims 1, 2, 3, 4, 5, 8
- **'112 Patent:** Claims1, 2, 4, 5, 6, 7, 8, 10, 13, 14, 17
- **'573 Patent:** Claims 1, 2, 3, 6, 10, 19, 20
- **'322 Patent:** Claim 15

Sandpiper alleges that Google infringes each of the above asserted claims of the Asserted Patents directly under 35 U.S.C. § 271, as alleged in the Complaint. Discovery in this matter is ongoing, and Sandpiper's investigation regarding the grounds contained herein and other grounds of infringement continues. Sandpiper has not yet obtained discovery, which prevents Sandpiper from ascertaining certain details of the Accused Functionalities. This disclosure is given without prejudice to Sandpiper's right to amend or supplement this disclosure as additional facts are ascertained, analysis is made, research is completed, and claims are construed. These disclosures are based at least in part on Sandpiper's present understanding of the meaning and scope of the claims of the Asserted Patents absent discovery. Sandpiper reserves the right to seek leave to supplement or amend these disclosures if these understandings change or, for example, based on any further claim construction by the Court, further disclosures and productions by Defendants, and depositions of Defendants and/or third parties. Sandpiper reserves the right to seek leave to add, delete, substitute, or otherwise amend this list of asserted claims should further discovery, the Court's claim construction, or other circumstances so merit.

B. ACCUSED FUNCTIONALITIES

As described in its Complaint, Sandpiper accuses functionalities of Google's content delivery network ("CDN"), which comprises Google Cloud CDN and Google Media CDN, as well as Google's internal and external content delivery offerings provided by Google Cloud CDN and Google Media CDN. Google's internal and external content delivery offerings provided by Google Cloud CDN and Google Media CDN include YouTube, YouTube TV, Gmail, Google Search, and Google Ads (collectively, the "Accused Functionalities").

Google is accused of infringing the asserted claims listed above under at least 35 U.S.C. § 271(a). For example, Google has and continues to directly infringe the asserted claims by making, using, selling, offering for sale, and/or importing the Accused Functionalities.

Sandpiper reserves the right to amend this list of Accused Functionalities, as well as other information contained in this document and the exhibits hereto, to incorporate new information learned during the course of discovery, including, but not limited to, the inclusion of newly released services, products, versions, or any other equivalent or infringing functionality ascertained through discovery. Further, to the extent any Accused Functionalities have gone through or will go through name changes, but were or will be used or sold with the same accused features, earlier corresponding products under different names also are accused.

C. CLAIM CHARTS AND DIRECT INFRINGEMENT

Claim charts identifying a location of every element of every asserted claim of the Asserted Patent within Accused Functionalities are attached hereto as Exhibits A-E. Sandpiper reserves the right to amend these claim charts, as well as other information contained in this document and the exhibits hereto, to incorporate new information learned during the course of discovery, including but not limited to information that is not publicly available or readily discernible without discovery. In an effort to focus the issues, Sandpiper identifies exemplary evidence for each claim

recitation. The evidence cited for a particular claim recitation should be considered in light of the additional evidence cited for the other claim recitations. Sandpiper reserves the right to rely on evidence cited for any particular claim recitation of an asserted claim for any other claim recitation asserted for that claim.

Google makes, has made, uses, has used, imports, has imported, offers to sell, has offered to sell, sells and/or has sold the Accused Functionalities and has directly infringed and continues to directly infringe each of the asserted claims as specified in Exhibits A-E With respect to the asserted method claims, as further specified in Exhibits A-E, the claimed methods are infringed by Google when the functionality is performed as part of Google's products and services related to the Accused Functionalities, as part of design and development activities, testing, and/or are otherwise operated by Google including for, or on behalf of, itself and/or its users. Google directly infringes the asserted method claims because it performs each limitation of the claimed method. When Google or its customers and/or users use the Accused Functionalities in the U.S., or when the Accused Functionalities are tested in the U.S., the claimed methods are performed in the U.S. and thus directly infringed under 35 U.S.C. 271(a). Google designs the Accused Functionalities such that users will use them in a way that infringes the asserted claims. Google directly infringes the asserted claims by directing and controlling the operations of the Accused Functionalities in a manner that is directly liable for practicing the asserted methods.

To the extent Google argues that an entity other than Google performs or satisfies one or more limitations of an asserted claim(s), Sandpiper asserts that Google is also liable for direct infringement because it exercises direction and control *(e.g.*, through an agent, contractual relationship, the conditioning of participation in an activity or receipt of a benefit upon performance of a step or steps of a patented method and establishment of the manner or timing of that performance, a joint enterprise, and the like) over the performance of the claimed limitations.

D. LITERAL INFRINGEMENT AND DOCTRINE OF EQUIVALENTS

Sandpiper asserts that the asserted claims of the Asserted Patents are literally present in the Accused Functionalities or acts accused of infringing the claim, as set forth in the claim charts attached hereto as Exhibits A-E. Sandpiper also contends that any and all elements found not to be literally infringed are infringed under the doctrine of equivalents.

Sandpiper reserves the right to amend its Infringement Contentions as to literal infringement or infringement under the doctrine of equivalents in light of new information learned during the course of discovery and the Court's claim construction.

E. PRIORITY DATE

The Asserted Patents are entitled to at least the following priority dates:

- '903 Patent: U.S. Patent No. 8,478,903 was filed as U.S. Patent Application No. 09/021,506 on February 10, 1998. Each asserted claim of the '903 Patent is entitled to at least a priority date of February 10, 1998.
- '517 Patent: U.S. Patent No. 8,645,517 was filed as U.S. Provisional Patent Application No. 60/325,177 on September 28, 2001. Each asserted claim of the '517 Patent is entitled to at least a priority date of September 28, 2001.
- '112 Patent: U.S. Patent No. 9,021,112 was filed as U.S. Patent Application No. 09/982,721 on October 18, 2001. Each asserted claim of the '112 Patent is entitled to at least a priority date of October 18, 2001.
- '573 Patent: U.S. Patent No. 10,924,573 was filed as U.S. Provisional Patent Application No. 61/042,412 on April 4, 2008. Each asserted claim of the '573 Patent is entitled to at least a priority date of April 4, 2008.
- '322 Patent: U.S. Patent No. 10,057,322 was filed as a U.S. Provisional Patent Application No. 62/098,930 on December 31, 2014. Each asserted claim of the '322 Patent is entitled to at least a priority date of December 31, 2014.

F. PRACTICING PRODUCTS

Sandpiper does not contend that its own apparatus, product, device, process, method, act, or other instrumentality practices the claimed inventions of the Asserted Patents. Previous assignees of the Asserted Patents may have practiced the claimed inventions.

G. TIMING OF INFRINGEMENT

Sandpiper alleges that Google first infringed the ’903 Patent at least 6 years before the filing of the Complaint on May 10, 2024.

Sandpiper alleges that Google first infringed the ’517 Patent at least 6 years before the filing of the Complaint on May 10, 2024.

Sandpiper alleges that Google first infringed the ’112 Patent at least 6 years before the filing of the Complaint on May 10, 2024.

Sandpiper alleges that Google first infringed the ’573 Patent at least as of the date of the patent: February 16, 2021.

Sandpiper alleges that Google first infringed the ’322 Patent at least as of the date of the patent: August 21, 2018.

Sandpiper further alleges that the start of claimed damages begins 6 years before the filing of the Complaint on May 10, 2024, for the ’903, ’517, and ’112 patents. Sandpiper alleges that the start of claimed damages begins February 16, 2021, for the ’573 Patent. Sandpiper alleges that the start of claimed damages begins August 21, 2018, for the ’322 Patent.

For the ’903 Patent, Sandpiper alleges that the ends of claimed damages occurs on the date of expiration of the patent: September 24, 2023.

For the ’517 Patent, Sandpiper alleges that the ends of claimed damages occurs on the date of expiration of the patent: August 7, 2023.

For the ’112 Patent, Sandpiper alleges that the ends of claimed damages occurs on the date of expiration of the patent: October 18, 2021.

For the ’573 Patent, Sandpiper alleges that the ends of claimed damages occurs on the date of expiration of the patent: March 21, 2029.

For the ’322 Patent, Sandpiper alleges that the ends of claimed damages occurs on the date of expiration of the patent: October 16, 2036.

H. SANDPIPER DOCUMENT PRODUCTION

Sandpiper is producing or making available for inspection documents that are in Sandpiper’s possession, custody or control. Sandpiper identifies the following documents.

For production under N.D. Cal. Patent Local Rule 3-2(a), Sandpiper identifies the following: N/A.

For production under N.D. Cal. Patent Local Rule 3-2(b), Sandpiper identifies the following: SANDPIPER-G-00014823 through SANDPIPER-G-00016548.

For production under N.D. Cal. Patent Local Rule 3-2(c), Sandpiper identifies the following: SANDPIPER-G-00000001 through SANDPIPER-G-00014822.

For production under N.D. Cal. Patent Local Rule 3-2(d), Sandpiper identifies the following: SANDPIPER-G-00016549 through SANDPIPER-G-00016766.

For production under N.D. Cal. Patent Local Rule 3-2(e), Sandpiper identifies the following: N/A.

For production under N.D. Cal. Patent Local Rule 3-2(f), Sandpiper identifies the following: SANDPIPER-G-00016549 through SANDPIPER-G-00016766.

For production under N.D. Cal. Patent Local Rule 3-2(g), Sandpiper identifies the following: N/A.

For production under N.D. Cal. Patent Local Rule 3-2(h), Sandpiper identifies the following: N/A.

For production under N.D. Cal. Patent Local Rule 3-2(i), Sandpiper identifies the following: N/A.

For production under N.D. Cal. Patent Local Rule 3-2(j), Sandpiper identifies the following: N/A.

I. CONCLUSION

Sandpiper expressly reserves the right to supplement this disclosure, including the right to supplement its disclosure asserted claims and infringement contentions, as discovery is ongoing and additional information regarding Defendant's acts of infringement are likely to be uncovered through the course of discovery.

Dated: January 14, 2025

Respectfully submitted,

/s/ Robert H. Reckers

Robert H. Reckers
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Sandpiper CDN, LLC