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

ADVANCED CODING TECHNOLOGIES LLC, Plaintiff, v. APPLE INC., Defendant.	Case No. 2:24-cv-00572-JRG **JURY TRIAL DEMANDED**

PLAINTIFF'S DISCLOSURE OF
ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS

Plaintiff Advanced Coding Technologies LLC ("ACT" or "Plaintiff") hereby makes the following first infringement disclosures under the Local Patent Rules with respect to United States Patent Nos. 8,090,025 (the "'025 Patent"), 9,986,303 (the "'303 Patent"), 10,218,995 (the "'995 Patent"), U.S. Patent No. 9,042,448 (the "'448 Patent"), U.S. Patent No. 8,230,101 (the "'101 Patent"), and U.S. Patent No. 7,804,891 (the "'891 Patent") (collectively, the "ACT Patents" or "Asserted Patents"). ACT's investigation is ongoing and discovery is in its preliminary stages. Accordingly, these disclosures are based on information available to ACT at this time. ACT reserves the right to supplement this disclosure after further discovery from Defendant and non-parties, particularly documents and other discovery regarding Defendant's accused devices. ACT also reserves the right to assert additional claims of the ACT Patents, accuse different products, or find alternative literal and/or equivalent infringing elements in Defendant's products.

I. DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS PURSUANT TO LOCAL PATENT RULE 3-1

A. ASSERTED CLAIMS

Defendant Apple Inc. ("Apple" or "Defendant") have infringed and/or continue to infringe one or more of the following claims of the ACT Patents in connection with the Accused Products set forth below:

- Claims 1, 3-4, 6-10 of the '025 Patent;
- Claim 1-2 of the '303 Patent;
- Claims 1-4 and 8-11 of the '995 Patent;
- Claims 1-3 of the '448 Patent;
- Claim 1-5 and 7 of the '101 Patent; and
- Claims 1-4, 6, and 8-9 of the '891 Patent.

B. ACCUSED INSTRUMENTALITIES

1. Accused Products

ACT is currently aware that Defendant has infringed and continue to directly infringe the '025, '303,'995, '448, '101, and '891 Patents, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products with AV1 encoding and/or decoding capability that satisfy each and every limitation of one or more claims of the '025, '303,'995, '448, '101, and '891 Patents. Such products include, but are not limited to, at least (i) iPhone 16, iPhone 16 Pro, iPhone 15, iPhone Pro, iPad Pro (11-inch, M4, 2024), iPad Pro (13-inch, M4, 2024)), all Macs running macOS Big Sur or later (e.g., iMac (24-inch, 2023), MacBook Pro (14-inch, Nov 2023), MacBook Pro (16-inch, Nov 2023), MacBook Air (13-inch, M3, 2024), and MacBook Air (15-inch, M3, 2024)), and all Apple TVs running tvOS 14 or later, in addition to Apple software and

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services, such as Safari, QuickTime, and Apple TV+, and Apple chipsets implementing AV1 (A17, M3, M3 Pro, and M3 Max chips) for the ’025, ’303, ’995, and ’448 Patents; (ii) Apple’s systems and devices (Macs, iPhones, iPads, iPod Touch, AppleTV) that perform network content delivery, including using iCloud, HTTP Live Streaming, and Apple HomeKit Secure Video for the ’101 Patent; and (iii) all of Apple’s 5G and/or Wi-Fi 6 (IEEE 802.11.ax) complaint Apple’s systems and devices, including, but not limited to, all iPhone 11 to iPhone 16 models (including Plus, Pro, and Pro Max versions), iPad Pro 13-inch (M4), iPad Pro 11-inch (M4), iPad Pro 12.9-inch (6th generation), iPad Pro 11-inch (4th generation), iPad Air 13-inch (M2), iPad Air 11-inch (M2), iPad (10th generation), iPad Air (4th generation), iPad mini (6th generation), iPad Pro 12.9-inch (5th generation), iPad Pro 12.9-inch (4th generation), iPad Pro 11-inch (3rd generation), iPad Pro 11-inch (2nd generation), MacBook Pro 16-inch, M2, 2023, MacBook Pro 14-inch, M2, 2023, MacBook Pro (13-inch, M2, 2022), MacBook Pro (14-inch, 2021), MacBook Pro (16-inch, 2021), MacBook Pro (13-inch, M1, 2020), MacBook Air (15-inch, M3, 2024), MacBook Air (13-inch, M3, 2024), MacBook Air (15-inch, M2, 2023), MacBook Air (M2, 2022), MacBook Air (M1, 2020), Apple TV 4K (3rd generation), Apple TV 4K (2nd generation), and Apple Vision Pro for the ’891 Patent.

2. Claim Charts

Claim charts identifying a location of every element of every asserted claim of the ACT Patents within the Accused Products are attached hereto as Appendices A, B, C, D, E-1, E-2, E-3, F-1, and F-2. ACT believes that the Accused Products cited in the claim charts are representative of all versions of the Accused Products. The Accused Products include the hardware with associated software and the charts also reference exemplary code to the extent available.

ACT reserves the right to amend these claim charts, as well as other information contained in this document and the Appendices attached hereto, to incorporate new information learned during the course of discovery including, but not limited to, information that is not publicly

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available or readily discernible without discovery. ACT further reserves the right to amend these claim charts, as well as other information contained in this document and the exhibits attached hereto, pursuant to Local Patent Rules 3-1(g) and 3-6.

C. LITERAL INFRINGEMENT AND DOCTRINE OF EQUIVALENTS

ACT asserts that, under the proper construction of the asserted claims and their claim terms, the limitations of the asserted claims of the ACT Patents are literally present in the Accused Products as set forth in the claim charts attached hereto as Appendices A, B, and C.

ACT contends that any and all elements found not to be literally infringed are infringed under the doctrine of equivalents because the differences between the claimed inventions and the Accused Products, if any, are insubstantial.

ACT contends that Defendant directly infringes the asserted claims by making, using, offering for sale, selling, and importing into the United States the Accused Products. ACT also contends that Defendant indirectly infringes by contributing to and/or inducing others (*e.g.*, Defendant's service providers or partners, suppliers, Defendant's customers or its customers' customers) to directly infringe those claims by making or using the Accused Products. In addition, ACT contends that Defendant directly infringes to the extent that activities of third parties may be legally attributable to Defendant.

ACT contends that Defendant induces infringement of the ACT Patents by others (manufacturers and distributors Accused Products, end-users of Accused Products, and Defendant's customers) by inducing others to make or use the Accused Products with the knowledge that making or using directly infringes the ACT Patents or, in the alternative, with the belief that there was a high probability that others infringe the ACT Patents, but while remaining willfully blind to the infringement.

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ACT also contends that Defendant contributorily infringes with the knowledge that the Accused Products, or the use thereof, infringe the Asserted Patents. Defendant knowingly and intentionally contributed to the direct infringement of the Asserted Patents by others, by supplying Accused Products that embody a material part of the claimed invention of the Asserted Patents that are known by Defendant to be specially made or adapted for use in an infringing manner and are not staple articles with substantial non-infringing uses.

Pursuant to Local Patent Rule 3-6(a)(1), ACT reserves the right to amend its Infringement Contentions as to literal infringement or infringement under the doctrine of equivalents in light of the Court's claim construction.

D. PRIORITY DATES

Each asserted claim of the '025 Patent is entitled to at least the filing date of its earliest application, U.S. Provisional Patent Application No. 11/787,623, filed April 17, 2007. Furthermore, each asserted claim is entitled to at least the filing date of its earliest foreign application, Japan Patent Application No. 2006-112995, filed April 17, 2006.

Each asserted claim of the '303 Patent is entitled to at least the priority date of its earliest application, U.S. Patent Application No. 14/657,359, with a filing date of March 13, 2015. Furthermore, each asserted claim is entitled to at least the filing date of its earliest foreign application, Japan Patent Application No. 2014-071975, filed March 31, 2014.

Each asserted claim of the '995 Patent is entitled to at least the filing date of its earliest application, U.S. Divisional Patent Application No. 12/995,039, filed May 28, 2009. Furthermore, each asserted claim is entitled to at least the filing date of its earliest foreign application, Japan Patent Application No. P2008-142433, filed May 30, 2008.

Each asserted claim of the '448 Patent is entitled to at least the filing date of its earliest application, U.S. Patent Application No. 12/995,039, filed May 28, 2009. Furthermore, each

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asserted claim is entitled to at least the filing date of its earliest foreign application, Japan Patent Application No. P 2008-142433, filed May 30, 2008.

Each asserted claim of the '101 Patent is entitled to at least the priority date of its earliest application, U.S. Patent Application No. 12/527,777, with a filing date of March 2, 2007.

Each asserted claim of the '891 Patent is entitled to at least the filing date of its earliest application, U.S. Patent Application No. 10/594,985, filed March 30, 2005. Furthermore, each asserted claim is entitled to at least the filing date of its earliest foreign application, Japan Patent Application No. 2004-108399, filed March 31, 2004.

ACT makes this disclosure without prejudice to its right to prove an earlier date of invention.

II. PRODUCTION OF DOCUMENTS PURSUANT TO LOCAL PATENT RULE 3-2

ACT is producing or making available for inspection documents that are in ACT's possession, custody, or control as set forth in Local Patent Rule 3-2. A Production Index identifying these documents is attached hereto.

This preliminary identification of documents is for convenience and is not an admission that each document falls within any exemplary categories in the Local Patent Rules, or that any document qualifies as prior art. Thus, ACT reserves its right to add to, delete from, or otherwise modify its disclosures in this section as its investigation proceeds.

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Dated: September 18, 2024

Respectfully submitted,

/s/ Peter Lambrianakos

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ATTORNEYS FOR PLAINTIFF ADVANCED CODING TECHNOLOGIES LLC

CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2024, a true and correct copy of the above and foregoing document has been served by email on all counsel of record.

/s/ Peter Lambrianakos
Peter Lambrianakos

ACT 3-2 PRODUCTION INDEX

3-2(a)

None.

3-2(b)

Plaintiff is not in possession, custody, or control of any documents responsive to P.R. 3-2(b). Plaintiff states that such documents are in the possession of Victor Company of Japan, Ltd., Kabushiki Kaisha Kenwood, and/or JVC Kenwood Corporation.

3-2(c)

Bates Start	Bates End
ACT-APPLE00000001	ACT-APPLE00003792