IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

GENERAL VIDEO, LLC, Plaintiff, v. DELL INC. and DELL TECHNOLOGIES INC., Defendants.	Civil Action No. 1:24-cv-01530-RP **JURY TRIAL DEMANDED**

PLAINTIFF GENERAL VIDEO, LLC.'S DISCLOSURE OF ASSERTED CLAIMS AND PRELIMINARY INFRINGEMENT CONTENTIONS

Pursuant to paragraph 4 of the parties' Proposed Agreed Scheduling Order filed February 21, 2025 (Dkt. No. 35-1 ("Agreed Scheduling Order"); *see also* Dkt. No. 35, Joint Motion for Entry of Scheduling Order), Plaintiff General Video, LLC ("General Video") hereby serves its Disclosure of Asserted Claims and Preliminary Infringement Contentions ("Preliminary Contentions") on Defendants Dell Inc. and Dell Technologies Inc. (collectively, "Dell").

These contentions are based on information reasonably available to General Video at this time. General Video's investigation of the facts relevant to this case is ongoing and the Court has not yet construed the claims of the patents-in-suit. Further, certain information about many or all of Dell's products is not publicly available, including information relevant to the patents-in-suit and these Infringement Contentions. Accordingly, General Video reserves the right to modify and/or supplement these disclosures as information becomes available, based on (i) the Court's claim constructions, (ii) information produced by Dell or third parties during discovery, and/or (iii) positions taken by Dell in these proceedings.

Identification of Asserted Claims & Priority Dates

Pursuant to paragraph 4 of the Agreed Scheduling Order (Dkt. No. 35-1), and based on information presently available, General Video discloses the following asserted claims (collectively, the "Asserted Claims"), identifies the priority date to which it contends each asserted claim is entitled, identifies the evidence supporting each such priority date, and provides the Bates number citations to the patent and file history of each of U.S. Patent Nos. 6,584,443 ("the 443 Patent"); 7,069,224 ("the 224 Patent"); 7,225,282 ("the 282 Patent"); 7,359,437 ("the 437 Patent"); 9,036,010 ("the 010 Patent"); and 9,843,786 ("the 786 Patent") (collectively, the "Asserted Patents").[1]

Asserted Patent (U.S. Patent No.)	Asserted Claims	Priority Dates & Support for Same	Bates Range of Patent & File History
6,584,443	7, 9	April 23, 1999 (foreign application priority to filing of JP11-115885)	GV 0000001 – GV 0000159
7,069,224	3, 5	April 23, 1999 (foreign application priority to filing of JP11-115885)	GV 0000160 – GV 0000375
7,225,282	1	June 13, 2002 (U.S. filing date – non-provisional application)	GV 0000376 – GV 0000704
7,359,437	41	September 12, 2001 (U.S. filing date of App. No. 09/954,663)	GV 0000705 – GV 0001169
9,036,010	1, 12	December 18, 2007 (foreign application priority to filing of EP07123461	GV 0001170 – GV 0001889
9,843,786	1, 13	December 18, 2007 (foreign application priority to filing of EP07123461	GV 0001890 – GV 0002099

[1] The document production accompanying these Preliminary Contentions will be served contemporaneously herewith electronically as single-page TIFFs, with an Opticon (OPT) file for images and a Concordance (DAT) file for metadata.

Accused Dell Products

As alleged in General Video's Complaint, the invention of each Asserted Claim is essential to, and must be used to perform, comply with, and implement the Infringing DP Standards. (*See, e.g.,* Dkt. No. 1, Compl. ¶ 23.) Thus, the performance of, compliance with, and implementation of the Infringing DP Standards (or a product's ability to so perform and comply) necessarily infringes of one or more Asserted Claims. *Ericsson, Inc. v. D-Link Systems, Inc.*, 773 F.3d 1201, 1209 (Fed. Cir. 2014) (when a "standard *requires* that devices utilize specific technology, compliant devices *necessarily* infringe certain claims in patents that cover technology incorporated into the standard. These patents are called 'standard essential patents' ('SEPs')." (emphasis in original). Based on information reasonably available to General Video at this time, before discovery has begun, and before Dell has produced information concerning its products and the operation of such products, General Video identifies in Appendix A hereto a non-exhaustive list of products Dell makes, uses, sells, and/or offers for sale that, during operation, perform, comply with, and implement – and/or, regardless of current operative state, are capable of performing, complying with, and implementing during operation – one or more of the Infringing DP Standards (as that term is defined in the Complaint, Dkt. No. 1 ¶ 23) (collectively, the "Accused Dell Products").

Subject to the further explanations provided below with respect to each Asserted Patent, for each Asserted Patent, the charts attached as Appendices B-K, respectively, set forth where and/or how each element of each Asserted Claim is found in the performance of, compliance with, and implementation of one or more of the Infringing DP Standards. According to publicly available information provided on Dell's website, the Accused Dell Products (1) are used to perform processes that perform, comply with, and implement one or more of the Infringing DP Standards or (2) include hardware and software having functionalities that perform, comply with, and

implement one or more of the Infringing DP Standards. (*See, e.g.,* Dkt. No. 1, Compl. ¶¶ 39-59 (numerous examples of Dell's advertisement of products' compliance with Infringing DP Standards); *see also id.* ¶ 60 (noting VESA's certification of hundreds of Dell products as "VESA CERTIFIED DISPLAYPORT PRODUCTS").) Because they operate according to the Infringing DP Standards, the Accused Dell Products infringe the Asserted Claims. *See, e.g, Fujitsu Ltd. v. Netgear Inc.*, 620 F.3d 1321, 1328 (Fed. Cir. 2010) ("if an accused product operates in accordance with a standard, then comparing the claims to that standard is the same as comparing the claims to the accused product").

Infringement of the 443 Patent

The chart attached as Appendix B hereto sets forth how the inventions of claims 7 and 9 of the 443 Patent were essential to VESA DisplayPort Standard, Version 1, Revision 2, which was introduced January 7, 2010 ("DP v1.2"), relative to the transport of an audio stream between a source device (e.g., a desktop or laptop computer or a graphics card installed in another computer) and a sink device (e.g., a computer monitor).[2] The versions of the DisplayPort standard listed below (and applying the "DP v" abbreviation) include features and functionality that are either identical to, or materially the same as, the features and functionality of DP v1.2 shown to include each element of Asserted Claims 7 and 9 of the 443 Patent in Appendix B hereto. As such, these versions of the standard also infringed the 443 Patent during the term of that patent:

- DP v1.1, introduced April 2, 2007;
- DP v1.1a, introduced January 11, 2008;
- DP v1.2a, introduced January 2013;
- DP v1.3, introduced September 15, 2014;

[2] The 443 Patent expired on April 20, 2020.

- DP v1.4, introduced March 1, 2016;
- DP v1.4a, introduced April 2018; and
- DP v2.0, introduced June 26, 2019

(collectively with DP v1.2, the "443 Infringing DP Standards").[3]

During the term of the 443 Patent, Dell directly infringed at least claims 7 and 9 of that patent by using Accused Dell Products in a manner that performed, complied with, and implemented the descriptions provided in Appendix B hereto with respect to DP v1.2, and the descriptions provided in the corresponding portions of the other 443 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix B). By way of one example of Dell's direct infringement of at least claims 7 and 9 of the 443 Patent, but not limitation, during the term of the 443 Patent, Dell employees used the Accused Dell Products in a directly infringing manner when transmitting audio signals from Accused Dell Laptops, Accused Dell Desktops, and any desktop computers with installed Accused Dell Graphics Cards[4] via a DisplayPort connection to Accused Dell Monitors, where such audio signals were played as audible sound through (i) one or more built-in speakers on the monitor(s), (ii) one or more external speakers connected to an audio line-out port on the monitor(s), or (iii) headphones or earphones connected to an audio line-out port on the monitor(s). On its website, Dell explains that "a DisplayPort interface can support from two screens (2560x1600 resolutions) up to four (4) screens. [sic] (1920x1200 resolutions)

[3] As noted above, the primary body of the chart attached as Appendix B hereto is directed to DP v1.2. However, General Video has also included in the chart italicized citations to and comments concerning one or more versions of the other 443 Infringing DP Standards each of which versions infringes the 443 Patent as described above. (*See* App. B at 2, 7, 9, and 11.)

[4] Relative to the Accused Dell Graphics Cards, the alleged direct infringement of method claims 7 and 9 of the 443 Patent by Dell and Dell customers presumes performance of the claimed methods by Dell's and Dell's customers' use, in part, of computers having installed Accused Dell Graphics Cards.

[with] [e]ach screen receiv[ing] independent video and *audio streams*." https://www.dell.com/support/kbdoc/en-us/000139468/frequently-asked-questions-faqs-about-the-hdmi-port-on-a-dell-pc?msockid=162f38e1ab1b603c00922c8daf1b6e19 (emphasis added). Dell further explains that "DisplayPort was designed specifically for computers. It is the ultimate display interface to replace the older video standards…." *Id.*

Also during the term of the 443 Patent, Dell indirectly infringed at least claims 7 and 9 of that patent by inducing and contributing to the use of the Accused Dell Products in a manner that complied with the descriptions provided in Appendix B hereto with respect to DP v1.2, and the descriptions provided in the corresponding portions of the other 443 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix B).

Specifically, with knowledge of the Asserted Patents as described in paragraphs 61 to 65 of the Complaint (Dkt. No. 1), Dell actively induced infringement of at least claims 7 and 9 of the 443 Patent, during the term of that patent, in violation of 35 U.S.C. § 271(b). Past users and customers of the Accused Dell Products directly infringed at least claims 7 and 9 of the 443 Patent when they used the Accused Dell Products for such products' ordinary, customary, and intended use, and, in particular, used Accused Dell Products in the directly infringing manner described in Appendix B hereto with respect to DP v1.2, and described in the corresponding portions of the other 443 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix B). By way of one example of direct infringement by Dell's past users and customers of at least claims 7 and 9 of the 443 Patent, but not limitation, during the term of the 443 Patent, Dell's customers used the Accused Dell Products in a directly infringing manner by transmitting audio signals from Accused Dell Laptops, Accused Dell Desktops, and any desktop computers

with installed Accused Dell Graphics Cards[5] via a DisplayPort connection to Accused Dell Monitors, where such audio signals were played as audible sound through (i) one or more built-in speakers on the monitor(s), (ii) one or more external speakers connected to an audio line-out port on the monitor(s), or (iii) headphones or earphones connected to an audio line-out port on the monitor(s). On information and belief, Dell's affirmative acts of inducement included, without limitation and with specific intent to encourage the infringement, having knowingly induced consumers to use the Accused Dell Products within the United States in the ordinary, customary, and intended way, and, in particular, in the directly infringing manner described in Appendix B hereto with respect to DP v1.2, and described in the corresponding portions of the other 443 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix B), by, directly or through intermediaries, having supplied such Accused Dell Products to customers within the United States and having instructed and encouraged such customers how to use the Accused Dell Products in the ordinary, customary, and intended way, and, in particular, in the directly infringing manner described in Appendix B hereto with respect to DP v1.2, and described in the corresponding portions of the other 443 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix B), which use Dell knew or should have known infringed at least claims 7 and 9 of the 443 Patent. Dell's affirmative acts of inducement further included, without limitation and with specific intent to encourage the infringement, any one or a combination of encouraging and/or facilitating third-party infringement through having advertised, marketed, and disseminated the Accused Dell Products and components thereof, including DisplayPort firmware and/or drivers; and having created, published and/or provided sales, promotional, and marketing materials; supporting materials; product manuals; user guides;

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[5] *See* n.4 *supra*.

and/or technical support and other information relating to the Accused Dell Products and DisplayPort functionality thereof (*see, e.g.,* several links in paragraphs 71-75 of the Complaint, Dkt. No. 1, to product and support pages and videos from Dell's website) during the term of the 443 Patent. Like the plaintiff in *Uniloc USA, Inc. v. Motorola Mobility LLC*, No. 2:16-cv-922, 989-JRG, 2017 WL 3721064 (E.D. Tex. May 15, 2017) (Gilstrap, J.), in this case General Video has "sufficiently ple[d] the intent requirement by alleging that [Dell]'s customers use their products to infringe the patents-in-suit in accordance with [Dell's] instructions," WL 3721064, at *4, and also alleging that Dell provides numerous training, sales, marketing, technical, and support materials to users of its products. In finding the plaintiff's claim for induced infringement to have been well pled in *Uniloc*, the court noted that "[Plaintiff] also alleges that [Defendants] provide 'training videos, demonstrations, brochures, installation and/or user guides' to customers and further cites to certain websites which allegedly contain such information." 2017 WL 3721064, at *4 (quoting complaint). General Video has made nearly identical allegations in this case.

Further and in the alternative, with knowledge of the Asserted Patents as described in paragraphs 61 to 65 of the Complaint (Dkt. No. 1), Dell contributed to the infringement of at least claims 7 and 9 of the 443 Patent, during the term of that patent, in violation of 35 U.S.C. § 271(c). Users and customers of the Accused Dell Products directly infringed at least claims 7 and 9 of the 443 Patent when they used the Accused Dell Products for such products' ordinary, customary, and intended use, and, in particular, in the directly infringing manner described in Appendix B hereto with respect to DP v1.2, as described in the corresponding portions of the other 443 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix B), and as described above with respect to General Video's claim for induced infringement. Dell's contributory infringement included, without limitation, Dell's sale and provision of Accused Dell

Products, including DisplayPort components thereof, to customers in the United States for use in practicing at least claims 7 and 9 of the 443 Patent, during the term of that patent, knowing that such products and components were material to practicing the claimed inventions, were not staple articles or commodities of commerce suitable for substantial non-infringing use, and were especially made or especially adapted for use in an infringement of the 443 Patent. Specifically, Dell sold the Accused Dell Products to customers knowing that the customers' operation of such products directly infringed at least claims 7 and 9 of the 443 Patent when used for their normal and intended purpose, and, in particular, when used in the directly infringing manner described in Appendix B hereto with respect to DP v1.2, and described in the corresponding portions of the other 443 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix B). The Accused Dell Products and DisplayPort components thereof were made for the specific purpose of operating as described in Appendix B hereto with respect to DP v1.2, and as described in such corresponding portions of the other 443 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix B), and have no substantial non-infringing use.

Dell may argue that an Accused Dell Product as a whole cannot serve as an "apparatus for use in practicing a patented process" under a contributory infringement theory because such entire product arguably has one or more substantial noninfringing uses. However, where – as here – a patent claim covers an aspect or feature of an "apparatus for use in practicing a patented process," the law prevents the accused contributory infringer from "escap[ing] liability as a contributory infringer merely by embedding [the infringing apparatus] in a larger product with some additional, separable feature." *Koninklijke Philips N.V. v. Zoll Med. Corp.*, 656 Fed. Appx. 504, 524 (Fed. Cir. 2016). Further, the courts are fairly liberal in finding infringing features or components to be

separate for purposes of identifying whether they have substantial non-infringing uses. The *Koninklijke Philips* court elaborated:

> [W]hen the asserted patent claims cover only one aspect or feature of the "component" or "material or apparatus" that the accused contributory infringer sells[,] . . . . we have sought to assure that the accused contributory infringer is not "'permitted to escape liability as a contributory infringer merely by embedding [the infringing apparatus] in a larger product with some additional, separable feature before importing and selling it.'" *Lucent Techs., Inc. v. Gateway, Inc.*, 580 F.3d 1301, 1320 (Fed. Cir. 2009) (*quoting Ricoh*, 550 F.3d at 1337 (modifications in *Lucent*)). To reach this end, we have sought to determine whether the infringing component is "'separate and distinct'" from other functions of the composite product. *Fujitsu*, 620 F.3d at 1330 (*quoting I4I Ltd. P'ship v. Microsoft Corp.*, 598 F.3d 831, 849 (Fed. Cir. 2010), *aff'd on other grounds*, 564 U.S. 91, 131 S. Ct. 2238, 180 L.Ed.2d 131 (2011)). In the cases where we have directly addressed this issue, we have generally been fairly liberal in finding the accused components separate. *See Fujitsu*, 620 F.3d at 1330–31 (finding message fragmentation feature of wireless access point devices separate and distinct from other features of those devices); *I4I*, 598 F.3d at 848–49 (finding XML editor separate and distinct from other features of Microsoft Word); *Lucent*, 580 F.3d at 1321 (finding date-picker tool separate and distinct from other features of Microsoft Outlook); *Ricoh*, 550 F.3d at 1336–40 (vacating district court finding that optical disk drive has substantial non-infringing uses apart from patented disk-writing technology).

Koninklijke Philips N.V. v. Zoll Med. Corp., 656 Fed. Appx. 504, 524 (Fed. Cir. 2016). Thus, for the purposes of Dell's contributory infringement of claims 7 and 9 of the 443 Patent, the components of the Accused Dell Products that perform the DisplayPort functionality that complies with the Infringing DP Standards – including the hardware and software used to implement such functionality – constitute an apparatus, component, or module that is separate from other functions of the Accused Dell Products (which is not to say that such separate apparatus does not enhance the benefit of many of the other functions of the Accused Dell Products).

<u>Infringement of the 224 Patent</u>

1. The chart attached as Appendix B hereto sets forth how the inventions of claims 3 and 5 of the 224 Patent were essential to DP v1.2, relative to the receipt of audio data and audio-

related information associated with such audio data.[6] The versions of the DisplayPort standard listed below include features and functionality that are either identical to, or materially the same as, the features and functionality of DP v1.2 shown to include each element of Asserted Claims 3 and 5 of the 224 Patent in Appendix C hereto. As such, these versions of the standard also infringed the 224 Patent during the term of that patent:

- DP v1.1, introduced April 2, 2007;
- DP v1.1a, introduced January 11, 2008;
- DP v1.2a, introduced January 2013;
- DP v1.3, introduced September 15, 2014;
- DP v1.4, introduced March 1, 2016;
- DP v1.4a, introduced April 2018; and
- DP v2.0, introduced June 26, 2019

(collectively with DP v1.2, the "224 Infringing DP Standards").[7]

During the term of the 224 Patent, Dell directly infringed at least claims 3 and 5 of that patent by making, using, selling, and/or offering to sell in, and/or importing into, the United States Accused Dell Products that complied with and implemented the descriptions provided in Appendix C hereto with respect to DP v1.2, and the descriptions provided in the corresponding portions of the other 224 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix C). By way of one example of Dell's direct infringement of at least claims 3 and 5 of that patent, but not limitation, during the term of the 224 Patent, Dell sold and offered to sell

[6] The 224 Patent expired on April 20, 2020.

[7] As noted above, the primary body of the chart attached as Appendix C hereto is directed to DP v1.2. However, General Video has also included in the chart italicized citations to and comments concerning one or more versions of the other 224 Infringing DP Standards each of which versions infringes the 224 Patent as described above. (*See* App. C at 6, 8, 10, 12 and 14.)

Accused Dell Products such as certain Accused Dell Monitors, that included a receiver operable to analyze and process audio data and audio-related information associated with the audio data in the infringing manner described in Appendix C hereto. *See, e.g., Sorrell Holdings, LLC v. Infinity Headwear & Apparel, LLC*, 2024 WL 413432, at *3 (Fed. Cir. Feb. 5, 2024) ("For an 'accused device[] to be infringing, [it] need only be capable operating' in the infringing manner.") (bracketed text in original) (quoting *Intel Corp. v. U.S. Int'l Trade Comm'n*, 946 F.2d 821, 832 (Fed. Cir. 1991)). Although evidence of actual operation is not required to prove infringement of apparatus claims 3 and 5 of the 224 Patent, there are numerous examples of Accused Dell Monitors actually operating in the infringing manner described in Appendix C hereto with respect to DP v1.2, and described in the corresponding portions of the other 224 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix C), during the term of the 224 Patent. An example is whenever audio signals were transmitted from any laptops, any desktops, and any desktop computers with installed graphics cards via a DisplayPort connection to Accused Dell Monitors, where such audio signals were capable of being played as audible sound through (i) one or more built-in speakers on the monitor(s), (ii) one or more external speakers connected to an audio line-out port on the monitor(s), or (iii) headphones or earphones connected to an audio line-out port on the monitor(s). On its website, Dell explains that "a DisplayPort interface can support from two screens (2560x1600 resolutions) up to four (4) screens. [sic] (1920x1200 resolutions) [with] [e]ach screen receiv[ing] independent video and *audio streams*." https://www.dell.com/support/kbdoc/en-us/000139468/frequently-asked-questions-faqs-about-the-hdmi-port-on-a-dell-pc?msockid=162f38e1ab1b603c00922c8daf1b6e19 (emphasis added). Dell further explains that "DisplayPort was designed specifically for computers. It is the ultimate display interface to replace the older video standards…." *Id.*

In addition to Dell's direct infringement as described above, during the term of the 224 Patent, Dell directly infringed at least claims 3 and 5 of the 224 Patent by using Accused Dell Products in the directly infringing manner described in Appendix C hereto with respect to DP v1.2, and described in the corresponding portions of the other 224 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix C). By way of one example, but not limitation, during the term of the 224 Patent, Dell employees used Accused Dell Monitors in such an infringing manner when transmitting audio signals from Accused Dell Laptops, Accused Dell Desktops, and Accused Dell Graphics Cards via a DisplayPort connection to Accused Dell Monitors, where, as discussed above, such audio signals were played as audible sound through (i) one or more built-in speakers on the monitor(s), (ii) one or more external speakers connected to an audio line-out port on the monitor(s), or (iii) headphones or earphones connected to an audio line-out port on the monitor(s). In its Complaint, General Video provides other examples of Dell's similar direct infringement of claims 3 and 5 of the 224 Patent. (Dkt. No. 1, Compl. ¶¶ 86-91.)

Also during the term of the 224 Patent, Dell indirectly infringed at least claims 3 and 5 of that patent by inducing and contributing to the use of the Accused Dell Products in a manner that complied with the descriptions provided in Appendix C hereto with respect to DP v1.2, and the descriptions provided in the corresponding portions of the other 224 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix C).

Specifically, with knowledge of the Asserted Patents as described in paragraphs 61 to 65 of the Complaint (Dkt. No. 1), Dell actively induced infringement of at least claims 3 and 5 of the 224 Patent, during the term of that patent, in violation of 35 U.S.C. § 271(b). Past users and customers of the Accused Dell Products directly infringed at least claims 3 and 5 of the 224 Patent when they used the Accused Dell Products for such products' ordinary, customary, and intended

use, and, in particular, used Accused Dell Products in the directly infringing manner described in Appendix C hereto with respect to DP v1.2, and described in the corresponding portions of the other 224 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix C). By way of one example of direct infringement by Dell's past users and customers of at least claims 3 and 5 of the 224 Patent, but not limitation, during the term of the 224 Patent, Dell's customers used the Accused Dell Products in a directly infringing manner whenever such customers' use resulted in audio signals being transmitted from any laptops, any desktops, and any desktop computers with installed graphics cards via a DisplayPort connection to and Accused Dell Monitors, where such audio signals were capable of being played as audible sound through (i) one or more built-in speakers on the monitor(s), (ii) one or more external speakers connected to an audio line-out port on the monitor(s), or (iii) headphones or earphones connected to an audio line-out port on the monitor(s). On information and belief, Dell's affirmative acts of inducement included, without limitation and with specific intent to encourage the infringement, having knowingly induced consumers to use the Accused Dell Products within the United States in the ordinary, customary, and intended way, and, in particular, in the directly infringing manner described in Appendix C hereto with respect to DP v1.2, and described in the corresponding portions of the other 224 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix C), by, directly or through intermediaries, having supplied such Accused Dell Products to customers within the United States and having instructed and encouraged such customers how to use the Accused Dell Products in the ordinary, customary, and intended way, and, in particular, in the directly infringing manner described in Appendix C hereto with respect to DP v1.2, and described in the corresponding portions of the other 224 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix C), which use Dell knew

or should have known infringed at least claims 3 and 5 of the 224 Patent. Dell's affirmative acts of inducement further included, without limitation and with specific intent to encourage the infringement, any one or a combination of encouraging and/or facilitating third-party infringement through having advertised, marketed, and disseminated the Accused Dell Products and components thereof, including DisplayPort firmware and/or drivers; and having created, published and/or provided sales, promotional, and marketing materials; supporting materials; product manuals; user guides; and/or technical support and other information relating to the Accused Dell Products and DisplayPort functionality thereof (*see, e.g.,* several links in paragraphs 86-91 of the Complaint, Dkt. No. 1, to product and support pages and videos from Dell's website) during the term of the 224 Patent. Like the plaintiff in *Uniloc USA, Inc. v. Motorola Mobility LLC*, No. 2:16-cv-922, 989-JRG, 2017 WL 3721064 (E.D. Tex. May 15, 2017) (Gilstrap, J.), in this case General Video has "sufficiently ple[d] the intent requirement by alleging that [Dell]'s customers use their products to infringe the patents-in-suit in accordance with [Dell's] instructions," WL 3721064, at *4, and also alleging that Dell provides numerous training, sales, marketing, technical, and support materials to users of its products. In finding the plaintiff's claim for induced infringement to have been well pled in *Uniloc*, the court noted that "[Plaintiff] also alleges that [Defendants] provide 'training videos, demonstrations, brochures, installation and/or user guides' to customers and further cites to certain websites which allegedly contain such information." 2017 WL 3721064, at *4 (quoting complaint). General Video has made nearly identical allegations in this case.

Further and in the alternative, with knowledge of the Asserted Patents as described in paragraphs 61 to 65 of the Complaint (Dkt. No. 1), Dell contributed to the infringement of at least claims 3 and 5 of the 224 Patent, during the term of that patent, in violation of 35 U.S.C. § 271(c). Users and customers of the Accused Dell Products directly infringed at least claims 3 and 5 of the

224 Patent when they used the Accused Dell Products for such products' ordinary, customary, and intended use, and, in particular, in the directly infringing manner described in Appendix C hereto with respect to DP v1.2, as described in the corresponding portions of the other 224 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix C), and as described above with respect to General Video's claim for induced infringement. Dell's contributory infringement included, without limitation, Dell's sale and provision of Accused Dell Products, including DisplayPort components thereof, to customers in the United States for use in practicing at least claims 3 and 5 of the 224 Patent, during the term of that patent, knowing that such products and components were material to practicing the claimed inventions, were not staple articles or commodities of commerce suitable for substantial non-infringing use, and were especially made or especially adapted for use in an infringement of the 224 Patent. Specifically, Dell sold the Accused Dell Products to customers knowing that the customers' operation of such products directly infringed at least claims 3 and 5 of the 224 Patent when used for their normal and intended purpose, and, in particular, when used in the directly infringing manner described in Appendix C hereto with respect to DP v1.2, as described in the corresponding portions of the other 224 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix C), and as described above with respect to General Video's claim for induced infringement. The Accused Dell Products and DisplayPort components thereof were made for the specific purpose of operating as described in Appendix C hereto with respect to DP v1.2, and as described in such corresponding portions of the other 224 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix C), and had no substantial non-infringing use.

General Video incorporates by reference its argument above concerning the issue of the absence of "substantial noninfringing uses" with respect to the Accused Dell Products.

Infringement of the 282 Patent

The charts attached as Appendices D and E hereto set forth how the invention of claim 1 of the 282 Patent is essential to DP v1.2 and eDP v1.3, respectively, relative to the bi-directional transmission of data between a source device (e.g., a desktop or laptop computer) and a sink device (e.g., a computer monitor). The versions of the DisplayPort and eDP standards listed below include features that are either identical to, or materially the same as, the features of DP v1.2 shown to include each element of claim 1 of the 282 Patent in Appendix D hereto. As such, these versions of the DisplayPort and eDP standards also infringe the 282 Patent:

- DP v1.1, introduced April 2, 2007;
- DP v1.1a, introduced January 11, 2008;
- DP v1.2a, introduced January 2013;
- DP v1.3, introduced September 15, 2014;
- DP v1.4, introduced March 1, 2016;
- DP v1.4a, introduced April 2018;
- DP v2.0, introduced June 26, 2019; and
- DP v2.1, introduced October 17, 2022
- eDP v1.1, introduced October 2009;
- eDP v1.2, introduced May 2010;
- eDP v1.3, introduced February 2011;
- eDP v1.4, introduced February 2013;
- eDP v1.4a, introduced February 2015;
- eDP v1.4b, introduced October 2015; and
- eDP v1.5, introduced October 2021

(collectively with DP v1.2, the "282 Infringing DP Standards").[8]

Dell directly infringes at least claim 1 of the 282 Patent by using Accused Dell Products in a manner that complies with the descriptions provided in Appendices D and E hereto with respect to DP v1.2 and eDP v1.3, respectively, and the descriptions provided in the corresponding portions of the other 282 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix D). By way of one example of Dell's direct infringement of at least claim 1 of the 282 Patent, but not limitation, Dell employees use the Accused Dell Products in such a directly infringing manner when transmitting data, such as video and audio data, from Accused Dell Laptops, Accused Dell Desktops, and any desktop computers with installed Accused Dell Graphics Cards[9] via a DisplayPort connection to Accused Dell Monitors. On its website, Dell explains that "a DisplayPort interface can support from two screens (2560x1600 resolutions) up to four (4) screens. [sic] (1920x1200 resolutions) [with] [e]ach screen receiv[ing] independent video and audio streams." https://www.dell.com/support/kbdoc/en-us/000139468/frequently-asked-questions-faqs-about-the-hdmi-port-on-a-dell-pc?msockid=162f38e1ab1b603c00922c8daf1b6e19. Dell further explains that "DisplayPort was designed specifically for computers. It is the ultimate display interface to replace the older video standards…." *Id.* As explained in paragraphs 31 to 60 of the Complaint (Dkt. No. 1), Dell advertises all the Accused Dell Laptops, Desktops, Graphics Cards, and Monitors as supporting DisplayPort media connectivity. By way of further example and not limitation, Dell employees and Dell customers also use Accused Dell Laptops in a directly infringing manner during any operation of an Accused Dell Laptop because such operation

[8] As noted above, the primary body of the chart attached as Appendix D hereto is directed to DP v1.2. However, General Video has also included in the chart italicized citations to and comments concerning one or more versions of the other 282 Infringing DP Standards each of which versions infringes the 282 Patent as described above. (*See* App. D at 2, 9, 15-16, 20, and 25.)
[9] *See* n.4 *supra*.

complies with the description provided in Appendix D hereto with respect to DP v1.2, and the descriptions provided in the corresponding portions of the other 282 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix D), including the corresponding portions of the eDP subset of such 282 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix E hereto, by facilitating the bi-directional transmission of data between such Accused Dell Laptop's iGPU/dGPU and such Accused Dell Laptop's screen/display as recited in claim 1 of the 282 Patent. The independent ground for direct infringement by standalone use of an Accused Dell Laptop described in the preceding sentence applies in addition to, and irrespective of, the several examples of direct infringement by Dell employees and Dell customers described elsewhere in the Complaint.

Dell also indirectly infringes at least claim 1 of the 282 Patent by inducing and contributing to the use of the Accused Dell Products in a manner that complied with the descriptions provided in Appendix D with respect to DP v1.2, and the descriptions provided in the corresponding portions of the other 282 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix D), including the corresponding portions of the eDP subset of such 282 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix E hereto.

Specifically, with knowledge of the Asserted Patents as described in paragraphs 61 to 65 of the Complaint (Dkt. No. 1), Dell has been actively inducing, and continues to actively induce, infringement of at least claim 1 of the 282 Patent in violation of 35 U.S.C. § 271(b). Users and customers of the Accused Dell Products have directly infringed and continue to directly infringe at least claim 1 of the 282 Patent when they use the Accused Dell Products for such products' ordinary, customary, and intended use, including by operation as described in Appendix D hereto with respect to DP v1.2, as described in the corresponding portions of the other 282 Infringing DP

Standards (as noted in the italicized citations and comments included in Appendix D), including the corresponding portions of the eDP subset of such 282 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix E hereto, and, with respect to the standalone use of Accused Dell Laptops, as described above and in paragraph 98 of the Complaint (Dkt. No. 1). By way of one example of direct infringement by Dell's users and customers of at least claim 1 of the 282 Patent, but not limitation, Dell's customers use the Accused Dell Products in a directly infringing manner when transmitting data, such as video and audio data, from Accused Dell Laptops, Accused Dell Desktops, and any desktop computers with installed Accused Dell Graphics Cards[10] via a DisplayPort connection to Accused Dell Monitors. On its website, Dell explains that "a DisplayPort interface can support from two screens (2560x1600 resolutions) up to four (4) screens. [sic] (1920x1200 resolutions) [with] [e]ach screen receiv[ing] independent video and audio streams." https://www.dell.com/support/kbdoc/en-us/000139468/frequently-asked-questions-faqs-about-the-hdmi-port-on-a-dell-pc?msockid=162f38e1ab1b603c00922c8daf1b6e19. Dell further explains that "DisplayPort was designed specifically for computers. It is the ultimate display interface to replace the older video standards…." *Id.* As explained in paragraphs 31 to 60 of the Complaint (Dkt. No. 1), Dell advertises all the Accused Dell Laptops, Desktops, Graphics Cards, and Monitors as supporting DisplayPort media connectivity. By way of further example and not limitation, Dell customers also use Accused Dell Laptops in a directly infringing manner during any operation of an Accused Dell Laptop because such operation complies with the description provided in Appendix D hereto with respect to DP v1.2, and the descriptions provided in the corresponding portions of the other 282 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix D), including the corresponding portions of the eDP

[10] *See* n.4 *supra*.

subset of such 282 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix E hereto, by facilitating the bi-directional transmission of data between such Accused Dell Laptop's iGPU/dGPU and such Accused Dell Laptop's screen/display as recited in claim 1 of the 282 Patent.

Dell's affirmative acts of inducement have included, and continue to include, without limitation and with specific intent to encourage the infringement, knowingly inducing consumers to use the Accused Dell Products within the United States in the ordinary, customary, and intended way by, directly or through intermediaries, supplying such Accused Dell Products to customers within the United States and instructing and encouraging such customers how to use the Accused Dell Products in the ordinary, customary, and intended way, which Dell knows or should know infringes at least claim 1 of the 282 Patent. Dell's affirmative acts of inducement have further included and continue to include, without limitation and with specific intent to encourage the infringement, any one or a combination of encouraging and/or facilitating third-party infringement through the advertisement, marketing, and dissemination of the Accused Dell Products and components thereof; including DisplayPort firmware and/or drivers; and creating, publishing, and/or providing sales, promotional, and marketing materials; supporting materials; product manuals; user guides; and/or technical support and information relating to the Accused Dell Products and DisplayPort functionality thereof (*see, e.g.,* several links in paragraphs 99-104 of the Complaint, Dkt. No. 1, to product and support pages and videos from Dell's website). Like the plaintiff in *Uniloc USA, Inc. v. Motorola Mobility LLC*, No. 2:16-cv-922, 989-JRG, 2017 WL 3721064 (E.D. Tex. May 15, 2017) (Gilstrap, J.), in this case General Video has "sufficiently ple[d] the intent requirement by alleging that [Dell]'s customers use their products to infringe the patents-in-suit in accordance with [Dell's] instructions," WL 3721064, at *4, and also alleging that

Dell provides numerous training, sales, marketing, technical, and support materials to users of its products. In finding the plaintiff's claim for induced infringement to have been well pled in *Uniloc*, the court noted that "[Plaintiff] also alleges that [Defendants] provide 'training videos, demonstrations, brochures, installation and/or user guides' to customers and further cites to certain websites which allegedly contain such information." 2017 WL 3721064, at *4 (quoting complaint). General Video has made nearly identical allegations in this case.

Further and in the alternative, with knowledge of the Asserted Patents as described in paragraphs 61 to 65 of the Complaint (Dkt. No. 1), Dell has been contributing to, and continues to contribute to, the infringement of at least claim 1 of the 282 Patent in violation of 35 U.S.C. § 271(c). Users and customers of the Accused Dell Products have directly infringed and continue to directly infringe at least claim 1 of the 282 Patent when they use the Accused Dell Products for such products' ordinary, customary, and intended use, and, in particular, in the directly infringing manner described in Appendix D hereto with respect to DP v1.2, described in the corresponding portions of the other 282 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix D), including the corresponding portions of the eDP subset of such 282 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix E hereto, with respect to the standalone use of Accused Dell Laptops, as described in paragraph 98 of the Complaint (Dkt. No. 1) and above, and as described above with respect to General Video's claim for induced infringement of claim 1 of the 282 Patent. Dell's contributory infringement has included and continues to include, without limitation, Dell's sale and provision of Accused Dell Products, including DisplayPort components thereof, to customers in the United States for use in practicing at least claim 1 of the 282 Patent, knowing that such products and components are material to practicing the claimed inventions, are not staple articles or commodities of commerce

suitable for substantial non-infringing use, and are especially made or especially adapted for use in an infringement of the 282 Patent. Specifically, Dell has sold, and continues to sell, the Accused Dell Products and components thereof to customers knowing that the customers' operation of such products directly infringes at least claim 1 of the 282 Patent when used for their normal and intended purpose, and, in particular, when used in the directly infringing described in Appendix D hereto with respect to DP v1.2, described in the corresponding portions of the other 282 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix D), including the corresponding portions of the eDP subset of such 282 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix E hereto, with respect to the standalone use of Accused Dell Laptops, as described in paragraph 98 of the Complaint (Dkt. No. 1) and above, and as described above with respect to General Video's claim for induced infringement of claim 1 of the 282 Patent. The Accused Dell Products and DisplayPort components thereof have been made, and are made, for the specific purpose of operating as described in Appendix D hereto with respect to DP v1.2, described in the corresponding portions of the other 282 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix D), including the corresponding portions of the eDP subset of such 282 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix E hereto, with respect to the standalone use of Accused Dell Laptops, as described in paragraph 98 of the Complaint (Dkt. No. 1) and above, and as described above with respect to General Video's claim for induced infringement of claim 1 of the 282 Patent., and have no substantial non-infringing use.

General Video incorporates by reference its argument above concerning the issue of the absence of "substantial noninfringing uses" with respect to the Accused Dell Products.

Infringement of the 437 Patent

The charts attached as Appendices F and G hereto set forth how the invention of claim 41 of the 437 Patent is essential to DP v1.2 and eDP v1.3, respectively, relative to encoding data for transmission over a serial link. The versions of the DisplayPort and eDP standards listed below include features that are either identical to, or materially the same as, the features of DP v1.2 shown to include each element of claim 41 of the 437 Patent in Appendix F hereto. As such, these versions of the DisplayPort and eDP standards also infringe the 437 Patent:

- DP v1.0, introduced May 3, 2006;
- DP v1.1, introduced April 2, 2007;
- DP v1.1a, introduced January 11, 2008;
- DP v1.2a, introduced January 2013;
- DP v1.3, introduced September 15, 2014;
- DP v1.4, introduced March 1, 2016;
- DP v1.4a, introduced April 2018;
- DP v2.0, introduced June 26, 2019; and
- DP v2.1, introduced October 17, 2022
- eDP v1.1, introduced October 2009;
- eDP v1.2, introduced May 2010;
- eDP v1.3, introduced February 2011;
- eDP v1.4, introduced February 2013;
- eDP v1.4a, introduced February 2015;
- eDP v1.4b, introduced October 2015; and
- eDP v1.5, introduced October 2021

(collectively with DP v1.2, the "437 Infringing DP Standards").[11]

Dell directly infringes at least claim 41 of the 437 Patent by using Accused Dell Products in a manner that complies with the descriptions provided in Appendices F and G hereto with

[11] As noted above, the primary body of the chart attached as Appendix F hereto is directed to DP v1.2. However, General Video has also included in the chart italicized citations to and comments concerning one or more versions of the other 437 Infringing DP Standards each of which versions infringes the 437 Patent as described above. (*See* App. F at 1, 5-6, 10, and 12.)

respect to DP v1.2 and eDP v1.3, respectively, and the descriptions provided in the corresponding portions of the other 437 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix F). By way of example of Dell's direct infringement of at least claim 41 of the 437 Patent, but not limitation, Dell employees have used, and continue to use, the Accused Dell Products in such a directly infringing manner when transmitting data from Accused Dell Laptops, Accused Dell Desktops, and any desktop computers with installed Accused Dell Graphics Cards[12] via a DisplayPort connection to Accused Dell Monitors or other non-Dell monitors. On its website, Dell explains that "a DisplayPort interface can support from two screens (2560x1600 resolutions) up to four (4) screens. [sic] (1920x1200 resolutions) [with] [e]ach screen receiv[ing] independent video and audio streams." https://www.dell.com/support/kbdoc/en-us/000139468/frequently-asked-questions-faqs-about-the-hdmi-port-on-a-dell-pc?msockid=162f38e1ab1b603c00922c8daf1b6e19. Dell further explains that "DisplayPort was designed specifically for computers. It is the ultimate display interface to replace the older video standards…." *Id.* As explained in paragraphs 31 to 60 of the Complaint (Dkt. No. 1), Dell advertises all the Accused Dell Laptops, Desktops, Graphics Cards, and Monitors as supporting DisplayPort media connectivity. By way of further example and not limitation, Dell employees and Dell customers also use Accused Dell Laptops in a directly infringing manner during any operation of an Accused Dell Laptop because such operation complies with the description provided in Appendix F hereto with respect to DP v1.2, and the descriptions provided in the corresponding portions of the other 437 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix F), including the corresponding portions of the eDP subset of such 437 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix G hereto, by facilitating the

[12] *See* n.4 *supra*.

encoding of data for transmission over a serial link between such Accused Dell Laptop's iGPU/dGPU and such Accused Dell Laptop's screen/display as recited in claim 41 of the 437 Patent. The independent ground for direct infringement by standalone use of an Accused Dell Laptop described in the preceding sentence applies in addition to, and irrespective of, the several examples of direct infringement by Dell employees and Dell customers described elsewhere in the Complaint (*see, e.g.,* Dkt. No. 1, Compl. ¶¶ 113-120).

Dell also indirectly infringes at least claim 41 of the 437 Patent by inducing and contributing to the use of the Accused Dell Products in a manner that complied with the descriptions provided in Appendix F with respect to DP v1.2, and the descriptions provided in the corresponding portions of the other 437 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix F), including the corresponding portions of the eDP subset of such 437 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix G hereto.

Specifically, with knowledge of the Asserted Patents as described in paragraphs 61 to 65 of the Complaint (Dkt. No. 1), Dell has been actively inducing, and continues to actively induce, infringement of at least claim 41 of the 437 Patent in violation of 35 U.S.C. § 271(b). Users and customers of the Accused Dell Products have directly infringed and continue to directly infringe at least claim 41 of the 437 Patent when they use the Accused Dell Products for such products' ordinary, customary, and intended use, including by operation as described in Appendix F hereto with respect to DP v1.2, as described in the corresponding portions of the other 437 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix F), including the corresponding portions of the eDP subset of such 437 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix G hereto, and, with respect to the standalone use of

Accused Dell Laptops, as described in paragraph 112 of the Complaint (Dkt. No. 1) and above. By way of one example of direct infringement by Dell's users and customers of at least claim 41 of the 437 Patent, but not limitation, Dell's customers use the Accused Dell Products in a directly infringing manner when transmitting data from Accused Dell Laptops, Accused Dell Desktops, and any desktop computers with installed Accused Dell Graphics Cards[13] via a DisplayPort connection to Accused Dell Monitors or other non-Dell monitors. On its website, Dell explains that "a DisplayPort interface can support from two screens (2560x1600 resolutions) up to four (4) screens. [sic] (1920x1200 resolutions) [with] [e]ach screen receiv[ing] independent video and audio streams." https://www.dell.com/support/kbdoc/en-us/000139468/frequently-asked-questions-faqs-about-the-hdmi-port-on-a-dell-pc?msockid=162f38e1ab1b603c00922c8daf1b6e19. Dell further explains that "DisplayPort was designed specifically for computers. It is the ultimate display interface to replace the older video standards…." *Id.* As explained in paragraphs 31 to 60 of the Complaint (Dkt. No. 1), Dell advertises all the Accused Dell Laptops, Desktops, Graphics Cards, and Monitors as supporting DisplayPort media connectivity. By way of further example and not limitation, Dell customers also use Accused Dell Laptops in a directly infringing manner during any operation of an Accused Dell Laptop because such operation complies with the description provided in Appendix F hereto with respect to DP v1.2, and the descriptions provided in the corresponding portions of the other 437 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix F), including the corresponding portions of the eDP subset of such 437 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix G hereto, by facilitating the encoding of data for transmission over a serial link between such Accused Dell Laptop's iGPU/dGPU and such Accused Dell Laptop's screen/display as recited in

[13] *See* n.4 *supra*.

claim 41 of the 437 Patent. The independent ground for direct infringement by Dell's customers' standalone use of an Accused Dell Laptop described in the preceding sentence applies in addition to, and irrespective of, the several examples of direct infringement by Dell employees and Dell customers described elsewhere in the Complaint (*see, e.g.,* Dkt. No. 1, Compl. ¶¶ 113-120).

Dell's affirmative acts of inducement have included, and continue to include, without limitation and with specific intent to encourage the infringement, knowingly inducing consumers to use the Accused Dell Products within the United States in the ordinary, customary, and intended way by, directly or through intermediaries, supplying such Accused Dell Products to customers within the United States and instructing and encouraging such customers how to use the Accused Dell Products in the ordinary, customary, and intended way, and, in particular, in the directly infringing manner described in Appendix F hereto with respect to DP v1.2, and described in the corresponding portions of the other 437 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix F), including the corresponding portions of the eDP subset of such 437 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix G hereto, which Dell knows or should know infringes at least claim 41 of the 437 Patent. Dell's affirmative acts of inducement have further included and continue to include, without limitation and with specific intent to encourage the infringement, any one or a combination of encouraging and/or facilitating third-party infringement through the advertisement, marketing, and dissemination of the Accused Dell Products and components thereof, including DisplayPort firmware and/or drivers; and creating, publishing, and/or providing sales, promotional, and marketing materials; supporting materials; product manuals; user guides; and/or technical support and information relating to the Accused Dell Products and DisplayPort functionality thereof (*see, e.g.,* several links in paragraphs 112-118 of the Complaint, Dkt. No. 1, to product and support

pages and videos from Dell's website). Like the plaintiff in *Uniloc USA, Inc. v. Motorola Mobility LLC*, No. 2:16-cv-922, 989-JRG, 2017 WL 3721064 (E.D. Tex. May 15, 2017) (Gilstrap, J.), in this case General Video has "sufficiently ple[d] the intent requirement by alleging that [Dell]'s customers use their products to infringe the patents-in-suit in accordance with [Dell's] instructions," WL 3721064, at *4, and also alleging that Dell provides numerous training, sales, marketing, technical, and support materials to users of its products. In finding the plaintiff's claim for induced infringement to have been well pled in *Uniloc*, the court noted that "[Plaintiff] also alleges that [Defendants] provide 'training videos, demonstrations, brochures, installation and/or user guides' to customers and further cites to certain websites which allegedly contain such information." 2017 WL 3721064, at *4 (quoting complaint). General Video has made nearly identical allegations in this case.

Further and in the alternative, with knowledge of the Asserted Patents as described in paragraphs 61 to 65 of the Complaint (Dkt. No. 1), Dell has been contributing to, and continues to contribute to, the infringement of at least claim 41 of the 437 Patent in violation of 35 U.S.C. § 271(c). Users and customers of the Accused Dell Products have directly infringed and continue to directly infringe at least claim 41 of the 437 Patent when they use the Accused Dell Products for such products' ordinary, customary, and intended use, including by operation as described in Appendix F hereto with respect to DP v1.2, as described in the corresponding portions of the other 437 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix F), including the corresponding portions of the eDP subset of such 437 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix G hereto, with respect to the standalone use of Accused Dell Laptops, as described in paragraph 112 of the Complaint and above, and as described above with respect to General Video's claim for induced infringement.

Dell's contributory infringement has included and continues to include, without limitation, Dell's sale and provision of Accused Dell Products, including DisplayPort components thereof, to customers in the United States for use in practicing at least claim 41 of the 437 Patent, knowing that such products and components are material to practicing the claimed inventions, are not staple articles or commodities of commerce suitable for substantial non-infringing use, and are especially made or especially adapted for use in an infringement of the 437 Patent. Specifically, Dell sold the Accused Dell Products to customers knowing that the customers' operation of such products directly infringes at least claim 41 of the 437 Patent when used for their normal and intended purpose, including by operation as described in Appendix F hereto with respect to DP v1.2, as described in the corresponding portions of the other 437 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix F), including the corresponding portions of the eDP subset of such 437 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix G hereto, and as described above with respect to General Video's claim for induced infringement. The Accused Dell Products and DisplayPort components thereof are made for the specific purpose of operating as described in Appendix F hereto with respect to DP v1.2, as described in such corresponding portions of the other 437 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix F), including the corresponding portions of the eDP subset of such 437 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix G hereto, and, with respect to the standalone use of Accused Dell Laptops, as described in paragraph 112 of the Complaint (Dkt. No. 1) and described above, and have no substantial non-infringing use.

General Video incorporates by reference its argument above concerning the issue of the absence of "substantial noninfringing uses" with respect to the Accused Dell Products.

Infringement of the 010 Patent

The charts attached as Appendices H and I hereto set forth how the inventions of claims 1 and 12 of the 010 Patent are essential to DP v1.2 and eDP v1.3, relative to the transport of stereoscopic image data over a display interface. The versions of the DisplayPort and eDP standards listed below include features that are either identical to, or materially the same as, the features of DP v1.2 shown to infringe claims 1 and 12 of the 010 Patent in Appendix H hereto. As such, these versions of the DisplayPort and eDP standards also infringe the 010 Patent:

- DP v1.2a, introduced January 2013;
- DP v1.3, introduced September 15, 2014;
- DP v1.4, introduced March 1, 2016;
- DP v1.4a, introduced April 2018;
- DP v2.0, introduced June 26, 2019; and
- DP v2.1, introduced October 17, 2022
- eDP v1.2, introduced May 2010;
- eDP v1.3, introduced February 2011;
- eDP v1.4, introduced February 2013;
- eDP v1.4a, introduced February 2015;
- eDP v1.4b, introduced October 2015; and
- eDP v1.5, introduced October 2021

(collectively with DP v1.2, the "010 Infringing DP Standards").[14]

Dell directly infringes at least claims 1 and 12 of the 010 Patent by making, using, selling, and/or offering to sell in, and/or importing into, the United States Accused Dell Products that comply with, implement, and/or embody the portions of DP v1.2 as described in Appendix H hereto, and that comply with, implement, and/or embody the corresponding portions of the other 010 Infringing DP Standards (as noted in the italicized citations and comments included in

[14] As noted above, the primary body of the chart attached as Appendix H hereto is directed to DP v1.2. However, General Video has also included in the chart italicized citations to and comments concerning one or more versions of the other 010 Infringing DP Standards each of which versions infringes the 010 Patent as described above. (*See* App. H at 2, 3, 5, 9, 11, 15, 20-21, 23, 25-26, 29, 31, 33, 37, 42-43, and 45.)

Appendix H), including the corresponding portions of the eDP subset of such 010 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix I hereto. By way of example and not limitation, Dell directly infringes at least claims 1 and 12 of the 010 Patent by selling and offering to sell Accused Dell Products such as Accused Dell Laptops, Accused Dell Desktops, and Accused Dell Graphics Cards that include a digital display interface part that supports a digital display interface between source devices, such as Accused Dell Laptops, Accused Dell Desktops, and Accused Dell Graphics Cards on the one hand, and sink devices, such as computer monitors or displays, on the other hand, where such interface part is operable in the infringing manner described in Appendix H hereto with respect to DP v1.2, and that comply with, implement, and/or embody the corresponding portions of the other 010 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix H), including the corresponding portions of the eDP subset of such 010 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix I hereto. *See, e.g., Sorrell Holdings, LLC v. Infinity Headwear & Apparel, LLC*, 2024 WL 413432, at *3 (Fed. Cir. Feb. 5, 2024) ("For an 'accused device[] to be infringing, [it] need only be capable operating' in the infringing manner.") (bracketed text in original) (quoting *Intel Corp. v. U.S. Int'l Trade Comm'n*, 946 F.2d 821, 832 (Fed. Cir. 1991)).

Dell also indirectly infringes at least claims 1 and 12 of the 010 Patent by inducing and contributing to the use of the Accused Dell Products in a manner that complied with the descriptions provided in Appendix H hereto with respect to DP v1.2, and that comply with, implement, and/or embody the corresponding portions of the other 010 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix H), including the corresponding portions of the eDP subset of such 010 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix I hereto.

Specifically, with knowledge of the Asserted Patents as described in paragraphs 61 to 65 of the Complaint (Dkt. No. 1), Dell has been actively inducing, and continues to actively induce, infringement of at least claims 1 and 12 of the 010 Patent in violation of 35 U.S.C. § 271(b). Users and customers of the Accused Dell Products have directly infringed and continue to directly infringe at least claims 1 and 12 of the 010 Patent when they use the Accused Dell Products for such products' ordinary, customary, and intended use, including by operation as described in Appendix H hereto with respect to DP v1.2 as to those claims, and as described in the corresponding portions of the other 010 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix H) with respect to the same claims, including the corresponding portions of the eDP subset of such 010 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix I hereto. By way of one example of direct infringement by Dell's users and customers of at least claims 1 and 12 of the 010 Patent, but not limitation, Dell's customers use the Accused Dell Products in a directly infringing manner when using Accused Dell Products such as Accused Dell Laptops, Accused Dell Desktops, and Accused Dell Graphics Cards that include a digital display interface part that supports a digital display interface between source devices, such as Accused Dell Laptops, Accused Dell Desktops, and Accused Dell Graphics Cards on the one hand, and sink devices, such as computer monitors or displays, on the other hand, where such interface part is operable in the infringing manner described in Appendix H hereto with respect to DP v1.2, and as described in the corresponding portions of the other 010 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix H), including the corresponding portions of the eDP subset of such 010 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix I hereto. Dell's affirmative acts of inducement have included, and continue to include, without limitation and with specific intent to encourage the

infringement, knowingly inducing consumers to use the Accused Dell Products within the United States in the ordinary, customary, and intended way by, directly or through intermediaries, supplying such Accused Dell Products to customers within the United States and instructing and encouraging such customers how to use the Accused Dell Products in the ordinary, customary, and intended way, which Dell knows or should know infringes at least claims 1 and 12 of the 010 Patent. Dell's affirmative acts of inducement have further included and continue to include, without limitation and with specific intent to encourage the infringement, any one or a combination of encouraging and/or facilitating third-party infringement through the advertisement, marketing, and dissemination of the Accused Dell Products and components thereof, including DisplayPort firmware and/or drivers; and creating, publishing, and/or providing sales, promotional, and marketing materials; supporting materials; product manuals; user guides; and/or technical support and information relating to the Accused Dell Products and DisplayPort functionality thereof (*see, e.g.,* several links in the paragraphs above to product and support pages and videos from Dell's website). Like the plaintiff in *Uniloc USA, Inc. v. Motorola Mobility LLC*, No. 2:16-cv-922, 989-JRG, 2017 WL 3721064 (E.D. Tex. May 15, 2017) (Gilstrap, J.), in this case General Video has "sufficiently ple[d] the intent requirement by alleging that [Dell]'s customers use their products to infringe the patents-in-suit in accordance with [Dell's] instructions," WL 3721064, at *4, and also alleging that Dell provides numerous training, sales, marketing, technical, and support materials to users of its products. In finding the plaintiff's claim for induced infringement to have been well pled in *Uniloc*, the court noted that "[Plaintiff] also alleges that [Defendants] provide 'training videos, demonstrations, brochures, installation and/or user guides' to customers and further cites to certain websites which allegedly contain such information." 2017 WL 3721064, at *4 (quoting complaint). General Video has made nearly identical allegations in this case.

Further and in the alternative, with knowledge of the General Video Patents as described in paragraphs 61 to 65 of the Complaint (Dkt. No. 1), Dell has been contributing to, and continues to contribute to, the infringement of at least claims 1 and 12 of the 010 Patent in violation of 35 U.S.C. § 271(c). Users and customers of the Accused Dell Products have directly infringed and continue to directly infringe at least claims 1 and 12 of the 010 Patent when they use the Accused Dell Products for such products' ordinary, customary, and intended use, including by operation as described in Appendix H hereto with respect to DP v1.2, and as described in the corresponding portions of the other 010 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix H), including the corresponding portions of the eDP subset of such 010 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix I hereto. Dell's contributory infringement has included and continues to include, without limitation, Dell's sale and provision of Accused Dell Products, including DisplayPort components thereof, to customers in the United States for use in practicing at least claims 1 and 12 of the 010 Patent, knowing that such products and components are material to practicing the claimed inventions, are not staple articles or commodities of commerce suitable for substantial non-infringing use, and are especially made or especially adapted for use in an infringement of the 010 Patent. Specifically, Dell sold the Accused Dell Products to customers knowing that the customers' operation of such products directly infringes at least claims 1 and 12 of the 010 Patent when used for their normal and intended purpose, including by operation as described in Appendix H hereto with respect to DP v1.2, and as described in the corresponding portions of the other 010 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix H), including the corresponding portions of the eDP subset of such 010 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix I hereto. The Accused Dell Products and DisplayPort components thereof

are made for the specific purpose of operating as described in Appendix H hereto with respect to DP v1.2, and as described in the corresponding portions of the other 010 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix H), including the corresponding portions of the eDP subset of such 010 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix I hereto, and have no substantial non-infringing use.

General Video incorporates by reference its argument above concerning the issue of the absence of "substantial noninfringing uses" with respect to the Accused Dell Products.

Infringement of the 786 Patent

The charts attached as Appendices J and K hereto set forth how the invention of claim 1 of the 786 Patent is essential to DP v1.2, with respect to the transport of stereoscopic image data over a display interface. The versions of the DisplayPort and eDP standards listed below include features that are either identical to, or materially the same as, the features of DP v1.2 shown to infringe claim 1 of the 786 Patent in Appendix J hereto. As such, these versions of the DisplayPort and eDP standards also infringe the 786 Patent:

- DP v1.2a, introduced January 2013;
- DP v1.3, introduced September 15, 2014;
- DP v1.4, introduced March 1, 2016;
- DP v1.4a, introduced April 2018;
- DP v2.0, introduced June 26, 2019; and
- DP v2.1, introduced October 17, 2022
- eDP v1.2, introduced May 2010;
- eDP v1.3, introduced February 2011;
- eDP v1.4, introduced February 2013;
- eDP v1.4a, introduced February 2015;
- eDP v1.4b, introduced October 2015; and
- eDP v1.5, introduced October 2021

(collectively with DP v1.2, the "786 Infringing DP Standards").[15]

Dell directly infringes at least claim 1 of the 786 Patent by making, using, selling, and/or offering to sell in, and/or importing into, the United States Accused Dell Products that comply with, implement, and embody the portions of DP v1.2 as described in Appendix H hereto, and that comply with, implement, and/or embody the corresponding portions of the other 786 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix J), including the corresponding portions of the eDP subset of such 786 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix K hereto. By way of one example of Dell's direct infringement of at least claim 1 of the 786 Patent, but not limitation, Dell directly infringes at least claim 1 of the 786 Patent by selling and offering to sell Accused Dell Products such as Accused Dell Laptops, Accused Dell Desktops, and Accused Dell Graphics Cards that include a digital display interface part that supports a digital display interface between source devices, such as Accused Dell Laptops, Accused Dell Desktops, and Accused Dell Graphics Cards, on the one hand, and sink devices, such as computer monitors or displays, on the other hand, where such interface part is operable in the infringing manner described in Appendix H hereto with respect to DP v1.2, and as described in the corresponding portions of the other 786 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix J), including the corresponding portions of the eDP subset of such 786 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix K hereto. *See, e.g., Sorrell Holdings, LLC v. Infinity Headwear & Apparel, LLC*, 2024 WL 413432, at *3 (Fed. Cir. Feb. 5, 2024) ("For an 'accused device[] to be

[15] As noted above, the primary body of the chart attached as Appendix J hereto is directed to DP v1.2. However, General Video has also included in the chart italicized citations to and comments concerning one or more versions of the other 786 Infringing DP Standards each of which versions infringes the 786 Patent as described above. (*See* App. J at 1-2, 4, 6, 10, 12, 15, 18-21, 23, 25, 29, 31, 34, 37-38.)

infringing, [it] need only be capable operating' in the infringing manner.") (bracketed text in original) (quoting *Intel Corp. v. U.S. Int'l Trade Comm'n*, 946 F.2d 821, 832 (Fed. Cir. 1991)).

Dell also indirectly infringes at least claim 1 of the 786 Patent by inducing and contributing to the use of the Accused Dell Products in a manner that complied with the descriptions provided in Appendix H hereto with respect to DP v1.2, and as described in the corresponding portions of the other 786 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix J), including the corresponding portions of the eDP subset of such 786 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix K hereto.

Specifically, with knowledge of the General Video Patents as described in paragraphs 61 to 65 of the Complaint (Dkt. No. 1), Dell has been actively inducing, and continues to actively induce, infringement of at least claim 1 of the 786 Patent in violation of 35 U.S.C. § 271(b). Users and customers of the Accused Dell Products have directly infringed and continue to directly infringe at least claim 1 of the 786 Patent when they use the Accused Dell Products for such products' ordinary, customary, and intended use, including by operation as described in Appendix H hereto with respect to DP v1.2, and as described in the corresponding portions of the other 786 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix J), including the corresponding portions of the eDP subset of such 786 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix K hereto. Dell's affirmative acts of inducement have included, and continue to include, without limitation and with specific intent to encourage the infringement, knowingly inducing consumers to use the Accused Dell Products within the United States in the ordinary, customary, and intended way by, directly or through intermediaries, supplying such Accused Dell Products to customers within the United States and instructing and encouraging such customers how to use the Accused Dell Products in the ordinary,

customary, and intended way, which Dell knows or should know infringes at least claim 1 of the 786 Patent. Dell's affirmative acts of inducement have further included and continue to include, without limitation and with specific intent to encourage the infringement, any one or a combination of encouraging and/or facilitating third-party infringement through the advertisement, marketing, and dissemination of the Accused Dell Products and components thereof, including DisplayPort firmware and/or drivers; and creating, publishing, and/or providing sales, promotional, and marketing materials; supporting materials; product manuals; user guides; and/or technical support and information relating to the Accused Dell Products and DisplayPort functionality thereof (*see, e.g.,* several links in the paragraphs above to product and support pages and videos from Dell's website). Like the plaintiff in *Uniloc USA, Inc. v. Motorola Mobility LLC*, No. 2:16-cv-922, 989-JRG, 2017 WL 3721064 (E.D. Tex. May 15, 2017) (Gilstrap, J.), in this case General Video has "sufficiently ple[d] the intent requirement by alleging that [Dell]'s customers use their products to infringe the patents-in-suit in accordance with [Dell's] instructions," WL 3721064, at *4, and also alleging that Dell provides numerous training, sales, marketing, technical, and support materials to users of its products. In finding the plaintiff's claim for induced infringement to have been well pled in *Uniloc*, the court noted that "[Plaintiff] also alleges that [Defendants] provide 'training videos, demonstrations, brochures, installation and/or user guides' to customers and further cites to certain websites which allegedly contain such information." 2017 WL 3721064, at *4 (quoting complaint). General Video has made nearly identical allegations in this case.

Further and in the alternative, with knowledge of the General Video Patents as described in paragraphs 61 to 65 of the Complaint (Dkt. No. 1), Dell has been contributing to, and continues to contribute to, the infringement of at least claim 1 of the 786 Patent in violation of 35 U.S.C. § 271(c). Users and customers of the Accused Dell Products have directly infringed and continue to

directly infringe at least claim 1 of the 786 Patent when they use the Accused Dell Products for such products' ordinary, customary, and intended use, including by operation as described in Appendix H hereto with respect to DP v1.2, and as described in the corresponding portions of the other 786 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix J), including the corresponding portions of the eDP subset of such 786 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix K hereto. Dell's contributory infringement has included and continues to include, without limitation, Dell's sale and provision of Accused Dell Products, including DisplayPort components thereof, to customers in the United States for use in practicing at least claim 1 of the 786 Patent, knowing that such products and components are material to practicing the claimed inventions, are not staple articles or commodities of commerce suitable for substantial non-infringing use, and are especially made or especially adapted for use in an infringement of the 786 Patent. Specifically, Dell sold the Accused Dell Products to customers knowing that the customers' operation of such products directly infringes at least claim 1 of the 786 Patent when used for their normal and intended purpose, including by operation as described in Appendix H hereto with respect to DP v1.2, and as described in the corresponding portions of the other 786 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix J), including the corresponding portions of the eDP subset of such 786 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix K hereto. The Accused Dell Products and DisplayPort components thereof are made for the specific purpose of operating as described in Appendix H hereto with respect to DP v1.2, and as described in the corresponding portions of the other 786 Infringing DP Standards (as noted in the italicized citations and comments included in Appendix J), including the corresponding portions

of the eDP subset of such 786 Infringing DP Standards and, in particular, eDP v1.3 as described in Appendix K hereto, and have no substantial non-infringing use.

General Video incorporates by reference its argument above concerning the issue of the absence of "substantial noninfringing uses" with respect to the Accused Dell Products.

Document Production Accompanying Preliminary Contentions

Pursuant to paragraph 4 of the Agreed Scheduling (Dkt. No. 35-1), General Video serves contemporaneously herewith the following document production on Dell:

Bates - Begin	Bates - End	Description
GV_0000001	GV_0000014	U.S. Patent No. 6,584,443
GV_0000015	GV_0000159	6,584,443 File History
GV_0000160	GV_0000171	U.S. Patent No. 7,069,224
GV_0000172	GV_0000375	7,069,224 File History
GV_0000376	GV_0000391	U.S. Patent No. 7,225,282
GV_0000392	GV_0000704	7,225,282 File History
GV_0000705	GV_0000726	U.S. Patent No. 7,359,437
GV_0000727	GV_0001169	7,359,437 File History
GV_0001170	GV_0001181	U.S. Patent No. 9,036,010
GV_0001182	GV_0001889	9,036,010 File History
GV_0001890	GV_0001902	U.S. Patent No. 9,843,786
GV_0001903	GV_0002099	9,843,786 File History
GVDELL_0000001	GVDELL_0019109	Publicly available information concerning Accused Dell Products

Dated: March 19, 2025

Respectfully submitted,

/s/ Matthew G. McAndrews

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Attorneys for Plaintiff,
GENERAL VIDEO, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of March 2025, I electronically served the foregoing on all counsel of record via email.

/s/ Matthew G. McAndrews
Matthew G. McAndrews