

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

USTA TECHNOLOGY, LLC,

Plaintiff,

v.

AT&T, INC., AT&T MOBILITY LLC,
AT&T MOBILITY LLC II, and AT&T
SERVICES,

Defendants.

Civil Action No. 4:24-cv-513

JURY TRIAL DEMANDED

**PLAINTIFF’S DISCLOSURE OF ASSERTED CLAIMS AND
INFRINGEMENT CONTENTIONS PURSUANT TO P.R. 3-1**

Pursuant to Patent Rules 3-1 Plaintiff USTA Technology LLC (“USTA”) hereby provides its Disclosure of Asserted Claims and Preliminary Infringement Contentions Concerning Defendants AT&T Mobility LLC, AT&T Mobility II LLC and AT&T Services (individually each a “Defendant,” and collectively “AT&T” or “Defendants”). USTA reserves the right to further amend or modify its disclosures herein—including to supplement its infringement contentions pursuant to P.R. 3-6—based on additional information obtained through discovery or other means concerning the Defendants’ products or services.

I. USTA’s P.R. 3-1(a) Disclosures: Infringed Claims

Subject to ongoing discovery and investigation, USTA contends that the Defendants infringe the claims 19, 22-43, 45-58, 60-93, 95-96 (“Asserted Claims”) of U.S. Patent No. RE47,720 (“720 patent” or “the patent in suit”) under 35 U.S.C. § 271(a) by making and using (including without limitation testing) in the United States, the Accused Instrumentalities and Services set forth in Part II below and otherwise performing the infringing methods. USTA further contends that Defendants infringe the Asserted Claims under 35 U.S.C. § 271(b) by inducing its customers and others to use

the Accused Instrumentalities and Services in the United States and perform the infringing methods of the Asserted Claims. AT&T has induced such infringement at least since becoming aware of the '720 patent after receiving notice from USTA on or around November 8, 2022 through a letter dated November 7, 2022 directed to Mr. David McAtee, Senior Executive Vice President and General Counsel for AT&T from Mr. Andrew Gordon, Manager for USTA. That letter provided specific evidence including a claim chart for claim 53 demonstrating infringement. Since at least that time, AT&T has actively induced infringement of the '720 patent.

USTA reserves the right to supplement its position as to infringement following further discovery and/or claim construction.

II. USTA's P.R. 3-1(b) Disclosures: Accused Instrumentalities

Subject to ongoing discovery and investigation, and based on available information obtained to date, USTA contends that at least the Accused Instrumentalities and Services identified in the attached Ex. 1, as well as the following Accused Instrumentalities infringe the Asserted Claims of the Patent in suit when used by Defendants and/or Defendants' agents and customers:

802.11ac-compliant (including backwards compatible) access points made, used, offered for sale, sold and/or imported by AT&T, including, but not limited to: AT&T AirCard 781S, AirCard 779S, AirTies 4971, AirTies 4921, Business Wi-Fi with Aruba Central, Business Wi-Fi with Cisco Meraki, Optical Network Terminal (ONT), Internet Air, Internet Air for Business 5G, Internet for AT&T Fiber, Global Network Client, Wireless Internet, Fixed Wireless Internet, U-verse, Turbo Hotspot 2, Turbo Hotspot 3, Cell Booster, Cell Bosster Pro, Wireless Internet, Unite Express, Unite Express 2, Unite Explore, Smart Wi-Fi Extender, All-Fi Booster, All-Fi Hub, BGW210, BGW320, Netgear 6200, Netgear 7550, Nighthawk LTE Mobile Hotspot, Nighthawk 5G Mobile Hotspot, Nighthawk 5G Mobile Hotspot Pro, Nighthawk M6 Pro, Nighthawk M7 Pro, Cradelpoint E100, Cradlepoint e3000, Franklin A50, NVG510, NVG589, NVG599, 2Wire 2701, 2Wire3600, 2Wire

3800, 2Wire 3801, 2Wire i38, Pace 4111, Pace 5031, Pace 5168, Pace 5268, RT410 hotspot, Westell 327, Westell F90, Westell 6100, Motorola 2210, Motorola 3360, Siemens 4100, 4100b, 5100, ZTE Max Connect MF928, and Speedstream 4100, 5100 Networking, Gateway, and Hotspot Devices, AT&T's Wi-Fi networks and services (e.g., AT&T Nationwide Wi-Fi Hotspots, FirstNet, AT&T Hot Zones, AT&T Internet Air, All-Fi, Fixed Wireless Access, AT&T Internet, AT&T Business Internet, AT&T Managed LAN Service, AT&T's SD-WAN Service with Wi-Fi Feature,, AT&T Wi-Fi Services, etc.), and at least 802.11ac-compliant stations (including backwards compatibility) made, used, offered for sale, sold and/or imported by AT&T, including, but not limited to: AT&T Propel 2 5G, Motivate 3, Motivate 4, Motivate Pro 5G, Vista, Vista 2, Verge, iPropel 5G, Calypso 4, Cingular Flex 2, amigo Jr. Tab, Primetime, Trek HD, Trek 2 HD, Modio LTE case for iPad mini, iPhone 15, iPhone 15 Plus, iPhone 15 Pro, iPhone 15 Pro Max, iPhone 16, iPhone 16 Pro, iPhone 16 Pro Max, Galaxy S24, Galaxy S24 Ultra, Galaxy S24 FE, Galaxy S24+, Galaxy Z Flip5, Galaxy Z Flip6, Galaxy Z Fold5, Galaxy Z Fold6, razr, razr+, Galaxy S23 FE, moto g stylus 5G, iPhone SE, Galaxy A35 5G, Galaxy A15 5G, iPhone 14, iPhone 13, TCL, Galaxy XCover6 Pro, XP10, XP3plus, and Motorola edge Phone Devices, along with associated hardware and/or software, and related 802.11ac-compliant services..

III. USTA's P.R. 3-1(c) Disclosures: Preliminary Infringement Charts

Subject to ongoing discovery and investigation, and based on available information obtained to date, USTA hereby contends that each element of each infringed claim is met through the use of each Accused Instrumentality and Service as shown in preliminary infringement claim charts attached hereto as Exhibit 1. USTA reserves the right to amend its asserted claims and infringement contentions pursuant to P.R. 3-6 as discovery progresses and additional information is gathered.

To the extent that certain elements of the asserted claims are not literally present in each of

the Accused Instrumentalities and Services, at this time, USTA contends that such elements of the asserted claims are met by the Accused Instrumentalities and Services under the Doctrine of Equivalents.

As indicated above, discovery is necessary to further develop USTA's infringement positions—either literal or under the Doctrine of Equivalents, and the Court has yet to issue a claim construction order. Pursuant to P.R. 3-6, USTA expressly reserves the right to amend and supplement its position on whether there is infringement under the Doctrine of Equivalents of any other elements of any asserted claims after further discovery from the Defendants and/or pending this Court's claim construction order.

IV. USTA's P.R. 3-1(e) Disclosures: Priority Dates

USTA contends that the asserted claims of U.S. Patent No. RE47,720 are at least entitled to the priority date of Provisional Application No. 60/420,930, filed on October 24, 2002.

V. USTA's P.R. 3-1(f) Disclosures: Right to Rely on USTA's Own Instrumentality

USTA presently does not intend to rely upon the assertion that its own instrumentalities practice the claimed inventions.

VI. USTA's P.R. 3-2 Disclosures

Pursuant to P.R. 3-2, USTA is concurrently producing documents evidencing the conception, reduction to practice, design, and development of each claimed invention, which were created on or before the date of application for the patent in suit or the priority date identified pursuant to P. R. 3-1(e), whichever is earlier; and a copy of the file history for the patent in suit. USTA directs Defendant to its document production Bates-numbered USTA-ATT_000001-USTA-ATT_000021; USTA-ATT_000022-USTA-ATT_000187; and USTA-ATT_000188-USTA-ATT_000544.

Dated: October 21, 2024

Respectfully submitted,

/s/Derek Dahlgren

Timothy Devlin

tdevlin@devlinlawfirm.com

Derek Dahlgren (*pro hac vice*)

ddahlgren@devlinlawfirm.com

Srikant Cheruvu (*pro hac vice*)

scheruvu@devlinlawfirm.com

1526 Gilpin Avenue

Wilmington, DE, 19806

Telephone: (302) 449-9010

Facsimile: (302) 353-4251

Attorneys for Plaintiff

USTA Technology, LLC

CERTIFICATE OF SERVICE

I certify that all counsel of record are being served via electronic mail with a copy of this document on October 21, 2024.

/s/ Derek Dahlgren

Derek Dahlgren