
From: SUTCLIFFE, GEOFFREY L (Legal) <gs7838@att.com>

Sent: Monday, February 6, 2023 10:38 AM

To: Derek Dahlgren <ddahlgren@devlinlawfirm.com>

Subject: USTA Technology, LLP Patent Portfolio

Dear Mr. Dahlgren,

Mr. Andrew Gordon's letter to Mr. McAtee has been forwarded to me. I will be handling this matter so please direct all future correspondence to my attention.

Mr. Gordon stated that the Devlin Law Firm, LLC ("Devlin") is a licensing agent for USTA Technology, LLC ("USTA") which purportedly owns U.S. Patent Nos. 6816115, 7085541, 7321580, 8026849 and RE47720 (the "USTA Patents"). Mr. Gordon speculated that a wireless internet home router "may be potentially infringing" at least one claim of the USTA Patents and offered to discuss licensing terms with AT&T. Mr. Gordon asked that we direct any questions to your attention.

AT&T does not interpret USTA's inquiry as an allegation of infringement. Please let us know if we are incorrect in this regard. Mr. Gordon's letter stated that a wireless internet home router "may be potentially infringing" and the subject line of the letter similarly refers to "Possible Patent Infringement." Neither the letter nor the accompanying attachments contain an accusation of infringement by AT&T but instead merely postulate that infringement could be possible by some unspecified wireless internet home router. If USTA has the opinion that AT&T is infringing upon a USTA Patent, then please provide the make and model of the allegedly-infringing wireless internet home router and identify the specific USTA patent claim. Various manufacturers have provided AT&T with home wireless internet routers over the years, and each manufacturer has multiple models of routers.

Mr. Gordon's letter included a chart that appears to list out claim 53 of RE47720 and portions of the 802.11ac standard. As with the letter itself, the chart likewise fails to make any accusation of infringement. To establish infringement by relying upon industry standards, USTA must prove: (1) its patents cover every possible implementation of the accused standard and (2) the accused device actually implements the standard (see, *Fujitsu Limited v. Netgear Inc.*, 620 F.3d 1321 (Fed. Cir. 2010)). The chart fails to show how any USTA Patent claim covers every implementation of the 802.11 standard. Moreover, as mentioned above, USTA has not accused any specific home wireless internet router in connection with this inquiry nor has USTA established that any specific router actually implements the standard. For instance, a wireless internet home router may not infringe the USTA Patents because the router complies with the standard in a way that does not infringe upon any USTA Patent. Furthermore, portions of standards may be optional and/or not require compliance. USTA has made no showing that the standards cited are in fact mandatory and require full compliance.

Please note Mr. Gordon's letter and the accompanying materials are not confidential despite the labelling on the chart of "ATTORNEY-CLIENT PRIVILEGED/CONFIDENTIAL/WORK PRODUCT." AT&T has not agreed to keep any of the materials confidential.

Geoff

Geoff Sutcliffe

AVP – Senior Legal Counsel

Intellectual Property Law

AT&T Services, Inc.

**PATENT OWNER
EX. 2010**