

IMAGINEAR, INC. and IMAGINE AR, INC.,
Plaintiffs,
v.
NIANTIC, INC.
Defendant.

Pursuant to the parties’ stipulated proposed schedule, Plaintiffs ImagineAR, Inc. and Imagine AR, Inc. (collectively, “ImagineAR”) hereby provide their Initial Infringement Contentions (“Initial Contentions”) against Defendant Niantic, Inc. (“Niantic”) for U.S. Patent Nos 8,777,746 (“the ‘746 patent”), 8,668,592 (“the ‘592 patent”), 8,579,710 (“the ‘710 patent”), 10,946,284 (“the ‘284 patent”), 11,484,797 (“the ‘797 patent”), 11,666,827 (“the ‘827 patent”), and 12,070,691 (“the ‘691 patent”) (collectively, “the Patents-in-Suit”).

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depose any witnesses of Defendant or third parties who may be knowledgeable regarding the structure, function, and/or operation of the accused products.

ImagineAR reserves the right to modify and supplement, without prejudice, its infringement contentions in the event that additional information regarding the structure, function, and operation of the accused products is identified during the course of discovery, after the Court has construed the claims of the Patents-in-Suit, and/or in response to any amendment by Defendant of its initial or final invalidity contentions or in response to any non-infringement positions taken by Defendant in accordance with the Federal Rules of Civil Procedure, the local rules of the District of Delaware, the Court's standing orders, and other applicable rules and statutes. *See, e.g.*, Default Standard for Discovery, ¶ 4, n.3 ("As these disclosures are 'initial,' each party shall be permitted to supplement."). This disclosure is therefore given without prejudice to ImagineAR's right to supplement or amend its disclosures as additional facts are ascertained. The disclosures herein are not and should not be construed as a statement that no other persons have discoverable information, that no other documents, data compilations and/or tangible things exist that ImagineAR may use to support its infringement claims, or that no other legal theories or factual bases will be pursued.

The Court has not yet construed the asserted claims of the Patents-in-Suit and, therefore, ImagineAR's Initial Contentions are based upon ImagineAR's present understanding of the meaning and scope of the asserted claims of the Patents-in-Suit. Likewise, expert reports pertaining to Defendant's infringement of the Patents-in-Suit have not yet been submitted. Notwithstanding the foregoing, ImagineAR presently contends that Defendant has infringed and continues to infringe at least one claim of each of the Patents-in-Suit, directly or indirectly. ImagineAR further asserts that Defendant literally infringes each asserted claim of the Patents-in-

Suit. ImagineAR's specific contentions pertaining to Defendant's infringement of the asserted claims of each Patent-in-Suit are set forth in greater detail in the claim charts attached hereto. The attached claim charts identify specifically where each limitation of each asserted claim is found within the accused products. The attached claim charts are based primarily on publicly available products, documents, and/or records. As such, ImagineAR reserves the right to modify the claim charts based upon additional fact discovery, expert discovery, claim construction, and any other pleading that may have a bearing on these Initial Contentions.

I. INITIAL ASSERTED CLAIMS OF THE PATENTS-IN-SUIT.

Patent-in-Suit	Initial Asserted Claims
'746 patent	Claims 1-3, 5-8, 13-19, 25, 26
'592 patent	Claims 1-8, 10-13, 16-25
'710 patent	Claims 1-5, 7-12, 15, 16, 18-24
'284 patent	Claims 1-27
'797 patent	Claims 1-24, 26-28
'827 patent	Claims 1-24, 26-28
'691 patent	Claims 1-24, 26-28

II. DEFENDANT'S INFRINGEMENT OF THE '746 PATENT.

Defendant's manufacture, sale, offer for sale, and use in the United States, and importation into the United States, of certain products, including but not limited to the following accused products: Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite, and any similar products (collectively, the "'746 Accused Products"), constitutes infringement of at least **Claims 1-3, 5-8, 13-19, 25, 26** of the '746 patent under 35 U.S.C. § 271 (a), (b), and (c).¹

¹ Each of the Pokémon Go Accused Product and Harry Potter: Wizards: Unite Accused Product infringes Claims 1-3, 5-8, 13-19, 25, and 26 of the '746 patent. The Pikmin Bloom Accused Product infringes Claims 1, 5, 13, 15, 17, 18, 25, and 26 of the '746 patent. The Peridot Accused Product infringes Claims 1, 3, 5, 6, 8, 13, 15-19, 25, and 26 of the '746 patent. The Monster Hunter Now Accused Product infringes Claims 1-3, 5-8, 13, 15-19, 25, and 26 of the '746 patent. The Skatrix Accused Product infringes Claims 1-3, 5-8, 13, 15-18, 25, and 26 of the '746 patent.

More specifically, Defendant infringes Claims 1-3, 5-8, 13-19, 25, 26 of the '746 patent under § 271 (a) through its manufacture, importation, offer for sale, sale, use, operation, configuration, control, and testing of the '746 Accused Products.

Defendant also infringes Claims 1-3, 5-8, 13-19, 25, 26 of the '746 patent under § 271 (b) and (c) through its sale and offer to sell in the United States the '746 Accused Products to customers or users along with instructions for use, set-up, and operation of these products. Defendant's actions constitute active inducement of infringement of Claims 1-3, 5-8, 13-19, 25, 26 of the '746 patent by users of these products, and also constitute contributory infringement insofar as Defendant offers to sell and sells within the United States, and/or imports into the United States, a component of a patented machine, manufacture, combination, or composition, or a material or apparatus for use in practicing a patented process claimed in Claims 1-3, 5-8, 13-19, 25, 26 of the '746 patent, which constitutes a material part of the claimed process, knowing the same to be especially made or especially adapted for use in an infringement of Claims 1-3, 5-8, 13-19, 25, 26 of the '746 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use. Such instructions include guides, manuals, and other media on how to use, set-up, and operate the '746 Accused Products that is provided with the products in written form or on a cd or other medium, and any guides, videos, or instructions available online, including through Defendant's websites, social media profiles, promotional materials, or third-party affiliates or partners. In turn, the users of the '746 Accused Products who use, set-up, and operate such infringing products infringe Claims 1-3, 5-8, 13-19, 25, 26 of the '746 patent under § 271 (a).

Attached as **Exhibit A** is a chart showing how the '746 Accused Products meet each and every limitation of Claims 1-3, 5-8, 13-19, 25, 26 of the '746 patent.

The asserted claims of the ‘746 patent claim priority to Provisional Patent App. No. 61/626,204, filed September 23, 2011.

III. DEFENDANT’S INFRINGEMENT OF THE ‘592 PATENT

Defendant’s manufacture, sale, offer for sale, and use in the United States, and importation into the United States, of certain products, including but not limited to the following accused products: Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite, and any similar products (collectively, the “‘592 Accused Products”), constitutes infringement of at least **Claims 1-8, 10-13, and 16-25** of the ‘592 patent under 35 U.S.C. § 271 (a), (b), and (c).²

More specifically, Defendant infringes Claims 1-8, 10-13, and 16-25 of the ‘592 patent under § 271 (a) through its manufacture, importation, offer for sale, sale, use, operation, configuration, control, and testing of the ‘592 Accused Products.

Defendant also infringes Claims 1-8, 10-13, and 16-25 of the ‘592 patent under § 271 (b) and (c) through its sale and offer to sell in the United States the ‘592 Accused Products to customers or users along with instructions for use, set-up, and operation of these products. Defendant’s actions constitute active inducement of infringement of Claims 1-8, 10-13, and 16-25 of the ‘592 patent by users of these products, and also constitute contributory infringement insofar as Defendant offers to sell and sells within the United States, and/or imports into the United States, a component of a patented machine, manufacture, combination, or composition, or a material or

² Each of the Pokémon Go Accused Product and Pikmin Bloom Accused Product infringes Claims 1-8, 10-13, and 16-25 of the ‘592 patent. Each of the Monster Hunter Now Accused Product and Harry Potter: Wizards Unite Accused Product infringes Claims 1-8, 10, 12, 13, and 16-25 of the ‘592 patent. The Peridot Accused Product infringes Claims 1-5, 8, 10, 12, 13, and 16-25 of the ‘592 patent. The Skatrix Accused Product infringes Claims 1-5, 8, 12, 13, and 16-25 of the ‘592 patent.

apparatus for use in practicing a patented process claimed in Claims 1-8, 10-13, and 16-25 of the ‘592 patent, which constitutes a material part of the claimed process, knowing the same to be especially made or especially adapted for use in an infringement of Claims 1-8, 10-13, and 16-25 of the ‘592 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use. Such instructions include guides, manuals, and other media on how to use, set-up, and operate the ‘592 Accused Products that is provided with the products in written form or on a cd or other medium, and any guides, videos, or instructions available online, including through Defendant’s websites, social media profiles, promotional materials, or third-party affiliates or partners. In turn, the users of the ‘592 Accused Products who use, set-up, and operate such infringing products infringe Claims 1-8, 10-13, and 16-25 of the ‘592 patent under § 271 (a).

Attached as **Exhibit B** is a chart showing how the ‘592 Accused Products meet each and every limitation of Claims 1-8, 10-13, and 16-25 of the ‘592 patent.

The asserted claims of the ‘592 patent claim priority to Provisional Patent App. No. 61/459,630, filed December 17, 2010.

IV. DEFENDANT’S INFRINGEMENT OF THE ‘710 PATENT.

Defendant’s manufacture, sale, offer for sale, and use in the United States, and importation into the United States, of certain products, including but not limited to the following accused products: Pokémon GO, Harry Potter: Wizards Unite, and any similar products (collectively, the “‘710 Accused Products”), constitutes infringement of at least **Claims 1-5, 7-12, 15, 16, and 18-24** of the ‘710 patent under 35 U.S.C. § 271 (a), (b), and (c).³

³ The Pokémon Go Accused Product infringes Claims 1-5, 7-12, 15, 16, and 18-24 of the ‘710 patent. The Harry Potter: Wizards: Unite Accused Product infringes Claims 1, 3, 4, 13, 15, 16, and 18-24 of the ‘710 patent.

More specifically, Defendant infringes Claims 1-5, 7-12, 15, 16, and 18-24 of the ‘710 patent under § 271 (a) through its manufacture, importation, offer for sale, sale, use, operation, configuration, control, and testing of the ‘710 Accused Products.

Defendant also infringes Claims 1-5, 7-12, 15, 16, and 18-24 of the ‘710 patent under § 271 (b) and (c) through its sale and offer to sell in the United States the ‘710 Accused Products to customers or users along with instructions for use, set-up, and operation of these products. Defendant’s actions constitute active inducement of infringement of Claims 1-5, 7-12, 15, 16, and 18-24 of the ‘710 patent by users of these products, and also constitute contributory infringement insofar as Defendant offers to sell and sells within the United States, and/or imports into the United States, a component of a patented machine, manufacture, combination, or composition, or a material or apparatus for use in practicing a patented process claimed in Claims 1-5, 7-12, 15, 16, and 18-24 of the ‘710 patent, which constitutes a material part of the claimed process, knowing the same to be especially made or especially adapted for use in an infringement of Claims 1-5, 7-12, 15, 16, and 18-24 of the ‘710 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use. Such instructions include guides, manuals, and other media on how to use, set-up, and operate the ‘710 Accused Products that is provided with the products in written form or on a cd or other medium, and any guides, videos, or instructions available online, including through Defendant’s websites, social media profiles, promotional materials, or third-party affiliates or partners. In turn, the users of the ‘710 Accused Products who use, set-up, and operate such infringing products infringe Claims 1-5, 7-12, 15, 16, and 18-24 of the ‘710 patent under § 271 (a).

Attached as **Exhibit C** is a chart showing how the ‘710 Accused Products meet each and every limitation of Claims 1-5, 7-12, 15, 16, and 18-24 of the ‘710 patent.

The asserted claims of the '710 patent claim priority to Provisional Patent App. No. 61/461,480, filed September 12, 2012.

V. DEFENDANT'S INFRINGEMENT OF THE '284 PATENT.

Defendant's manufacture, sale, offer for sale, and use in the United States, and importation into the United States, of certain products, including but not limited to the following accused products: Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite, and any similar products (collectively, the "'284 Accused Products'"), constitutes infringement of at least **Claims 1-27** of the '284 patent under 35 U.S.C. § 271 (a), (b), and (c).⁴

More specifically, Defendant infringes Claims 1-27 of the '284 patent under § 271 (a) through its manufacture, importation, offer for sale, sale, use, operation, configuration, control, and testing of the '284 Accused Products.

Defendant also infringes Claims 1-27 of the '284 patent under § 271 (b) and (c) through its sale and offer to sell in the United States the '284 Accused Products to customers or users along with instructions for use, set-up, and operation of these products. Defendant's actions constitute active inducement of infringement of Claims 1-27 of the '284 patent by users of these products, and also constitute contributory infringement insofar as Defendant offers to sell and sells within the United States, and/or imports into the United States, a component of a patented machine, manufacture, combination, or composition, or a material or apparatus for use in practicing a patented process claimed in Claims 1-27 of the '284 patent, which constitutes a material part of the claimed process, knowing the same to be especially made or especially adapted for use in an

⁴ Each of the Pokémon Go Accused Product, the Pikmin Bloom Accused Product, the Peridot Accused Product, and Monster Hunter Now Accused Product infringes Claims 1-27 of the '284 patent. The Harry Potter: Wizards Unite Accused Product infringes Claims 1-9 and 11-27 of the '284 patent. The Skatrix Accused Product infringes Claims 1, 2, 4-20, 24, and 27 of the '284 patent.

infringement of Claims 1-27 of the ‘284 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use. Such instructions include guides, manuals, and other media on how to use, set-up, and operate the ‘284 Accused Products that is provided with the products in written form or on a cd or other medium, and any guides, videos, or instructions available online, including through Defendant’s websites, social media profiles, promotional materials, or third-party affiliates or partners. In turn, the users of the ‘284 Accused Products who use, set-up, and operate such infringing products infringe Claims 1-27 of the ‘284 patent under § 271 (a).

Attached as **Exhibit D** is a chart showing how the ‘284 Accused Products meet each and every limitation of Claims 1-27 of the ‘284 patent.

The asserted claims of the ‘284 patent claim priority to Provisional Patent App. No. 61/796,715, filed November 19, 2012.

VI. DEFENDANT’S INFRINGEMENT OF THE ‘797 PATENT.

Defendant’s manufacture, sale, offer for sale, and use in the United States, and importation into the United States, of certain products, including but not limited to the following accused products: Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite, and any similar products (collectively, the “‘797 Accused Products”), constitutes infringement of at least **Claims 1-24 and 26-28** of the ‘797 patent under 35 U.S.C. § 271 (a), (b), and (c).⁵

⁵ Each of the Pokémon Go Accused Product, the Pikmin Bloom Accused Product, the Peridot Accused Product, and Monster Hunter Now Accused Product infringes Claims 1-24 and 26-28 of the ‘797 patent. The Harry Potter: Wizards Unite Accused Product infringes Claims 1-9, 11-24, 26, and 27 of the ‘797 patent. The Skatrix Accused Product infringes Claims 1, 2, 4-21, and 24 of the ‘797 patent.

More specifically, Defendant infringes Claims 1-24 and 26-28 of the ‘797 patent under § 271 (a) through its manufacture, importation, offer for sale, sale, use, operation, configuration, control, and testing of the ‘797 Accused Products.

Defendant also infringes Claims 1-24 and 26-28 of the ‘797 patent under § 271 (b) and (c) through its sale and offer to sell in the United States the ‘797 Accused Products to customers or users along with instructions for use, set-up, and operation of these products. Defendant’s actions constitute active inducement of infringement of Claims 1-24 and 26-28 of the ‘797 patent by users of these products, and also constitute contributory infringement insofar as Defendant offers to sell and sells within the United States, and/or imports into the United States, a component of a patented machine, manufacture, combination, or composition, or a material or apparatus for use in practicing a patented process claimed in Claims 1-24 and 26-28 of the ‘797 patent, which constitutes a material part of the claimed process, knowing the same to be especially made or especially adapted for use in an infringement of Claims 1-24 and 26-28 of the ‘797 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use. Such instructions include guides, manuals, and other media on how to use, set-up, and operate the ‘797 Accused Products that is provided with the products in written form or on a cd or other medium, and any guides, videos, or instructions available online, including through Defendant’s websites, social media profiles, promotional materials, or third-party affiliates or partners. In turn, the users of the ‘797 Accused Products who use, set-up, and operate such infringing products infringe Claims 1-24 and 26-28 of the ‘797 patent under § 271 (a).

Attached as **Exhibit E** is a chart showing how the ‘797 Accused Products meet each and every limitation of Claims 1-24 and 26-28 of the ‘797 patent.

The asserted claims of the ‘797 patent claim priority to Provisional Patent App. No. 61/796,715, filed November 19, 2012.

VII. DEFENDANT’S INFRINGEMENT OF THE ‘827 PATENT.

Defendant’s manufacture, sale, offer for sale, and use in the United States, and importation into the United States, of certain products, including but not limited to the following accused products: Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite, and any similar products (collectively, the “‘827 Accused Products”), constitutes infringement of at least **Claims 1-24 and 26-28** of the ‘827 patent under 35 U.S.C. § 271 (a), (b), and (c).⁶

More specifically, Defendant infringes Claims 1-24 and 26-28 of the ‘827 patent under § 271 (a) through its manufacture, importation, offer for sale, sale, use, operation, configuration, control, and testing of the ‘827 Accused Products.

Defendant also infringes Claims 1-24 and 26-28 of the ‘827 patent under § 271 (b) and (c) through its sale and offer to sell in the United States the ‘827 Accused Products to customers or users along with instructions for use, set-up, and operation of these products. Defendant’s actions constitute active inducement of infringement of Claims 1-24 and 26-28 of the ‘827 patent by users of these products, and also constitute contributory infringement insofar as Defendant offers to sell and sell within the United States, and/or import into the United States, a component of a patented machine, manufacture, combination, or composition, or a material or apparatus for use in practicing a patented process claimed in Claims 1-24 and 26-28 of the ‘827 patent, which

⁶ Each of The Pokémon Go Accused Product, the Pikmin Bloom Accused Product, the Peridot Accused Product, and Monster Hunter Now Accused Product infringes Claims 1-24 and 26-28 of the ‘827 patent. The Harry Potter: Wizards Unite Accused Product infringes Claims 1-9, 11-24, 26, and 27 of the ‘827 patent. The Skatrix Accused Product infringes Claims 1, 2, 4-21, and 24 of the ‘827 patent.

constitutes a material part of the claimed process, knowing the same to be especially made or especially adapted for use in an infringement of Claims 1-24 and 26-28 of the ‘827 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use. Such instructions include guides, manuals, and other media on how to use, set-up, and operate the ‘827 Accused Products that is provided with the products in written form or on a cd or other medium, and any guides, videos, or instructions available online, including through Defendant’s websites, social media profiles, promotional materials, or third-party affiliates or partners. In turn, the users of the ‘827 Accused Products who use, set-up, and operate such infringing products infringe Claims 1-24 and 26-28 of the ‘827 patent under § 271 (a).

Attached as **Exhibit F** is a chart showing how the ‘827 Accused Products meet each and every limitation of Claims 1-24 and 26-28 of the ‘827 patent.

The asserted claim of the ‘827 patent claims priority to Provisional Patent App. No. 61/796,715, filed November 19, 2012.

VIII. DEFENDANT’S INFRINGEMENT OF THE ‘691 PATENT.

Defendant’s manufacture, sale, offer for sale, and use in the United States, and importation into the United States, of certain products, including but not limited to the following accused products: Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite, and any similar products (collectively, the “‘691 Accused Products”), constitutes infringement of at least **Claims** 1-24 and 26-28 of the ‘691 patent under 35 U.S.C. § 271 (a), (b), and (c).⁷

⁷ Each of the Pokémon Go Accused Product, the Pikmin Bloom Accused Product, the Peridot Accused Product, and Monster Hunter Now Accused Product infringes Claims 1-24 and 26-28 of the ‘691 patent. The Harry Potter: Wizards Unite Accused Product infringes Claims 1-9, 11-24, 26, and 27 of the ‘691 patent. The Skatrix Accused Product infringes Claims 1, 2, 4-21, and 24 of the ‘691 patent.

More specifically, Defendant infringes Claims 1-24 and 26-28 of the '691 patent under § 271 (a) through its manufacture, importation, offer for sale, sale, use, operation, configuration, control, and testing of the '691 Accused Products.

Defendant also infringes Claims 1-24 and 26-28 of the '691 patent under § 271 (b) and (c) through its sale and offer to sell in the United States the '691 Accused Products to customers or users along with instructions for use, set-up, and operation of these products. Defendant's actions constitute active inducement of infringement of Claims 1-24 and 26-28 of the '691 patent by users of these products, and also constitute contributory infringement insofar as Defendant offers to sell and sells within the United States, and/or imports into the United States, a component of a patented machine, manufacture, combination, or composition, or a material or apparatus for use in practicing a patented process claimed in Claims 1-24 and 26-28 of the '691 patent, which constitutes a material part of the claimed process, knowing the same to be especially made or especially adapted for use in an infringement of Claims 1-24 and 26-28 of the '691 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use. Such instructions include guides, manuals, and other media on how to use, set-up, and operate the '691 Accused Products that is provided with the products in written form or on a cd or other medium, and any guides, videos, or instructions available online, including through Defendant's websites, social media profiles, promotional materials, or third-party affiliates or partners. In turn, the users of the '691 Accused Products who use, set-up, and operate such infringing products infringe Claims 1-24 and 26-28 of the '691 patent under § 271 (a).

Attached as **Exhibit G** is a chart showing how the '691 Accused Products meet each and every limitation of Claims 1-24 and 26-28 of the '691 patent.

The asserted claims of the ‘691 patent claim priority to Provisional Patent App. No. 61/796,715, filed November 19, 2012.

IX. DEFENDANT’S WILLFUL PATENT INFRINGEMENT.

ImagineAR’s willfulness contentions are preliminary in nature as discovery in this case is in its initial stages, and Defendant continues to produce documents to ImagineAR. Documents produced by Defendant may very well contain relevant information pertaining to Defendant’s willful infringement.

ImagineAR asserts that Defendant’s infringement of the Patents-in-Suit is willful and deliberate, entitling ImagineAR to increased damages pursuant to 35 U.S.C. § 284 and to attorneys’ fees and costs incurred in prosecuting this action pursuant to 35 U.S.C. § 285.

Defendant has had knowledge of the ‘592 patent since at least as early as 2016 when the ‘592 patent was cited during prosecution of U.S. Patent Application No. 14/068,704, which issued as U.S. Patent No. 9,545,565 and is assigned to Defendant. The ‘592 patent was also cited during prosecution of Defendant’s U.S. Patent Nos. 10,471,358 and 11,541,315.

Defendant has had knowledge of the ‘710 patent since at least as early as June 2021 when Defendant filed a petition for *inter partes* review of U.S. Patent No. 10,664,518 (IPR2021-01119), which was asserted against Defendant in a patent infringement lawsuit that was filed on September 3, 2020. See *NantWorks, LLC, and Nant Holdings IP, LLC v. Niantic, Inc.*, Case No. 3:20-cv-6262-LB (N.D. Cal.). The published patent application (i.e., US201202766997) that became the ‘710 patent was cited on the face of Nant Holdings’ U.S. Patent No. 10,664,518 on which Defendant wanted the PTAB to institute an IPR.

Defendant has had knowledge of the ‘284 patent since at least as early as December 2021, after Defendant and Nintendo Co., Ltd. entered into a joint venture to develop mobile augmented

reality and virtual space software products and services, including but not limited to the infringing Pokémon GO and Pikmin Bloom products and services. (See <https://www.nintendo.co.jp/corporate/release/en/2021/210323.html>.) The ‘284 patent was cited by Nintendo during prosecution of Nintendo’s U.S. Patent No. 11,701,588, entitled “Storage Medium Storing Game Program, Game Apparatus, Game System, and Game Processing Method,” which application was published on December 2, 2021. The ‘284 patent was also cited by Nintendo during prosecution of Nintendo’s U.S. Patent No. 12,023,590, entitled “Storage Medium Storing Game Program, Game Apparatus, Game System, and Game Processing Method.” Defendant knew of the ‘284 patent because, as part of their joint venture, Defendant and Nintendo shared their knowledge of mobile augmented reality and virtual space software products, services, patent applications, patents, and cited prior art.

Because Defendant knew of the ‘284 patent and because the ‘797, ‘827, and ‘691 patents are continuations of the ‘284 patent and share the same specification as the ‘284 patent, Defendant has had knowledge of the ‘797, ‘827, and ‘691 patents since at least the respective issue date of each of the ‘797, ‘827, and ‘691 patents.

Defendant has had knowledge of the Patents-in-Suit at least of the date of the filing of ImagineAR’s original Complaint, November 13, 2024.

Notwithstanding Defendant’s actual knowledge of the Patents-in-Suit, Defendant infringed and continues to infringe the Patents-in-Suit even though the risk that Defendant’s actions constitute infringement is known or so obvious that it should have been known to Defendant.

GREENBERG TRAURIG, LLP

OF COUNSEL:

James J. Lukas, Jr.
Matthew J. Levinstein
Sean Patchin, Jr.

/s/ Renée Mosley Delcollo
Renée Mosley Delcollo (#6442)
222 Delaware Avenue, Ste. 1600
Wilmington, DE 19801

Greenberg Traurig, LLP
360 N. Green St., Ste. 1300
Chicago, IL 60607
312.456.8400
lukasj@gtlaw.com
levinsteinm@gtlaw.com
sean.patchin@gtlaw.com

302.661.7000
renee.delcollo@gtlaw.com

Attorneys for Plaintiffs

Benjamin P. Gilford
Greenberg Traurig, LLP
90 South 7th St., Ste. 3500
Minneapolis, MN 55402
612.259.9700
gilfordb@gtlaw.com

Erik M. Bokar
Greenberg Traurig, PA
450 S. Orange Avenue, Ste. 650
Orlando, FL 32801
407.317.8560
bokare@gtlaw.com

DATED: August 1, 2025

CERTIFICATE OF SERVICE

I, Renee Mosely Delcollo, hereby certify that on August 1, 2025, a true and correct copy of Plaintiffs' Initial Infringement Contentions was served via email on Defendant's counsel of record.

/s/ Renée Mosley Delcollo
Renée Mosley Delcollo (#6442)