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Attorneys for Defendants
IPValue Management, Inc. and
Longitude Flash Memory Solutions Ltd.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SANDISK CORPORATION,

Plaintiff,

v.

IPVALUE MANAGEMENT, INC. and
LONGITUDE FLASH MEMORY
SOLUTIONS LTD.,

Defendants.

Case No. 5:25-cv-02389-PCP

**IPVALUE'S AND LONGITUDE
FLASH MEMORY SOLUTIONS'S
DISCLOSURE OF ASSERTED
CLAIMS AND INFRINGEMENT
CONTENTIONS**

Pursuant to Patent Local Rule 3-1, Defendants and Counterclaim Plaintiffs IPValue Management, Inc. and Longitude Flash Memory Solutions Ltd. (collectively “IPValue”) submit this Disclosure of Asserted Claims and Infringement Contentions for the ’664, ’537, ’240, and ’365 patents. Pursuant to the Case Management Order (Dkt. No. 48), IPValue intends to provide its disclosures for the ’505 patent at such time as ordered by the Court. IPValue expressly reserves all objections relative to the use, for any purpose, and does not waive any applicable privileges with respect to the information disclosed herein or document productions made pursuant to Patent Local Rules 3-1 and 3-2.

This disclosure is based on the information available to IPValue at this time. Discovery has only just begun and is ongoing, the Plaintiff and Counterclaim Defendants in this case have yet to produce any documents or file an answer to IPValue’s counterclaims, and IPValue’s investigation is ongoing. IPValue reserves the right to supplement or amend these disclosures, its contentions in this case, and its document production pursuant to these disclosures including to the full extent consistent with the Federal Rules of Civil Procedure, Local Rules, and Court Orders.

**1. DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS
(P.L.R. 3-1)**

A. Asserted Claims

Based on information reasonably available to IPValue at this time, IPValue asserts that Counterclaim Defendants Sandisk Corporation (“Sandisk”) and Western Digital Corporation (“Western Digital” and collectively with Sandisk “Counterclaim Defendants”) infringe the following claims pursuant to 35 U.S.C. §§ 271(a) and 271(b):

Claims 1–3, 5, 15, 16, 18, and 19 of U.S. Patent No. 7,671,664 (the “’664 patent”);

Claims 17–19 of U.S. Patent No. 8,633,537 (the “’537 patent”);

Claims 1, 3–5, 7, 9, 12, 14–18 of U.S. Patent No. 9,929,240 (the “’240 patent”); and

Claims 35–45 of U.S. Patent No. 11,456,365 (the “’365 patent”).

IPValue likewise asserts that Sandisk and Western Digital infringe the following claims pursuant to 35 U.S.C. §§ 271(g) and 271(b):

Claims 1–16, 19–34 of the ’365 patent.

(each of the foregoing claims collectively the “Asserted Claims”).

B. Identification of Accused Instrumentalities

Based on information reasonably available to IPValue at this time, the following is, for each of the Asserted Claims, an identification of each accused apparatus, product, device, process, method, act, or other instrumentality.

The Asserted Claims of the ’664 patent, ’537 patent, ’240 patent, and ’365 patent are infringed by all products of Counterclaim Defendants that include or contain 64-layer, 96-layer, 112-layer, 162-layer, or 218-layer 3D NAND flash memory, including but not limited to products containing BiCS3, BiCS4, BiCS5, BiCS6, and BiCS8 technology. The Asserted Claims will also be infringed by future generations of Counterclaim Defendants’ products, such as those utilizing BiCS9 and BiCS10 technology, to the extent those utilize similar designs to those of the current accused products. The forgoing are referred to as the “Accused Instrumentalities,” and specifically as the “’664 Accused Instrumentalities,” “’537 Accused Instrumentalities,” “’240 Accused Instrumentalities,” and “’365 Accused Instrumentalities.”

These Accused Instrumentalities include but are not limited to Counterclaim Defendants’ SSDs, OptiNAND HDDs, USB Flash Drives, Embedded Flash, and Memory Cards, to the extent that they contain 64-layer, 96-layer, 112-layer, 162-layer, or 218-layer 3D NAND flash memory or future generations of such memory.

Specific exemplary Accused Instrumentalities that infringe each of the Asserted Claims are further specified in Exhibits A through D. While these claim charts cite to evidence from particular products and technology generations, these claim charts and their mappings of claim elements are representative of all Accused Instrumentalities.

For example, Exhibit A presents evidence from circuit extraction analyses for both a 64-layer device and a 96-layer device. As shown in that exhibit, each of these devices satisfies the limitations of the Asserted Claims of the ’664 patent in the same or very similar ways. IPValue believes based upon this evidence that other Accused Products, including those from later technology generations, likewise satisfy the limitations of the Asserted Claims and that this chart is representative of their infringement.

As another example, Exhibits B–D each present detailed evidence from teardown analysis of a 112-layer device. These exhibits also show cross-section micrographs from 64-layer, 96-layer, 112-layer, 162-layer, and 218-layer devices. These cross-sections show that each of these technology generations contains transistors with similar structures, including a vertical channel surrounded by layers of tunnel oxide, a multi-layer charge-trapping region, blocking oxide, and a gate electrode. Accordingly, these charts are representative of how each of the Accused Products from each of these technology generations satisfies the limitations of the Asserted Claims.

IPValue in no way intends that the Accused Instrumentalities are limited to the methods and apparatuses that are identified in Exhibits A through D. The Accused Instrumentalities specifically include all systems, apparatuses, services, and methods of Defendant similar to those identified in these exhibit that include the claimed elements.

C. Direct Infringement

Charts that identify specifically where and how each limitation of each asserted claim is found within the Accused Instrumentalities or is practiced when the Accused Instrumentalities are manufactured are attached as Exhibits A, B, C, and D for each of the '664, '537, '240, and '365 patents respectively.

D. Indirect Infringement

The following are descriptions of Counterclaim Defendants' inducement of infringement of the Asserted Claims by others pursuant to Patent L.R. 3-1(d). These descriptions are based on the information reasonably available to IPValue at this time. Discovery is ongoing, IPValue investigation continues, and IPValue reserves the right to amend or supplement its contentions of indirect infringement.

Each of Counterclaim Defendants manufacturers, uses, imports, offers for sale, and/or sells the Accused Products with knowledge of, or willful blindness to, the fact its actions will induce one or more of its affiliates, joint-venture partners, suppliers, importers, distributors, retailers, and end customers to infringe each of the '664, '537, '240, and '365 patents by themselves importing, selling, offering for sale, and/or using the Accused Products that satisfy one or more of the Asserted Claims and/or were made by the process of one or more of the Asserted Claims.

Because the Accused Products satisfy an Asserted Claim and/or were made by the process of an Asserted Claim, any use, offer for sale, or sale within the United States or importation into the United States of such Accused Products is an act of infringement under 35 U.S.C. § 271(a) and/or § 271(g). By manufacturing and marketing the Accused Products for the United States market, Counterclaim Defendants know and intend that third parties will perform such acts of use, offer for sale, sale, and importation. Actions specifically evidencing Counterclaim Defendants' intent that parties will perform such acts in the United States include product announcements within the United States and in the English language, marketing within the United States and in the English language, obtaining of regulatory certifications from entities such as the FCC and UL, and customer support activities within the United States.

E. Literal Infringement and Doctrine of Equivalents

IPValue contends that each element of the Asserted Claims is literally present in or practiced by the Accused Products, as set forth in the charts attached hereto as Exhibits A through D. In the alternative, to the extent that Counterclaim Defendants contend otherwise, certain elements of the Asserted Claims are present under the doctrine of equivalents, as set forth in the charts attached as Exhibits A through D.

Counterclaim Defendants have not yet filed an Answer, made any contention that they do not infringe the Asserted Claims, nor have they proposed any constructions for any of the terms in the Asserted Claims. To the extent Counterclaim Defendants contend non-infringement or propose claim constructions as the basis for its contention of non-infringement, IPValue reserves the right to supplement or amend its infringement contentions, including by contending that additional elements are present under the doctrine of equivalents.

F. Priority Date of Asserted Claims

Each Asserted Claim of the '664 patent is entitled to a priority date at least as early as the filing date of May 10, 2007.

Each Asserted Claim of the '537 patent is entitled to a priority date at least as early as the filing date of July 1, 2012.

Each Asserted Claim of the '240 patent is entitled to a priority date at least as early as the filing date of the '537 patent of July 1, 2012.

Each Asserted Claim of the '365 patent is entitled to a priority date at least as early as the filing date of the '537 patent of July 1, 2012.

G. Identification of Instrumentalities that Practice the Claimed Invention

IPValue makes no identification of instrumentalities pursuant to Patent L.R. 3-1(g) at this time. Discovery is ongoing, IPValue's investigation is continuing, and IPValue reserves the right to supplement or amend this disclosure to the full extent consistent with the Federal Rules of Civil Procedure, Local Rules, and Court Orders.

H. Timing of First Infringement and Damages

Based on the information reasonably available to it at this time, IPValue identifies the point of first infringement of all Asserted Claims and the start of claimed damages as follows:

For the '664 patent, the date of first infringement of all Asserted Claims is approximately July 26, 2016, when Western Digital announced the availability of the 64-layer BiCS3 technology. The start of claimed damages is January 22, 2019, six years prior to when the first complaint asserting the '664 against Western Digital was filed.

For the '537 patent, the date of first infringement of all Asserted Claims is approximately July 26, 2016, when Western Digital announced the availability of the 64-layer BiCS3 technology. The start of claimed damages is January 22, 2019, six years prior to when the first complaint asserting the '537 against Western Digital was filed.

For the '240 patent, the date of first infringement of all Asserted Claims is March 23, 2018, the date the patent issued. The start of claimed damages is January 22, 2019, six years prior to when the first complaint asserting the '240 against Western Digital was filed.

For the '365 patent, the date of first infringement of all Asserted Claims is September 27, 2022, the date the patent issued. The start of claimed damages is also September 27, 2022.

The infringement of the Asserted Claims is ongoing, and the claimed damages period is ongoing. Discovery is ongoing and IPValue's investigation continues. Accordingly, IPValue

reserves the right to amend and supplement its identification of the timing of Counterclaim Defendants' infringement and the start of claimed damages.

I. Willful Infringement

Before filing this action, IPValue notified Counterclaim Defendants about the Asserted Patents and their infringement thereof. Among other things, IPValue identified the Asserted Patents to Western Digital in multiple communications from 2021–2024; alleged that Western Digital infringed the Asserted Patents, including identifying exemplary infringing products; sought to engage Western Digital in discussions regarding its use of IPValue's intellectual property (including the Asserted Patents); and offered to license the Asserted Patents to Western Digital.

For example, on March 26, 2021, IPValue sent a letter to Western Digital, notifying Western Digital of its infringement of certain of IPValue's patents, including the '537 Patent, the '240 Patent, and the '664 Patent. On February 10, 2023, IPValue sent a further letter to Western Digital, notifying Western Digital of its infringement of additional patents of IPValue, including the '365 Patent. In each letter, IPValue specifically identified Western Digital's products using 3D NAND Flash memory as exemplary infringing products.

IPValue also conducted multiple in-person and video meetings with Western Digital about licensing IPValue's patents, including on May 24, 2022, August 24–25, 2022, November 17, 2022, February 8, 2023, June 21, 2023, September 26–27, 2023, and November 1, 2023. During the August 24–25, 2022, meetings, IPValue provided Western Digital with detailed evidence that its products infringe the '537 Patent, the '240 Patent, and the '664 Patent. During the November 1, 2023 meeting, IPValue provided Western Digital with detailed evidence that its products infringe the '365 Patent.

Despite IPValue's repeated efforts, which have continued for over four years, Counterclaim Defendants have refused to license the Asserted Patents and has also not taken steps to end its infringement of the Asserted Patents. Instead, Counterclaim Defendants continue to knowingly, intentionally, and willfully infringe IPValue's patents directly and by inducement, to obtain their significant benefits without a license from IPValue.

2. DOCUMENT PRODUCTION ACCOMPANYING DISCLOSURE

A. Patent L.R. 3-2(a) Documents

IPValue is not presently aware of any discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, or any public use of, the claimed invention prior to the date of application for the patent in suit.

Discovery is ongoing and IPValue's investigation and search for documents is continuing, and IPValue will produce additional documents relating to any disclosures to and discussions with third parties concerning the claimed inventions, of the patents-in-suit which occurred before the patent applications were filed, to the extent such documents exist and IPValue becomes aware of them.

B. Patent L.R. 3-2(b) Documents

IPValue identifies the following technical documents relating to the claimed inventions of the patents in suit, which include documents produced pursuant to Patent L.R. 3-2(b) concerning conception, reduction to practice, design, and development of the claimed inventions:

LFMS-IPV-00000781 - LFMS-IPV-00000788; LFMS-IPV-00000789 - LFMS-IPV-00000894; LFMS-IPV-00000895 - LFMS-IPV-00000896; LFMS-IPV-00000897 - LFMS-IPV-00000900; LFMS-IPV-00000901 - LFMS-IPV-00001205; LFMS-IPV-00001206 - LFMS-IPV-00001236; LFMS-IPV-00001237 - LFMS-IPV-00001268; LFMS-IPV-00001269 - LFMS-IPV-00001705; LFMS-IPV-00001706 - LFMS-IPV-00001715; LFMS-IPV-00001716 - LFMS-IPV-00001867; LFMS-IPV-00001868 - LFMS-IPV-00001872; LFMS-IPV-00001873 - LFMS-IPV-00001876; LFMS-IPV-00001877- LFMS-IPV-00002181; LFMS-IPV-00002182 - LFMS-IPV-00002212; LFMS-IPV-00002213 - LFMS-IPV-00002244; LFMS-IPV-00002245 - LFMS-IPV-00002681; LFMS-IPV-00002682 - LFMS-IPV-00002708; LFMS-IPV-00002709 - LFMS-IPV-00003089; LFMS-IPV-00003090 - LFMS-IPV-00003094; LFMS-IPV-00003095 - LFMS-IPV-00003098; LFMS-IPV-00003099 - LFMS-IPV-00003403; LFMS-IPV-00003404 - LFMS-IPV-00003434; LFMS-IPV-00003435 - LFMS-IPV-00003466; LFMS-IPV-00003467 - LFMS-IPV-00003903; LFMS-IPV-00003904 - LFMS-IPV-00003916; LFMS-IPV-00003917 - LFMS-

IPV-00004130; LFMS-IPV-00004131 - LFMS-IPV-00004134; LFMS-IPV-00004135 - LFMS-IPV-00004439; LFMS-IPV-00004440 - LFMS-IPV-00004470; LFMS-IPV-00004471 - LFMS-IPV-00004502; LFMS-IPV-00004503 - LFMS-IPV-00004939; LFMS-IPV-00004940 - LFMS-IPV-00004970; LFMS-IPV-00004971 - LFMS-IPV-00005472; LFMS-IPV-00005473 - LFMS-IPV-00005476; LFMS-IPV-00005477 - LFMS-IPV-00005502; LFMS-IPV-00005503 - LFMS-IPV-00005533; LFMS-IPV-00005534 - LFMS-IPV-00005565; LFMS-IPV-00005566 - LFMS-IPV-00005595; LFMS-IPV-00005596 - LFMS-IPV-00007127; LFMS-IPV-00007128 - LFMS-IPV-00007144.

The production of these documents does not constitute an admission by IPValue concerning the scope of the claimed inventions or prior art. Discovery is ongoing and IPValue's investigation and search for documents is continuing, and IPValue will produce additional technical documents relating to the claimed inventions, IPValue development of products and technology based on the claimed inventions, and its commercialization of these inventions.

C. Patent L.R. 3-2(c) Documents

IPValue identifies the following documents as being copies of the file histories of the patents in suit:

LFMS-IPV-00000789 - LFMS-IPV-00000894; LFMS-IPV-00001716 - LFMS-IPV-00001867; LFMS-IPV-00002709 - LFMS-IPV-00003089; LFMS-IPV-00003917 - LFMS-IPV-00004130; LFMS-IPV-00004971 - LFMS-IPV-00005472; LFMS-IPV-00005596 - LFMS-IPV-00007127; LFMS-IPV-00007128 - LFMS-IPV-00007144.

D. Patent L.R. 3-2(d) Documents

IPValue identifies the following documents evidencing ownership of the patent rights:

LFMS-IPV-00000001-LFMS-IPV-00000009; LFMS-IPV-00000010-LFMS-IPV-00000066; LFMS-IPV-00000067-LFMS-IPV-00000075; LFMS-IPV-00000076-LFMS-IPV-00000136; LFMS-IPV-00000137-LFMS-IPV-00000157; LFMS-IPV-00000158-LFMS-IPV-00000182; LFMS-IPV-00000228-LFMS-IPV-00000242; LFMS-IPV-00000244-LFMS-IPV-00000259; LFMS-IPV-00000260; LFMS-IPV-00000261-LFMS-IPV-00000262; LFMS-IPV-00000263-LFMS-IPV-00000262; LFMS-IPV-00000322-

LFMS-IPV-00000327; LFMS-IPV-00000328-LFMS-IPV-00000386; LFMS-IPV-00000387-LFMS-IPV-00000392; LFMS-IPV-00000393-LFMS-IPV-00000395; LFMS-IPV-00000396-LFMS-IPV-00000399; LFMS-IPV-00000400-LFMS-IPV-00000429; LFMS-IPV-00000430-LFMS-IPV-00000435; LFMS-IPV-00000436-LFMS-IPV-00000494; LFMS-IPV-00000495-LFMS-IPV-00000498; LFMS-IPV-00000499-LFMS-IPV-00000505; LFMS-IPV-00000506-LFMS-IPV-00000508; LFMS-IPV-00000525-LFMS-IPV-00000526; LFMS-IPV-00000527-LFMS-IPV-00000528; LFMS-IPV-00000553-LFMS-IPV-00000557; LFMS-IPV-00000558-LFMS-IPV-00000563; LFMS-IPV-00000564-LFMS-IPV-00000566; LFMS-IPV-00000602-LFMS-IPV-00000604; LFMS-IPV-00000605-LFMS-IPV-00000607.

E. Patent L.R. 3-2(e) Documents

IPValue has not presently identified any instrumentalities pursuant to Patent L.R. 3-1(g). Accordingly, IPValue is not aware of any documents pursuant to Patent L.R. 3-2(e).

F. Patent L.R. 3-2(f) Documents

IPValue identifies the following agreements, including licenses, transferring an interest in any patent-in-suit:

LFMS-IPV-00000001-LFMS-IPV-00000009; LFMS-IPV-00000010-LFMS-IPV-00000066; LFMS-IPV-00000067-LFMS-IPV-00000075; LFMS-IPV-00000076-LFMS-IPV-00000136; LFMS-IPV-00000137-LFMS-IPV-00000157; LFMS-IPV-00000158-LFMS-IPV-00000182; LFMS-IPV-00000228-LFMS-IPV-00000242; LFMS-IPV-00000244-LFMS-IPV-00000259; LFMS-IPV-00000260; LFMS-IPV-00000261-LFMS-IPV-00000262; LFMS-IPV-00000263-LFMS-IPV-00000262; LFMS-IPV-00000322-LFMS-IPV-00000327; LFMS-IPV-00000328-LFMS-IPV-00000386; LFMS-IPV-00000387-LFMS-IPV-00000392; LFMS-IPV-00000393-LFMS-IPV-00000395; LFMS-IPV-00000396-LFMS-IPV-00000399; LFMS-IPV-00000400-LFMS-IPV-00000429; LFMS-IPV-00000430-LFMS-IPV-00000435; LFMS-IPV-00000436-LFMS-IPV-00000494; LFMS-IPV-00000495-LFMS-IPV-00000498; LFMS-IPV-00000499-LFMS-IPV-00000505; LFMS-IPV-00000506-LFMS-IPV-00000508; LFMS-IPV-

00000525-LFMS-IPV-00000526; LFMS-IPV-00000527-LFMS-IPV-00000528; LFMS-IPV-00000553-LFMS-IPV-00000557; LFMS-IPV-00000558-LFMS-IPV-00000563; LFMS-IPV-00000564-LFMS-IPV-00000566; LFMS-IPV-00000602-LFMS-IPV-00000604; LFMS-IPV-00000605-LFMS-IPV-00000607.

G. Patent L.R. 3-2(g) Documents

Based on the information available to it at this time, IPValue has not identified any agreement that it presently contends is comparable to a license that would result from a hypothetical reasonable royalty negotiation. The identification of such an agreement depends on expert analysis which will include information and documents not presently in IPValue's possession, custody, or control. Counterclaim Defendants have not yet filed an Answer in this case asserting defenses or counterclaims, not made any initial disclosures, produced any information or documents including as required pursuant to the Patent Local Rules or responsive to IPValue's discovery requests. Discovery is ongoing, and IPValue's investigation is continuing.

Accordingly, IPValue reserves the right to contend that any of the agreements that it has produced pursuant to Patent L.R. 3-2(h) and identified below, further agreements that it will produce, and agreements that may be produced by Counterclaim Defendants and other parties in the course of discovery are comparable to a license that would result from a hypothetical reasonable royalty negotiation.

H. Patent L.R. 3-2(h) Documents

IPValue identifies the following licenses and agreements with customers and licensees relating to the patents in suit and technology relating to the subject matter of the patents in suit:

LFMS-IPV-00000567-LFMS-IPV-00000601; LFMS-IPV-00000539-LFMS-IPV-00000552; LFMS-IPV-00000243; LFMS-IPV-00000183-LFMS-IPV-00000227.

IPValue reserves the right to use any of these agreements to support its damages case. IPValue further reserves the right to support its damages case with licenses or agreements that are not presently in its possession, custody, or control, such as its future licenses or agreements with customers and licensees; licenses or agreements in Counterclaim Defendants' possession, custody, or control; and licenses or agreements in third parties' possession, custody, or control.

I. Patent L.R. 3-2(i) Documents

IPValue has not presently identified any instrumentalities pursuant to Patent L.R. 3-1(g). Accordingly, IPValue is not aware of any documents pursuant to Patent L.R. 3-2(i).

J. P.L.R. 3-2(j) Documents

IPValue is not aware of any documents comprising or reflecting a F/RAND commitment or agreement with respect to the asserted patents pursuant to Patent L.R. 3-2(j).

DATED: September 30, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document on September 30, 2025.

/s/ Brian D. Ledahl
Brian D. Ledahl