

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

BUNKER HILL TECHNOLOGIES, LLC,

Plaintiff,

v.

TOYOTA MOTOR CORPORATION,
TOYOTA MOTOR NORTH AMERICA,
INC. and TOYOTA MOTOR SALES,
U.S.A., INC.,

Defendants.

CIVIL ACTION NO. 2:25-cv-01133-RWS

JURY TRIAL DEMANDED

**PLAINTIFF BUNKER HILL TECHNOLOGIES, LLC'S DISCLOSURE OF ASSERTED
CLAIMS AND INFRINGEMENT CONTENTIONS**

Pursuant to Local Patent Rules 3-1 and 3-2, Bunker Hill Technologies, LLC (hereinafter, "Plaintiff" or "BHT") makes the following disclosure of asserted claims and infringement contentions to Toyota Motor Corporation, Toyota Motor North America, Inc., and Toyota Motor Sales, U.S.A., Inc. (hereinafter, collectively, "Defendants" or "Toyota").

The following asserted claims and contentions are based upon BHT's good faith evaluation of information known to BHT at this time. Discovery in this case has not begun, and BHT reserves its right to supplement and/or amend these disclosures in view of information and/or documents that may be obtained during discovery, further investigation, the Court's claim construction ruling, applicable case law and authorities, and/or any other reasons permitted by the Federal Rules of Civil Procedure, by the Local Rules of the Eastern District of Texas, or by order of the Court. *See Eolas Techs. Inc. v. Amazon.com, Inc.*, No. 6:15-CV-01038, 2016 WL 7666160, at *2 (E.D. Tex. Dec. 5, 2016) ("[G]iven Plaintiff's assertion that Defendants have not produced all documents and code reflecting their server architectures, it is unreasonable to expect Plaintiff to draft ICs in great

detail . . . [C]ontentions should become more detailed with the conclusion of fact discovery and claim construction.”).

I. P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions

(a) Each claim of each patent in suit that is allegedly infringed by each opposing party.

Based on information presently available, BHT contends that the Defendants directly and/or indirectly infringe the claims identified in Exhibits A – I, (collectively, the “asserted claims”) including the following claims of the Asserted Patents:

1. Claims 16, 18 – 21, and 23 – 24 of U.S. Patent No. 8,030,884 (“the ’884 Patent”);¹
2. Claims 1 – 3, 7 – 9, and 12 – 13 of U.S. Patent No. 8,086,364 (“the ’364 Patent”);²
3. Claims 1 – 4, 8 – 11, 15 – 17, and 20 of U.S. Patent No. 8,326,467 (“the ’467 Patent”);³
4. Claims 1 – 2, 4 – 7, 9 – 11, and 15 of U.S. Patent No. 9,914,365 (“the ’365 Patent”);⁴
5. Claims 22 and 24 – 28 of U.S. Patent No. 10,291,158 (“the ’158 Patent”);⁵
6. Claims 1 – 4, 7, 9, 11 – 15, and 17 – 19 of U.S. Patent No. 10,374,529 (“the ’529 Patent”);⁶
7. Claims 1 – 2 and 6 – 12 of U.S. Patent No. 10,442,296 (“the ’296 Patent”);⁷
8. Claims 1 – 20 of U.S. Patent No. 10,549,648 (“the ’648 Patent”);⁸ and
9. Claims 1 – 2, 4 – 8, and 10 – 11 of U.S. Patent No. 11,374,508 (“the ’508 Patent”).⁹

¹ See Exhibit A, incorporated herein by reference.

² See Exhibit B, incorporated herein by reference.

³ See Exhibit C, incorporated herein by reference.

⁴ See Exhibit D, incorporated herein by reference.

⁵ See Exhibit E, incorporated herein by reference.

⁶ See Exhibit F, incorporated herein by reference.

⁷ See Exhibit G, incorporated herein by reference.

⁸ See Exhibit H, incorporated herein by reference.

⁹ See Exhibit I, incorporated herein by reference.

- (b) **Separately for each asserted claim, each accused apparatus, product, device, process, method, act, or other instrumentality (“Accused Instrumentality” or “Accused Product”) of each opposing party of which the party is aware. This identification shall be as specific as possible. Each product, device, and apparatus must be identified by name or model number, if known. Each method or process must be identified by name, if known, or by any product, device, or apparatus which, when used, allegedly results in the practice of the claimed method or process.**

The Accused Instrumentalities/Products of which BHT is aware are identified below. BHT reserves the right, in response to discovery or as otherwise permitted, to supplement its identification of Accused Instrumentalities/Products.

1. The Accused Instrumentalities/Products for U.S. Patent No. 8,030,884 include those identified in Exhibit A and any other similar products that perform and/or include the elements of the asserted claims identified in the accompanying charts.
2. The Accused Instrumentalities/Products for U.S. Patent No. 8,086,364 include those identified in Exhibit B and any other similar products that perform and/or include the elements of the asserted claims identified in the accompanying charts.
3. The Accused Instrumentalities/Products for U.S. Patent No. 8,326,467 include those identified in Exhibits C and any other similar products that perform and/or include the elements of the asserted claims identified in the accompanying charts.
4. The Accused Instrumentalities/Products for U.S. Patent No. 9,914,365 include those identified in Exhibit D and any other similar products that perform and/or include the elements of the asserted claims identified in the accompanying charts.
5. The Accused Instrumentalities/Products for U.S. Patent No. 10,291,158 include those identified in Exhibit E and any other similar products that perform and/or include the elements of the asserted claims identified in the accompanying charts.

6. The Accused Instrumentalities/Products for U.S. Patent No. 10,374,529 include those identified in Exhibit F and any other similar products that perform and/or include the elements of the asserted claims identified in the accompanying charts.
7. The Accused Instrumentalities/Products for U.S. Patent No. 10,442,296 include those identified in Exhibit G and any other similar products that perform and/or include the elements of the asserted claims identified in the accompanying charts.
8. The Accused Instrumentalities/Products for U.S. Patent No. 10,549,648 include those identified in Exhibit H and any other similar products that perform and/or include the elements of the asserted claims identified in the accompanying charts.
9. The Accused Instrumentalities/Products for U.S. Patent No. 11,374,508 include those identified in Exhibit I and any other similar products that perform and/or include the elements of the asserted claims identified in the accompanying charts.

BHT expressly reserves the right to seek leave of Court to augment and supplement these disclosures after discovery from Defendants, or as permitted under the Patent Rules. BHT expects that this disclosure may be subject to amendment or supplementation to identify and accuse additional products developed or made available after the date on which these contentions are served, or of which BHT was not aware at the time that these contentions were prepared.

- (c) **A chart identifying specifically where each element of each asserted claim is found within each Accused Instrumentality, including for each element that such party contends is governed by 35 U.S.C. § 112 (¶ 6), the identity of the structure(s), act(s), or material(s) in the Accused Instrumentality that performs the claimed function.**

Charts identifying where each element of the asserted claims is found within, or performed by, each Accused Instrumentality/Product, are included as Exhibits A – I accompanying this document. Based on publicly available information and Plaintiff's research, BHT asserts that the

Accused Instrumentalities/Products for each of the asserted patents infringe the asserted claims of the asserted patent, as identified in the accompanying charts, in the same or substantially similar manner. On information and belief, BHT contends that each of the Accused Instrumentalities/Products include the same or substantially same structures and functions as those identified for each asserted claim element in the accompanying charts. Thus, the attached claim charts are representative of the manner and theory of infringement pertaining to the Accused Instrumentalities/Products for each of the asserted patents. *See Juxtacomm Techs., Inc. v. Ascential Software Corp.*, 548 F. Supp. 2d 379, 381 (E.D. Tex. 2008) (“this Court has allowed plaintiffs to use a single chart applicable to multiple products where separate charts would be identical for each product . . . Juxtacomm contends iWay Service Manager infringes only to the extent that it utilizes iWay DataMigrator. Accordingly, Juxtacomm may use one chart to accuse both products”).

The attached claim charts are based on publicly available information currently accessible to BHT as discovery has yet to begin. Specifically, BHT believes that evidence of infringement will be found in Defendants’ source code, technical documents, specifications, schematics, or other proprietary information, which has not yet been produced. Accordingly, BHT reserves the right to amend its list of Accused Instrumentalities/Products or charts after obtaining relevant discovery from Defendants (including, but not limited to access to Defendants’ source code disclosures, technical documents, and other proprietary information), or as permitted by the Court, the Patent Rules, or the Federal Rules of Civil Procedure.

BHT has not determined whether any claim element is governed by 35 U.S.C. § 112 ¶6 and, thus, does not currently contend that any claim element is governed by 35 U.S.C. § 112 ¶6. BHT will supplement or amend its contentions to the extent it or the Court concludes that a claim element should be governed by 35 U.S.C. § 112 ¶6.

(d) Whether each element of each asserted claim is claimed to be literally present or present under the doctrine of equivalents in the Accused Instrumentality.

Except as identified in Exhibits A – I and based on its current understanding of the claim language and publicly available information pertaining to the Accused Instrumentalities/Products, and without notice of any claim construction or non-infringement position from Defendants, BHT currently contends that each element of each asserted claim is literally present. Further, as the Court has not construed any claim term, it is not yet clear whether BHT will rely on the doctrine of equivalents. Accordingly, BHT reserves the right to amend its infringement contentions as necessary. However, any claim element not literally present in the Accused Instrumentalities/Products, as set forth in the attached claim charts, is satisfied under the doctrine of equivalents because any difference between such claim element and the accused element is insubstantial. In other words, the accused element performs substantially the same function, in substantially the same way to achieve substantially the same result as the corresponding claim element(s).

BHT reserves the right to augment and supplement its disclosure concerning the doctrine of equivalents based upon additional information obtained through discovery or based upon the Court's claim construction.

(e) For any patent that claims priority to an earlier application, the priority date to which each asserted claim allegedly is entitled.

Each asserted claim in each of the Asserted Patents is entitled to a priority date no later than the filing date of the earliest application to which it claims priority. BHT currently believes the asserted claims have the following priority dates based on the filing of applications to which the asserted patents claim priority:

1. The asserted claims of the '884 Patent are entitled to a priority date no later than August 31, 2009.
2. The asserted claims of the '364 Patent are entitled to a priority date no later than March 11, 2009.
3. The asserted claims of the '467 Patent are entitled to a priority date no later than September 6, 2011.
4. The asserted claims of the '365 Patent are entitled to a priority date no later than December 18, 2009.
5. The asserted claims of the '158 Patent are entitled to a priority date no later than December 2, 2012.
6. The asserted claims of the '529 Patent are entitled to a priority date no later than December 2, 2012.
7. The asserted claims of the '296 Patent are entitled to a priority date no later than January 30, 2014.
8. The asserted claims of the '648 Patent are entitled to a priority date no later than January 30, 2014.
9. The asserted claims of the '508 Patent are entitled to a priority date no later than December 2, 2012.

BHT believes that each asserted patent may be entitled to a priority date several months, and possibly up to a year, earlier than the date identified above based on the inventors' efforts to reduce the claimed inventions to practice. BHT reserves the right to amend its list of priority dates as additional information becomes available, such as in response to discovery from third parties (including the original assignees of the asserted patents).

- (f) **If a party claiming patent infringement wishes to preserve the right to rely, for any purpose, on the assertion that its own apparatus, product, device, process, method, act, or other instrumentality practices the claimed invention, the party must identify, separately for each asserted claim, each such apparatus, product, device, process, method, act, or other instrumentality that incorporates or reflects that particular claim.**

BHT does not assert that its own apparatus, product, device, process, method, act, or other instrumentality practices the claimed inventions.

II. P.R. 3-2 Document Production Accompanying Disclosure

- (a) **Documents (e.g., contracts, purchase orders, invoices, advertisements, marketing materials, offer letters, beta site testing agreements, and third party or joint development agreements) sufficient to evidence each discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, the claimed invention prior to the date of application for the patent in suit. A party's production of a document as required herein shall not constitute an admission that such document evidences or is prior art under 35 U.S.C. §102.**

BHT is not aware at this time of any non-privileged documents in its possession, custody, or control that evidence discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, the claimed inventions prior to the date of application for the Asserted Patents.

- (b) **All 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.**

BHT is not presently aware of any non-privileged documents that evidence conception, reduction to practice, design, or development of the claimed inventions that were created on or before the above referenced dates for the Asserted Patents. However, BHT believes that documents responsive to P.R. 3-2(b) may be in the possession of the named inventors for the Asserted Patents and/or prior assignees of the Asserted Patents. In the event that discovery from any such party leads to documents that evidence conception, reduction to practice, design, and development of

any claimed invention that were created on or before the date of application for the Asserted Patents, BHT reserves the right to claim such date.

(c) A copy of the file history for each patent in suit.

A copy of the file histories for the Asserted Patents are produced herewith and bear production numbers as follows: BHT_0000001 – BHT_0004143.

Dated: May 26, 2026

Respectfully submitted,

/s/ Patrick J. Conroy

Patrick J. Conroy

Texas Bar No. 24012448

Ryan P. Griffin

Texas Bar No. 24053687

T. William Kennedy Jr.

Texas Bar No. 24055771

Jonathan H. Rastegar

Texas Bar No. 24064043

Nathan L. Levenson

Texas Bar No. 24097992

Brandon G. Moore

Texas Bar No. 24082372

**NELSON BUMGARDNER CONROY
PC**

2727 N. Harwood St., Suite 250

Dallas, TX 75201

pat@nelbum.com

ryan@nelbum.com

bill@nelbum.com

jon@nelbum.com

nathan@nelbum.com

brandon@nelbum.com

**Attorneys for Plaintiff Bunker Hill
Technologies, LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on Defendants through its counsel via electronic mail on May 26, 2026.

/s/ Patrick J. Conroy