IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

LEON STAMBLER, Plaintiff, v. MASTERCARD INCORPORATED (d/b/a MASTERCARD WORLDWIDE) and MASTERCARD INTERNATIONAL INCORPORATED, Defendants.	§ § § § § § § § § § §	CIVIL ACTION NO. 14-60830 **JURY TRIAL DEMANDED**

DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS

Pursuant to the Court's May 15, 2014 Patent Pretrial Order, Plaintiff makes the following Disclosure of Asserted Claims and Infringement Contentions:

I. DISCLOSURES

(a) Asserted Claims: [Each claim of each patent in suit that is allegedly infringed by each opposing party, including for each claim the applicable statutory subsections of 35 U.S.C. § 271 asserted]

Based on information presently available to him, Plaintiff contends that Defendants MasterCard Incorporated (d/b/a MasterCard Worldwide) and MasterCard International Incorporated (collectively, "Defendant") directly infringe at least Claims 51, 53, 55 and 56 of United States Patent No. 5,793,302 ("the '302 patent") under 35 U.S.C. § 271(a).

Plaintiff expressly reserves the right to seek leave of Court to augment and supplement these disclosures after discovery from Defendant, or as permitted under the Patent Pretrial Order.

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(b) Accused Instrumentalities: [Separately for each asserted claim, each accused apparatus, product, device, process, method, act, or other instrumentality ("Accused Instrumentality") 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]

Plaintiff contends that the following Accused Instrumentalities infringe the Asserted Claims of the '302 patent as represented in the Claim Chart accompanying this document:

- **MasterCard Clearing and Settlement Systems:** Defendant owns, operates, and/or offers systems for clearing and settling payment card transactions.

Plaintiff reserves the right to seek leave of Court to augment and supplement this disclosure after discovery from Defendant, or as permitted under the Patent Pretrial Order. Anticipated discovery includes, but is not limited to, Defendant's disclosure of specifications, source code, software, schematics, and the like regarding its clearing and settlement systems. Many aspects of Defendant's systems and services are not publicly available, and as such, Plaintiff will supplement this disclosure, as needed, after obtaining relevant discovery from Defendant.

(c) Claim Charts: [A chart identifying specifically where each limitation of each asserted claim is found within each Accused Instrumentality, including for each limitation 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]

A Chart identifying where each element of the Asserted Claims is found within the Accused Instrumentalities is attached as Exhibit 1 to this document. Plaintiff reserves the right to seek leave of Court to augment and supplement this disclosure after discovery from Defendant, or as permitted under the Patent Pretrial Order.

(d) Indirect Infringement: [For each claim which is alleged to have been indirectly infringed, an identification of any direct infringement and a description of the acts of the alleged indirect infringer that contribute to or are inducing that direct infringement. Insofar as alleged direct infringement is based on joint acts of multiple parties, the role of each such party in the direct infringement must be described]

At this time, Plaintiff does not assert indirect infringement against Defendant. Plaintiff reserves the right to seek leave of Court to augment and supplement this disclosure after discovery from Defendant, or as permitted under the Patent Pretrial Order.

(e) Literally Present: [Whether each limitation of each asserted claim is alleged to be literally present or present under the doctrine of equivalents in the Accused Instrumentality]

Plaintiff contends and believes that all limitations of the Asserted Claims are literally present in the Accused Instrumentalities. To the extent that Defendant asserts that certain, specific elements of the Asserted Claims are not literally met by Defendant's methods and products, or that such elements are, in fact, found to not be literally present, then Plaintiff contends that any differences between the subject elements and the Accused Instrumentalities (or disputed parts thereof) are insubstantial; thus, the Accused Instrumentalities would infringe under the doctrine of equivalents.

Plaintiff reserves the right to seek leave of Court to augment and supplement this disclosure after discovery from Defendant, after claim construction by the Court, or as permitted under the Patent Pretrial Order.

(f) Priority Date of Asserted Claims: [For any patent that claims priority to an earlier application, the priority date to which each asserted claim allegedly is entitled]

The Asserted Claims of the '302 patent are entitled to a priority date at least as early as November 17, 1992.

(g) Plaintiff's Embodiment of the Claimed Invention: [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 shall identify, separately for each asserted claim, each such apparatus, product, device, process, method, act, or other instrumentality that incorporates or reflects that particular claim]

Plaintiff hereby identifies a software application created by Plaintiff that may practice or embody some or all of the limitations of certain Asserted Claims. Source code for the software application will be produced once an appropriate protective order has been entered in this case. For purposes of this case, Plaintiff does not contend that the software application practices the claimed invention of any Asserted Claim. Plaintiff may, however, rely on the software application as evidence of Stambler's conception and reduction to practice of the claimed inventions.

(h) Willful Infringement: [If a party claiming patent infringement alleges willful infringement, the basis for such allegation]

At this time, Plaintiff does not allege willful infringement by Defendant. Plaintiff reserves the right to seek leave of Court to augment and supplement this disclosure after discovery from Defendant, or as permitted under the Patent Pretrial Order.

Dated: May 29, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on the subject Defendants through their counsel of record on this the 29th day of May, 2014 via electronic mail and overnight courier.

/s/ Edward R. Nelson, III

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