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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DOLBY LABORATORIES, INC.,  
*Plaintiff / Counterclaim-Defendant,*  
v.  
INTERTRUST TECHNOLOGIES  
CORPORATION,  
*Defendant / Counterclaim-Plaintiff*

Case No. 3:19-CV-03371-EMC

**INTERTRUST'S DISCLOSURE OF  
ASSERTED CLAIMS & INFRINGEMENT  
CONTENTIONS PURSUANT TO  
PATENT LOCAL RULES 3-1 & 3-2**

Pursuant to Patent Local Rules 3-1 and 3-2, Counterclaim-Plaintiff Intertrust Technologies Corporation ("Intertrust") hereby serves its Disclosure of Asserted Claims and Infringement Contentions and accompanying document production to Dolby Laboratories, Inc. ("Dolby") with respect to U.S. Patent No. 6,157,721 ("the '721 Patent"), U.S. Patent No. 6,640,304 ("the '304 Patent"), U.S. Patent No. 6,785,815 ("the '815 Patent"), U.S. Patent No. 7,340,602 ("the '602 Patent"), U.S. Patent No. 7,406,603 ("the '603 Patent"), U.S. Patent No. 7,694,342 ("the '342 Patent"), U.S. Patent No. 8,191,157 ("the '157 Patent"), U.S. Patent No. 8,191,158 ("the '158 Patent"), U.S. Patent No. 8,931,106 ("the '106 Patent"), and U.S. Patent No. 9,569,627 ("the '627 Patent") (collectively, the "Asserted Patents").

Case No. 3:19-CV-03371-EMC

INTERTRUST'S PATENT LOCAL RULE 3-1 & 3-2 DISCLOSURES

[REDACTED]

Discovery in this matter has just begun and Intertrust's investigation is ongoing. These disclosures are therefore based on the information Intertrust has obtained to date, and Intertrust's present understanding of the meaning and scope of the claims in the Asserted Patents. Intertrust reserves the right to supplement and/or amend these disclosures based on additional information ascertained through discovery and/or further investigation, after the Court has construed the claims of the Asserted Patents, or as otherwise permitted under the Patent Local Rules.<sup>1</sup>

**I. DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS**

**(a) Patent Local Rule 3-1(a) — Asserted Claims**

Dolby is liable for infringement of at least the following claims (collectively, the "Asserted Claims") of the Asserted Patents under 35 U.S.C. § 271:

- Claims 5, 9, and 29 of the '721 Patent under 35 U.S.C. § 271(a);
- Claim 24 of the '304 Patent under 35 U.S.C. § 271(a);
- Claims 42 and 43 of the '815 Patent under 35 U.S.C. § 271(a)-(c);
- Claims 25 and 26 of the '602 Patent under 35 U.S.C. § 271(a)-(c);
- Claims 1 and 2 of the '603 Patent under 35 U.S.C. § 271(a)-(c);
- Claims 1, 7, 8, and 12 of the '342 Patent under 35 U.S.C. § 271(a)-(c);
- Claims 53, 54, 56, 57, 58, 59, 60, 64, 65, 66, 69, 70, 71, 72, 73, 74, 75, 80, 81, 84, 86, 87, 88, 89, 90, 95, 96, and 99 of the '157 Patent under 35 U.S.C. § 271(a);
- Claim 4 of the '158 Patent under 35 U.S.C. § 271(a);
- Claim 17 of the '106 Patent under 35 U.S.C. § 271(a)-(c); and
- Claims 1, 4, 5, 6, 7, and 8 of the '627 Patent under 35 U.S.C. § 271(a)-(c).

This disclosure of Asserted Claims is based on the publicly available information currently known to Intertrust. Intertrust reserves the right to supplement and/or amend its disclosures to

<sup>1</sup> Intertrust has gone beyond the disclosure requirements required by Patent Local Rules 3-1 and 3-2 by, among other things, providing citations to evidence in these disclosures. These additional disclosures are exemplary and made for the benefit of Dolby. Intertrust in no way confines its disclosures to any specific citations of evidence and explicitly reserves the right to rely on additional or different evidence as the case moves forward through fact discovery, expert discovery, and trial. Any omission of any other specific citation to evidence does not constitute a waiver of Intertrust's right to rely on such evidence at a later date.

identify additional claims infringed by Dolby that are revealed based on information ascertained through discovery and/or further investigation, after the Court has construed the claims of the Asserted Patents, or as otherwise permitted under the Patent Local Rules.

**(b) Patent Local Rule 3-1(b) — Accused Instrumentalities**

Based on the information it has obtained to date and its present understanding of the meaning and scope of the claims in the Asserted Patents, Intertrust contends that the Accused Instrumentalities for each of the Asserted Claims include Dolby/Doremi products and other equipment compliant with the Digital Cinema Initiatives, LLC ("DCI") Digital Cinema System Specification (the "DCI Specification"),<sup>2</sup> Dolby's manufacture, testing, and use of the Dolby/Doremi DCI-compliant products and equipment, and Dolby's and others' construction and use of DCI-compliant Digital Cinema systems comprising the Dolby/Doremi DCI-compliant products, as described for each of the Asserted Claims in the claim charts attached as Exhibits 1-10 (collectively, the "Accused Instrumentalities").

Dolby's and others' DCI-compliant Digital Cinema systems comprising the Dolby/Doremi DCI-compliant products may also include other equipment, including but not limited to equipment certified as compliant with the DCI Specification. A list of DCI-compliant equipment is available at [https://www.dcmovies.com/compliant\\_equipment/](https://www.dcmovies.com/compliant_equipment/). Discovery will reveal the specific configurations of equipment employed in Dolby's and others' DCI-compliant Digital Cinema systems comprising the Dolby/Doremi DCI-compliant products.

This disclosure of Accused Instrumentalities is based on the publicly available information currently known to Intertrust. Intertrust reserves the right to supplement and/or amend its disclosures to identify additional Accused Instrumentalities that are revealed based on information

<sup>2</sup> According to DCI (*see* [https://www.dcmovies.com/compliant\\_equipment/](https://www.dcmovies.com/compliant_equipment/)), and as alleged by Dolby (*see* Dkt. No. 61-3 at ¶26), the Dolby/Doremi DCI-compliant products include the Dolby Digital Cinema Server: DSS200; Dolby Cat. No. 745 Integrated Media Block; Dolby Digital Cinema Server: DSP100/DSS100; Dolby Integrated Media Block: IMS2000; Dolby Integrated Media Block: IMS3000 (CID1002); Doremi Cinema Integrated Media Block ShowVault; Doremi Digital Cinema Server DCP-2000; and Doremi: Integrated Media Block IMS1000. This list of Dolby and Doremi products is based on publicly available information and may not be exhaustive. Discovery may reveal additional Dolby and Doremi DCI-compliant products and/or other equipment that is used by Dolby in its infringement of the Asserted Patents.

ascertained through discovery and/or further investigation, after the Court has construed the claims of the Asserted Patents, or as otherwise permitted under the Patent Local Rules.

**(c) Patent Local Rule 3-1(c) — Claim Charts for the Accused Instrumentalities**

Claim charts identifying specifically where and how each limitation of each of the Asserted Claims is found within each Accused Instrumentality are attached as Exhibits 1-10. Documents cited in the claim charts and others associated therewith have been produced under the following Bates Numbers: INTRU-D00083805 – INTRU-D00087189.

These claim charts are based on the publicly available information currently known to Intertrust and contain illustrative (not exhaustive) examples of presently-known infringement. Intertrust reserves the right to supplement and/or amend the claim charts based on information ascertained through discovery and/or further investigation, after the Court has construed the claims of the Asserted Patents, or as otherwise permitted under the Patent Local Rules.

**(d) Patent Local Rule 3-1(d) — Indirect Infringement**

Intertrust's claims of indirect infringement of the '815 Patent, the '602 Patent, the '603 Patent, the '342 Patent, the '106 Patent, and the '627 Patent are set forth in Intertrust's Answer and Counterclaims in response to Dolby's Second Amended Complaint. *See* Dkt. No. 63. Based on the information it has obtained to date and its present understanding of the meaning and scope of the claims in the Asserted Patents, Intertrust contends that exhibitors such as AMC, Cinemark, and Regal, other Dolby customers/partners, and employees thereof directly infringe each of the Asserted Claims of these patents using Dolby/Doremi DCI-compliant products, as described in the claim charts attached as Exhibits 3-6 and 9-10; and that Dolby is liable for inducing such infringement under 35 U.S.C. § 271(b) and contributing to such infringement under 35 U.S.C. § 271(c), as set forth below with respect to each such patent. As further discussed in Intertrust's Patent Local Rule 3-1(i) disclosure below, Dolby has had actual knowledge of both Intertrust's rights in the Asserted Patents and details of Dolby's infringement of the Asserted Patents since well before Intertrust filed its infringement counterclaims on December 11, 2019, yet Dolby has continued to engage in infringing acts of inducement and contribution.

[REDACTED]

1        This disclosure regarding indirect infringement is based on the publicly available  
2 information currently known to Intertrust. Intertrust reserves the right to supplement and/or  
3 amend its disclosures to identify additional direct infringement and to describe additional acts of  
4 inducement and/or contribution that are revealed based on information ascertained through  
5 discovery and/or further investigation, after the Court has construed the claims of the Asserted  
6 Patents, or as otherwise permitted under the Patent Local Rules.

7        The '815 Patent: Dolby's customers/partners and their employees directly infringe the  
8 Asserted Claims of the '815 Patent through their use of DCI-compliant Digital Cinema systems  
9 comprising Dolby/Doremi DCI-compliant products to show DCI-compliant content (and, as part  
10 of that, perform actions such as validating Composition Playlists ("CPLs") and processing essence  
11 integrity pack data) in the manner described in the claim chart attached as Exhibit 3.

12        Dolby actively and knowingly induces others' direct infringement under 35 U.S.C.  
13 § 271(b). For example, Dolby supplies its customers/partners with Dolby/Doremi DCI-compliant  
14 products and security components thereof that are specifically intended to be used in DCI-  
15 compliant Digital Cinema systems to show DCI-compliant content (and, as part of that, perform  
16 actions such as validating CPLs and processing essence integrity pack data) in accordance with the  
17 DCI Specification. Dolby also actively encourages and facilitates its customers/partners and their  
18 employees through advertising/publications, technical support, and other means to install and use  
19 the Dolby/Doremi DCI-compliant products to show DCI-compliant content (and, as part of that,  
20 perform actions such as validating CPLs and processing essence integrity pack data) in accordance  
21 with the DCI Specification. *See, e.g.,* Dkt. No. 61-3 at ¶32; INTRU-D00085202 – INTRU-  
22 D00087189. When Dolby's customers/partners and their employees use the Dolby/Doremi DCI-  
23 compliant products to show DCI-compliant content (and, as part of that, perform actions such as  
24 validating CPLs and processing essence integrity pack data) in accordance with the DCI  
25 Specification, as Dolby specifically intends and induces them to do, Dolby knows that they  
26 infringe the Asserted Claims of the '815 Patent in the manner described in the claim chart attached  
27 as Exhibit 3.

28

[REDACTED]

1       Dolby also contributes to others' direct infringement under 35 U.S.C. § 271(c). Dolby  
2 knows that the Dolby/Doremi DCI-compliant products and security components thereof are used  
3 in infringing DCI-compliant Digital Cinema systems and are especially made and/or adapted for  
4 use in infringement of the Asserted Claims of the '815 Patent in the manner described in the claim  
5 chart attached as Exhibit 3 when they are used to show DCI-compliant content (and, as part of  
6 that, perform actions such as validating CPLs and processing essence integrity pack data) in  
7 accordance with the DCI Specification. The Dolby/Doremi products and security components  
8 thereof are not staple articles or commodities of commerce suitable for substantial non-infringing  
9 use—indeed, their only substantial use is to show DCI-compliant content (and, as part of that,  
10 perform actions such as validating CPLs and processing essence integrity pack data) in an  
11 infringing manner—and they are a material part of the inventions of the Asserted Claims of the  
12 '815 Patent because they implement aspects of the claimed security functionality. Moreover, the  
13 Dolby/Doremi products contain infringing security components, such as hardware and/or software  
14 corresponding to the Security Entities and Secure Processing Blocks described in Chapter 9 of the  
15 DCI Specification involved in secure playback functionality (*see, e.g.*, INTRU-D00084119 –  
16 INRU-D00084186), that are separable from the DCI-compliant products, material to practicing the  
17 Asserted Claims of the '815 Patent by implementing aspects of the claimed security functionality,  
18 and have no substantial non-infringing use.

19       The '602 Patent: Dolby's customers/partners and their employees directly infringe the  
20 Asserted Claims of the '602 Patent through their use of DCI-compliant Digital Cinema systems  
21 comprising Dolby/Doremi DCI-compliant products to show DCI-compliant content (and, as part  
22 of that, perform actions such as generating log records and reports of associated activity) in the  
23 manner described in the claim chart attached as Exhibit 4.

24       Dolby actively and knowingly induces others' direct infringement under 35 U.S.C.  
25 § 271(b). For example, Dolby supplies its customers/partners with Dolby/Doremi DCI-compliant  
26 products and security components thereof that are specifically intended to be used in DCI-  
27 compliant Digital Cinema systems to show DCI-compliant content (and, as part of that, perform  
28 actions such as generating log records and reports of associated activity) in accordance with the

[REDACTED]

1 DCI Specification. Dolby also actively encourages and facilitates its customers/partners and their  
2 employees through advertising/publications, technical support, and other means to install and use  
3 the Dolby/Doremi DCI-compliant products to show DCI-compliant content (and, as part of that,  
4 perform actions such as generating log records and reports of associated activity) in accordance  
5 with the DCI Specification. *See, e.g.*, Dkt. No. 61-3 at ¶32; INTRU-D00085202 – INTRU-  
6 D00087189. When Dolby's customers/partners and their employees use the Dolby/Doremi DCI-  
7 compliant products to show DCI-compliant content (and, as part of that, perform actions such as  
8 generating log records and reports of associated activity) in accordance with the DCI  
9 Specification, as Dolby specifically intends and induces them to do, Dolby knows that they  
10 infringe the Asserted Claims of the '602 Patent in the manner described in the claim chart attached  
11 as Exhibit 4.

12         Dolby also contributes to others' direct infringement under 35 U.S.C. § 271(c). Dolby  
13 knows that the Dolby/Doremi DCI-compliant products and security components thereof are used  
14 in infringing DCI-compliant Digital Cinema systems and are especially made and/or adapted for  
15 use in infringement of the Asserted Claims of the '602 Patent in the manner described in the claim  
16 chart attached as Exhibit 4 when they are used to show DCI-compliant content (and, as part of  
17 that, perform actions such as generating log records and reports of associated activity) in  
18 accordance with the DCI Specification. The Dolby/Doremi products and security components  
19 thereof are not staple articles or commodities of commerce suitable for substantial non-infringing  
20 use—indeed, their only substantial use is to show DCI-compliant content (and, as part of that,  
21 perform actions such as generating log records and reports of associated activity) in an infringing  
22 manner—and they are a material part of the inventions of the Asserted Claims of the '602 Patent  
23 because they implement aspects of the claimed security functionality. Moreover, the  
24 Dolby/Doremi products contain infringing security components, such as hardware and/or software  
25 corresponding to the Security Entities and Secure Processing Blocks described in Chapter 9 of the  
26 DCI Specification involved in logging functionality (*see, e.g.*, INTRU-D00084119 – INRU-  
27 D00084186), that are separable from the DCI-compliant products, material to practicing the  
28



[REDACTED]

1 Asserted Claims of the '602 Patent by implementing aspects of the claimed security functionality,  
2 and have no substantial non-infringing use.

3       The '603 Patent: Dolby's customers/partners and their employees directly infringe the  
4 Asserted Claims of the '603 Patent through their use of DCI-compliant Digital Cinema systems  
5 comprising Dolby/Doremi DCI-compliant products to show DCI-compliant content (and, as part  
6 of that, perform actions such as monitoring to protect against access to the content by  
7 untrusted/compromised equipment) in the manner described in the claim chart attached as Exhibit  
8 5.

9       Dolby actively and knowingly induces others' direct infringement under 35 U.S.C.  
10 § 271(b). For example, Dolby supplies its customers/partners with Dolby/Doremi DCI-compliant  
11 products and security components thereof that are specifically intended to be used in DCI-  
12 compliant Digital Cinema systems to show DCI-compliant content (and, as part of that, perform  
13 actions such as monitoring to protect against access to the content by untrusted/compromised  
14 equipment) in accordance with the DCI Specification. Dolby also actively encourages and  
15 facilitates its customers/partners and their employees through advertising/publications, technical  
16 support, and other means to install and use the Dolby/Doremi DCI-compliant products to show  
17 DCI-compliant content (and, as part of that, perform actions such as monitoring to protect against  
18 access to the content by untrusted/compromised equipment) in accordance with the DCI  
19 Specification. *See, e.g.,* Dkt. No. 61-3 at ¶32; INTRU-D00085202 – INTRU-D00087189. When  
20 Dolby's customers/partners and their employees use the Dolby/Doremi DCI-compliant products to  
21 show DCI-compliant content (and, as part of that, perform actions such as monitoring to protect  
22 against access to the content by untrusted/compromised equipment) in accordance with the DCI  
23 Specification, as Dolby specifically intends and induces them to do, Dolby knows that they  
24 infringe the Asserted Claims of the '603 Patent in the manner described in the claim chart attached  
25 as Exhibit 5.

26       Dolby also contributes to others' direct infringement under 35 U.S.C. § 271(c). Dolby  
27 knows that the Dolby/Doremi DCI-compliant products and security components thereof are used  
28 in infringing DCI-compliant Digital Cinema systems and are especially made and/or adapted for



[REDACTED]

1 use in infringement of the Asserted Claims of the '603 Patent in the manner described in the claim  
2 chart attached as Exhibit 5 when they are used to show DCI-compliant content (and, as part of  
3 that, perform actions such as monitoring to protect against access to the content by  
4 untrusted/compromised equipment) in accordance with the DCI Specification. The Dolby/Doremi  
5 products and security components thereof are not staple articles or commodities of commerce  
6 suitable for substantial non-infringing use—indeed, their only substantial use is to show DCI-  
7 compliant content (and, as part of that, perform actions such as monitoring to protect against  
8 access to the content by untrusted/compromised equipment) in an infringing manner—and they are  
9 a material part of the inventions of the Asserted Claims of the '603 Patent because they implement  
10 aspects of the claimed security functionality. Moreover, the Dolby/Doremi products contain  
11 infringing security components, such as hardware and/or software corresponding to the Security  
12 Entities and Secure Processing Blocks described in Chapter 9 of the DCI Specification involved in  
13 secure playback functionality (*see, e.g.*, INTRU-D00084119 – INRU-D00084186), that are  
14 separable from the DCI-compliant products, material to practicing the Asserted Claims of the '603  
15 Patent by implementing aspects of the claimed security functionality, and have no substantial non-  
16 infringing use.

17       The '342 Patent: Dolby's customers/partners and their employees directly infringe the  
18 Asserted Claims of the '342 Patent through their use of DCI-compliant Digital Cinema systems  
19 comprising Dolby/Doremi DCI-compliant products to show DCI-compliant content (and, as part  
20 of that, perform actions such as examining Key Delivery Message ("KDM") data and determining  
21 whether the content may be rendered by firmware/software with an associated Digital Cinema  
22 Certificate) in the manner described in the claim chart attached as Exhibit 6.

23       Dolby actively and knowingly induces others' direct infringement under 35 U.S.C.  
24 § 271(b). For example, Dolby supplies its customers/partners with Dolby/Doremi DCI-compliant  
25 products and security components thereof that are specifically intended to be used in DCI-  
26 compliant Digital Cinema systems to show DCI-compliant content (and, as part of that, perform  
27 actions such as examining KDM data and determining whether the content may be rendered by  
28 firmware/software with an associated Digital Cinema Certificate) in accordance with the DCI

[REDACTED]

1 Specification. Dolby also actively encourages and facilitates its customers/partners and their  
2 employees through advertising/publications, technical support, and other means to install and use  
3 the Dolby/Doremi DCI-compliant products to show DCI-compliant content (and, as part of that,  
4 perform actions such as examining KDM data and determining whether the content may be  
5 rendered by firmware/software with an associated Digital Cinema Certificate) in accordance with  
6 the DCI Specification. *See, e.g.*, Dkt. No. 61-3 at ¶32; INTRU-D00085202 – INTRU-D00087189.  
7 When Dolby's customers/partners and their employees use the Dolby/Doremi DCI-compliant  
8 products to show DCI-compliant content (and, as part of that, perform actions such as examining  
9 KDM data and determining whether the content may be rendered by firmware/software with an  
10 associated Digital Cinema Certificate) in accordance with the DCI Specification, as Dolby  
11 specifically intends and induces them to do, Dolby knows that they infringe the Asserted Claims  
12 of the '342 Patent in the manner described in the claim chart attached as Exhibit 6.

13         Dolby also contributes to others' direct infringement under 35 U.S.C. § 271(c). Dolby  
14 knows that the Dolby/Doremi DCI-compliant products and security components thereof are used  
15 in infringing DCI-compliant Digital Cinema systems and are especially made and/or adapted for  
16 use in infringement of the Asserted Claims of the '342 Patent in the manner described in the claim  
17 chart attached as Exhibit 6 when they are used to show DCI-compliant content (and, as part of  
18 that, perform actions such as examining KDM data and determining whether the content may be  
19 rendered by firmware/software with an associated Digital Cinema Certificate) in accordance with  
20 the DCI Specification. The Dolby/Doremi products and security components thereof are not  
21 staple articles or commodities of commerce suitable for substantial non-infringing use—indeed,  
22 their only substantial use is to show DCI-compliant content (and, as part of that, perform actions  
23 such as examining KDM data and determining whether the content may be rendered by  
24 firmware/software with an associated Digital Cinema Certificate) in an infringing manner—and  
25 they are a material part of the inventions of the Asserted Claims of the '342 Patent because they  
26 implement aspects of the claimed security functionality. Moreover, the Dolby/Doremi products  
27 contain infringing security components, such as hardware and/or software corresponding to the  
28 Security Entities and Secure Processing Blocks described in Chapter 9 of the DCI Specification

[REDACTED]

involved in secure playback functionality (*see, e.g.*, INTRU-D00084119 – INRU-D00084186), that are separable from the DCI-compliant products, material to practicing the Asserted Claims of the '342 Patent by implementing aspects of the claimed security functionality, and have no substantial non-infringing use.

The '106 Patent: Dolby's customers/partners and their employees directly infringe the Asserted Claims of the '106 Patent through their use of DCI-compliant Digital Cinema systems comprising Dolby/Doremi DCI-compliant products to show DCI-compliant content (and, as part of that, perform actions such as determining whether applicable KDM conditions for playback are satisfied and executing content-rendering software/firmware associated with a Digital Cinema Certificate) in the manner described in the claim chart attached as Exhibit 9.

Dolby actively and knowingly induces others' direct infringement under 35 U.S.C. § 271(b). For example, Dolby supplies its customers/partners with Dolby/Doremi DCI-compliant products and security components thereof that are specifically intended to be used in DCI-compliant Digital Cinema systems to show DCI-compliant content (and, as part of that, perform actions such as determining whether applicable KDM conditions for playback are satisfied and executing content-rendering software/firmware associated with a Digital Cinema Certificate) in accordance with the DCI Specification. Dolby also actively encourages and facilitates its customers/partners and their employees through advertising/publications, technical support, and other means to install and use the Dolby/Doremi DCI-compliant products to show DCI-compliant content (and, as part of that, perform actions such as determining whether applicable KDM conditions for playback are satisfied and executing content-rendering software/firmware associated with a Digital Cinema Certificate) in accordance with the DCI Specification. *See, e.g.*, Dkt. No. 61-3 at ¶32; INTRU-D00085202 – INTRU-D00087189. When Dolby's customers/partners and their employees use the Dolby/Doremi DCI-compliant products to show DCI-compliant content (and, as part of that, perform actions such as determining whether applicable KDM conditions for playback are satisfied and executing content-rendering software/firmware associated with a Digital Cinema Certificate) in accordance with the DCI Specification, as Dolby specifically intends and induces them to do, Dolby knows that they

[REDACTED]

1 infringe the Asserted Claims of the '106 Patent in the manner described in the claim chart attached  
2 as Exhibit 9.

3       Dolby also contributes to others' direct infringement under 35 U.S.C. § 271(c). Dolby  
4 knows that the Dolby/Doremi DCI-compliant products and security components thereof are used  
5 in infringing DCI-compliant Digital Cinema systems and are especially made and/or adapted for  
6 use in infringement of the Asserted Claims of the '106 Patent in the manner described in the claim  
7 chart attached as Exhibit 9 when they are used to show DCI-compliant content (and, as part of  
8 that, perform actions such as determining whether applicable KDM conditions for playback are  
9 satisfied and executing content-rendering software/firmware associated with a Digital Cinema  
10 Certificate) in accordance with the DCI Specification. The Dolby/Doremi products and security  
11 components thereof are not staple articles or commodities of commerce suitable for substantial  
12 non-infringing use—indeed, their only substantial use is to show DCI-compliant content (and, as  
13 part of that, perform actions such as determining whether applicable KDM conditions for playback  
14 are satisfied and executing content-rendering software/firmware associated with a Digital Cinema  
15 Certificate) in an infringing manner—and they are a material part of the inventions of the Asserted  
16 Claims of the '106 Patent because they implement aspects of the claimed security functionality.  
17 Moreover, the Dolby/Doremi products contain infringing security components, such as hardware  
18 and/or software corresponding to the Security Entities and Secure Processing Blocks described in  
19 Chapter 9 of the DCI Specification involved in secure playback functionality (*see, e.g.*, INTRU-  
20 D00084119 – INRU-D00084186), that are separable from the DCI-compliant products, material to  
21 practicing the Asserted Claims of the '106 Patent by implementing aspects of the claimed security  
22 functionality, and have no substantial non-infringing use.

23       The '627 Patent: Dolby's customers/partners and their employees directly infringe the  
24 Asserted Claims of the '627 Patent through their use of DCI-compliant Digital Cinema systems  
25 comprising Dolby/Doremi DCI-compliant products to show DCI-compliant content (and, as part  
26 of that, perform actions such as extracting a content key from a KDM for use in decrypting an  
27 encrypted track file) in the manner described in the claim chart attached as Exhibit 10.

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[REDACTED]

Dolby actively and knowingly induces others' direct infringement under 35 U.S.C. § 271(b). For example, Dolby supplies its customers/partners with Dolby/Doremi DCI-compliant products and security components thereof that are specifically intended to be used in DCI-compliant Digital Cinema systems to show DCI-compliant content (and, as part of that, perform actions such as extracting a content key from a KDM for use in decrypting an encrypted track file) in accordance with the DCI Specification. Dolby also actively encourages and facilitates its customers/partners and their employees through advertising/publications, technical support, and other means to install and use the Dolby/Doremi DCI-compliant products to show DCI-compliant content (and, as part of that, perform actions such as extracting a content key from a KDM for use in decrypting an encrypted track file) in accordance with the DCI Specification. *See, e.g.*, Dkt. No. 61-3 at ¶32; INTRU-D00085202 – INTRU-D00087189. When Dolby's customers/partners and their employees use the Dolby/Doremi DCI-compliant products to show DCI-compliant content (and, as part of that, perform actions such as extracting a content key from a KDM for use in decrypting an encrypted track file) in accordance with the DCI Specification, as Dolby specifically intends and induces them to do, Dolby knows that they infringe the Asserted Claims of the '627 Patent in the manner described in the claim chart attached as Exhibit 10.

Dolby also contributes to others' direct infringement under 35 U.S.C. § 271(c). Dolby knows that the Dolby/Doremi DCI-compliant products and security components thereof are used in infringing DCI-compliant Digital Cinema systems and are especially made and/or adapted for use in infringement of the Asserted Claims of the '627 Patent in the manner described in the claim chart attached as Exhibit 10 when they are used to show DCI-compliant content (and, as part of that, perform actions such as extracting a content key from a KDM for use in decrypting an encrypted track file) in accordance with the DCI Specification. The Dolby/Doremi products and security components thereof are not staple articles or commodities of commerce suitable for substantial non-infringing use—indeed, their only substantial use is to show DCI-compliant content (and, as part of that, perform actions such as extracting a content key from a KDM for use in decrypting an encrypted track file) in an infringing manner—and they are a material part of the inventions of the Asserted Claims of the '627 Patent because they implement aspects of the

claimed security functionality. Moreover, the Dolby/Doremi products contain infringing security components, such as hardware and/or software corresponding to the Security Entities and Secure Processing Blocks described in Chapter 9 of the DCI Specification involved in secure playback functionality (*see, e.g.*, INTRU-D00084119 – INRU-D00084186), that are separable from the DCI-compliant products, material to practicing the Asserted Claims of the '627 Patent by implementing aspects of the claimed security functionality, and have no substantial non-infringing use.

**(e) Patent Local Rule 3-1(e) — Literal Infringement and Doctrine of Equivalents**

Based on its present understanding of the meaning and scope of the claim language and the publicly available information currently known to it, and without meaningful notice of any non-infringement position from Dolby, Intertrust asserts that each limitation of each of the Asserted Claims is literally present in the Accused Instrumentalities. To the extent discovery, further investigation, claim construction and/or other rulings reveal that a limitation is not literally present, or as otherwise permitted under the Patent Local Rules, Intertrust reserves the right to supplement and/or amend its infringement contentions to assert the doctrine of equivalents.

**(f) Patent Local Rule 3-1(f) — Priority Dates**

Based on its present understanding of the meaning and scope of the claim language and the information that is currently known to it, Intertrust identifies the following conception and filing priority dates for the Asserted Claims:

- The Asserted Claims of the '721 Patent are entitled to a filing priority date of no later than August 12, 1996;
- The Asserted Claims of the '304 Patent have a conception date of no later than April 24, 1994, and are entitled to a filing priority date of no later than February 13, 1995;
- The Asserted Claims of the '815 Patent are entitled to a filing priority date of no later than June 8, 1999;
- The Asserted Claims of the '602 Patent are entitled to a filing priority date of no later than December 14, 1999;

- The Asserted Claims of the '603 Patent are entitled to a filing priority date of no later than August 31, 1999;
- The Asserted Claims of the '342 Patent are entitled to a filing priority date of no later than June 9, 2000;
- The Asserted Claims of the '157 Patent have a conception date of no later than April 24, 1994, and are entitled to a filing priority date of no later than February 13, 1995;
- The Asserted Claims of the '158 Patent have a conception date of no later than April 24, 1994, and are entitled to a filing priority date of no later than February 13, 1995;
- The Asserted Claims of the '106 Patent are entitled to a filing priority date of no later than June 9, 2000; and
- The Asserted Claims of the '627 Patent are entitled to a filing priority date of no later than June 4, 2000.

Intertrust reserves the right to assert earlier conception and/or filing priority dates than those identified above based on information ascertained through discovery and/or further investigation, after the Court has construed the claims of the Asserted Patents, or as otherwise permitted under the Patent Local Rules.

**(g) Patent Local Rule 3-1(g) — Intertrust Instrumentalities**

Intertrust is not presently relying on any assertion that its own or its licensees' apparatus, product, device, process, method, act, or other instrumentality practices the claimed inventions.

**(h) Patent Local Rule 3-1(h) — First Infringement**

Intertrust does not currently possess the information necessary to identify the timing of the point of first infringement, the start of claimed damages, and the end of claimed damages. Intertrust will seek that information through discovery from Dolby and others. On information and belief, and based on the information it has obtained to date, Intertrust provides the following preliminary identification: Dolby's infringement of the Asserted Patents commenced at least by the time Dolby or Doremi first began to make and test products or equipment compliant with the DCI Specification, and Dolby's infringement has continued since, including to the present day for those



patents that have not yet expired. To the extent permitted by law, Intertrust claims damages from the point of first infringement by Dolby or Doremi through at least the present day.

Intertrust reserves the right to supplement and/or amend its disclosures to specifically identify the timing of the point of first infringement, the start of claimed damages, and the end of claimed damages, once the information necessary for such identification is ascertained through discovery and/or further investigation, or as otherwise permitted under the Patent Local Rules.

**(i) Patent Local Rule 3-1(i) — Willful Infringement**

Intertrust's claims of willful infringement of the '815 Patent, the '602 Patent, the '603 Patent, the '342 Patent, the '106 Patent, and the '627 Patent are set forth in Intertrust's Answer and Counterclaims in response to Dolby's Second Amended Complaint. *See* Dkt. No. 63. Dolby has knowingly, intentionally, and deliberately made use of Intertrust's foundational innovations for protecting and controlling the use of high-value digital content such as feature films when they are distributed to exhibitors such as commercial movie theaters, despite knowing that Intertrust's patents cover those innovations. Dolby's willful infringement continues to the present day.

Dolby has had actual knowledge of Intertrust's rights in the Asserted Patents and details of Dolby's infringement of the Asserted Patents since well before Intertrust filed its infringement counterclaims on December 11, 2019. Intertrust directly brought Dolby's infringement of the Asserted Patents to Dolby's attention at least by October of 2018 and, on information and belief, others including Dolby's customers had brought the Asserted Patents and details of Dolby's infringement to Dolby's attention even before then. *See, e.g.*, Dkt. No. 61-3 at ¶ 27. Intertrust provided Dolby with detailed mappings of certain claims of the Asserted Patents, and also identified a number of Dolby's competitors and other relevant technology companies as licensees to Intertrust's patents. On information and belief, Dolby was separately aware that Intertrust previously brought suits asserting Asserted Patents and related patents against Apple (*see, e.g.*, Dkt. No. 61-3 at ¶ 33) and against Microsoft, and that Microsoft agreed to license Intertrust's patents for \$440 million. However, despite Dolby's knowledge of the Asserted Patents and details of its infringement, and of the fact that a number of its competitors have licensed Intertrust's

patents, Dolby chose to willfully infringe Intertrust's patents rather than obtain a license, and Dolby continues its willful infringement to this day.

Intertrust's groundbreaking technologies enshrined in the Asserted Patents are fundamental to Dolby's Digital Cinema business, and they have enabled Dolby and others, including the studios and the exhibitors, to profit immensely through sales revenue and cost savings achieved through the conversion of exhibitors' theaters to a system for secure distribution and exhibition of digital cinema. Dolby knows that Intertrust's patented technologies are central to the ability of Dolby's DCI-compliant products to comply with the security requirements of the DCI Specification, and that making, testing, and using those products as a part of DCI-compliant Digital Cinema systems infringes Intertrust's patents. Despite that knowledge, Dolby continues to willfully infringe Intertrust's patents, as described in the claim charts attached as Exhibits 3-6 and 9-10, by designing and making DCI-compliant products with the specific intent that those products comply with the security requirements of the DCI specification, testing those products to verify DCI compliance, using those products as a part of DCI-compliant Digital Cinema systems, representing to its customers/partners that those products are DCI-compliant, and actively encouraging and facilitating its customers/partners and their employees through advertising/publications, technical support, and other means to install and use those products as a part of DCI-compliant Digital Cinema systems, all with willful disregard for Intertrust's rights. *See, e.g.*, Dkt. No. 61-3 at ¶32; INTRU-D00085202 – INTRU-D00087189. Absent Dolby's use of Intertrust's patented technology, movie studios would not entrust exhibitors to show the studios' valuable films using Dolby's DCI-compliant products, and exhibitors would not buy those products, dramatically affecting the profitability of Dolby's Digital Cinema business. Yet Dolby refuses to obtain a license.

This disclosure regarding willful infringement is based on the publicly available information currently known to Intertrust. Intertrust reserves the right to supplement and/or amend its disclosures to set forth additional bases for willful infringement based on additional information ascertained through discovery and/or further investigation, or as otherwise permitted under the Patent Local Rules.

**[REDACTED]**

**II. DOCUMENT PRODUCTION ACCOMPANYING DISCLOSURES**

**(a) Patent Local Rule 3-2(a) — Prior Disclosure**

Documents corresponding to Patent Local Rule 3-2(a) have been produced under the following Bates Numbers: INTRU-D00000001 – INTRU-D00035383. Pursuant to Patent Local Rule 2-2, this production includes documents designated as "CONFIDENTIAL," "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY," or "HIGHLY CONFIDENTIAL – SOURCE CODE" under the Northern District of California Patent Local Rule 2-2 Interim Model Protective Order. Intertrust makes this production subject to, and without waiving the applicability of, any relevant sections of any future Protective Order and/or ESI Order entered in this case.

**(b) Patent Local Rule 3-2(b) — Conception and Reduction to Practice**

Documents corresponding to Patent Local Rule 3-2(b) have been produced under the following Bates Numbers: INTRU-D00000001 – INTRU-D00083759. Pursuant to Patent Local Rule 2-2, this production includes documents designated as "CONFIDENTIAL," "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY," or "HIGHLY CONFIDENTIAL – SOURCE CODE" under the Northern District of California Patent Local Rule 2-2 Interim Model Protective Order. Intertrust makes this production subject to, and without waiving the applicability of, any relevant sections of any future Protective Order and/or ESI Order entered in this case. As discovery has just begun and Intertrust's search for documents is ongoing, Intertrust reserves the right to supplement this production as more information is ascertained during discovery and/or further investigation.

**(c) Patent Local Rule 3-2(c) — File History**

Documents corresponding to Patent Local Rule 3-2(c) have been produced under the following Bates Numbers: INTRU-D00069077 – INTRU-D00083759 and INTRU-D00035384 – INTRU-D00038392.

**(d) Patent Local Rule 3-2(d) — Ownership**

Documents corresponding to Patent Local Rule 3-2(d) have been produced under the following Bates Numbers: INTRU-D00083763 – INTRU-D00083804. As discovery has just

[REDACTED]

1 begun and Intertrust's search for documents is ongoing, Intertrust reserves the right to supplement  
2 this production as more information is ascertained during discovery and/or further investigation.

3 **(e) Patent Local Rule 3-2(e) — Intertrust Instrumentalities**

4 Intertrust is not presently relying on any assertion that its own or its licensees' apparatus,  
5 product, device, process, method, act, or other instrumentality practices the claimed inventions.

6 **(f) Patent Local Rule 3-2(f) — Agreements Transferring an Interest**

7 Documents corresponding to Patent Local Rule 3-2(f) have been produced under the  
8 following Bates Numbers: INTRU-D00087190 – INTRU-D00087305, INTRU-D00087313 -  
9 INTRU-D00087349, INTRU-D00087364 - INTRU-D00087471, INTRU-D00087474 – INTRU-  
10 D00087496, INTRU-D00087507 – INTRU-D00087812, INTRU-D00088147 – INTRU-  
11 D00088174. Pursuant to Patent Local Rule 2-2, this production includes documents designated as  
12 "CONFIDENTIAL," "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY," or  
13 "HIGHLY CONFIDENTIAL – SOURCE CODE" under the Northern District of California Patent  
14 Local Rule 2-2 Interim Model Protective Order. Intertrust makes this production subject to, and  
15 without waiving the applicability of, any relevant sections of any future Protective Order and/or  
16 ESI Order entered in this case. Intertrust possesses additional documents corresponding to Patent  
17 Local Rule 3-2(f) that Intertrust will produce after obtaining necessary consent from third parties  
18 or pursuant to Section 11(b) of the Northern District of California Patent Local Rule 2-2 Interim  
19 Model Protective Order. Such documents include [REDACTED]

20 [REDACTED]  
21 [REDACTED]  
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23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]  
26 [REDACTED]  
27 [REDACTED]  
28 [REDACTED]

[REDACTED]

1 [REDACTED] As discovery has just begun and  
2 Intertrust's search for documents is ongoing, Intertrust reserves the right to supplement this  
3 production as more information is ascertained during discovery and/or further investigation.

4 **(g) Patent Local Rule 3-2(g) — Comparable Agreements**

5 Documents corresponding to Patent Local Rule 3-2(g) have been produced under the  
6 following Bates Numbers: INTRU-D00087190 – INTRU-D00087305, INTRU-D00087313 -  
7 INTRU-D00087349, INTRU-D00087364 - INTRU-D00087471, INTRU-D00087474 – INTRU-  
8 D00087496, INTRU-D00087507 – INTRU-D00087812, INTRU-D00088147 – INTRU-  
9 D00088174. Pursuant to Patent Local Rule 2-2, this production includes documents designated as  
10 "CONFIDENTIAL," "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY," or  
11 "HIGHLY CONFIDENTIAL – SOURCE CODE" under the Northern District of California Patent  
12 Local Rule 2-2 Interim Model Protective Order. Intertrust makes this production subject to, and  
13 without waiving the applicability of, any relevant sections of any future Protective Order and/or  
14 ESI Order entered in this case. Intertrust possesses additional documents corresponding to Patent  
15 Local Rule 3-2(g) that Intertrust will produce after obtaining necessary consent from third parties  
16 or pursuant to Section 11(b) of the Northern District of California Patent Local Rule 2-2 Interim  
17 Model Protective Order. Such documents include [REDACTED]

18 [REDACTED]  
19 [REDACTED]  
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22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]  
26 [REDACTED]  
27 [REDACTED] By producing and identifying  
28 these documents, Intertrust does not take any position or make any contention or admission

regarding the comparability or relevance of any other license to the hypothetical license construct for purposes of assessing damages for Dolby's infringement of the Asserted Patents. As discovery has just begun and Intertrust's search for documents is ongoing, Intertrust reserves the right to supplement this production as more information is ascertained during discovery and/or further investigation.

**(h) Patent Local Rule 3-2(h) — Agreements Supporting Damages Case**

Documents corresponding to Patent Local Rule 3-2(h) have been produced under the following Bates Numbers: INTRU-D00087190 – INTRU-D00087305, INTRU-D00087313 – INTRU-D00087349, INTRU-D00087364 – INTRU-D00087471, INTRU-D00087474 – INTRU-D00087496, INTRU-D00087507 – INTRU-D00087812, INTRU-D00088147 – INTRU-D00088174. Pursuant to Patent Local Rule 2-2, this production includes documents designated as "CONFIDENTIAL," "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY," or "HIGHLY CONFIDENTIAL – SOURCE CODE" under the Northern District of California Patent Local Rule 2-2 Interim Model Protective Order. Intertrust makes this production subject to, and without waiving the applicability of, any relevant sections of any future Protective Order and/or ESI Order entered in this case. Intertrust possesses additional documents corresponding to Patent Local Rule 3-2(h) that Intertrust will produce after obtaining necessary consent from third parties or pursuant to Section 11(b) of the Northern District of California Patent Local Rule 2-2 Interim Model Protective Order. Such documents include

[REDACTED]

[REDACTED]

1 [REDACTED] By producing and identifying  
2 these documents, Intertrust does not take any position or make any contention or admission  
3 regarding the comparability or relevance of any other license to the hypothetical license construct  
4 for purposes of assessing damages for Dolby's infringement of the Asserted Patents. As discovery  
5 has just begun and Intertrust's search for documents is ongoing, Intertrust reserves the right to  
6 supplement this production as more information is ascertained during discovery and/or further  
7 investigation.

8 **(i) Patent Local Rule 3-2(i) — Marking**

9 Intertrust is not presently relying on any assertion that its own or its licensees' apparatus,  
10 product, device, process, method, act, or other instrumentality practices the claimed inventions.

11 **(j) Patent Local Rule 3-2(j) — F/RAND Agreements**

12 Intertrust has not participated in DCI and has not made any FRAND or other IPR  
13 commitment regarding the use of any Intertrust patents or technology in compliance with or  
14 implementation of any of the DCI standards or specifications, and is therefore not in possession of  
15 or aware of any discoverable documents responsive to PLR 3-2(j). While Intertrust has no  
16 responsive and discoverable documents relevant to any IPR commitments of any technology or  
17 patents relevant to any of the standards or specifications potentially relevant to this case, Intertrust  
18 is producing documents at INTRU-D00087821 - INTRU-D00088146, relevant to Intertrust's IPR  
19 statements regarding certain standards or specifications of the following Standard Setting  
20 Organizations: HbbTV, Marlin Trust Management Organization (MTMO), Open Mobile Alliance  
21 Ltd. (OMA), and UHD Alliance, Inc.



1 DATED: February 27, 2020

Respectfully submitted,

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3 By: /s/ Tigran Guledjian

Harold A. Barza

4 Tigran Guledjian

5 Valerie S. Roddy

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7 *Attorneys for Intertrust Technologies Corp.*  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served by email on February 27, 2020 on counsel of record for Dolby.

Dated: February 27, 2020                      /s/ Richard H. Doss  
Richard H. Doss