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BROADCOM CORPORATION and AVAGO
TECHNOLOGIES INTERNATIONAL SALES PTE.
LIMITED.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**BROADCOM CORPORATION AND AVAGO
TECHNOLOGIES INTERNATIONAL SALES PTE.
LIMITED,**

Plaintiffs,

v.

NETFLIX, INC.,

Defendant.

Case No. 3:20-cv-04677-JD

**PLAINTIFFS' PATENT LOCAL RULE 3-1 AND
3-2 DISCLOSURES**

1 **Patent Local Rule 3-1 Disclosures**

2 **A. Patent Local Rule 3-1(a)**

3 Netflix infringes the following claims of the patents-in-suit under 35 U.S.C. § 271(a).

4 **1. U.S. Patent No. 7,266,079**

5 Claim Nos. 1, 4, 5, 6, 17, 38, 41, 42, 43, 54.

6 **2. U.S. Patent No. 8,259,121**

7 Claim Nos. 1, 2, 3, 4, 33, 35, 36.

8 **3. U.S. Patent No. 8,959,245**

9 Claim Nos. 1, 3, 6.

10 **4. U.S. Patent No. 8,270,992**

11 Claim Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.

12 **5. U.S. Patent No. 6,341,375**

13 Claim Nos. 15, 18, 19.

14 **6. U.S. Patent No. 8,572,138**

15 Claim Nos. 1, 4, 8, 9, 10, 11, 12, 14, 15, 16, 17, 19, 22, 23, 24, 25, 26.

16 **7. U.S. Patent No. 6,744,387**

17 Claim Nos. 3, 4, 5, 6.

18 **8. U.S. Patent No. 6,982,663**

19 Claim Nos. 12, 13, 14, 15, 16, 18, 19, 20.

20 **9. U.S. Patent No. 9,322,283**

21 Claim Nos. 1, 2, 3, 5, 6, 8, 9, 10, 13, 14, 16, 17, 18, 20.

22 **10. U.S. Patent No. 8,548,976**

23 Claim Nos. 1, 2, 5, 7, 9, 14, 15, 18, 20, 22, 27.

24 **11. U.S. Patent No. 7,457,722**

25 Claim Nos. 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 22.

1 **12. U.S. Patent No. 8,365,183**

2 Claim Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.

3 **B. Patent Local Rule 3-1(b)**

4 **1. U.S. Patent No. 7,266,079**

5 As described in more detail in the attached chart, Exhibit 1, Plaintiffs assert that Netflix's
6 Content Delivery Network ("CDN") infringes the '079 Patent. Netflix's CDN is sometimes
7 known as "Open Connect" and comprises a number of network elements, including Open
8 Connect Appliances ("OCAs"). The accused functionality within Netflix's CDN is implemented
9 in a combination of software and hardware elements. Plaintiffs reserve the right to refine the
10 identification of infringing instrumentalities as discovery proceeds and Netflix provides its
11 mandatory disclosures under P.R. 3-4.
12

13 **2. U.S. Patent No. 8,259,121**

14 As described in more detail in the attached chart, Exhibit 2, Plaintiffs assert that Netflix's
15 CDN infringes the '121 Patent. Netflix's CDN is sometimes known as "Open Connect" and
16 comprises a number of network elements, including OCAs. The accused functionality within
17 Netflix's CDN is implemented in a combination of software and hardware elements. Plaintiffs
18 reserve the right to refine the identification of infringing instrumentalities as discovery proceeds
19 and Netflix provides its mandatory disclosures under P.R. 3-4.
20

21 **3. U.S. Patent No. 8,959,245**

22 As described in more detail in the attached chart, Exhibit 3, Plaintiffs assert that the
23 processes performed using Netflix's CDN infringe the '245 Patent. Netflix's CDN is sometimes
24 known as "Open Connect" and comprises a number of network elements, including OCAs. The
25 accused functionality within Netflix's CDN is implemented in a combination of software and
26 hardware elements. Plaintiffs reserve the right to refine the identification of infringing
27 hardware elements. Plaintiffs reserve the right to refine the identification of infringing
28

1 instrumentalities as discovery proceeds and Netflix provides its mandatory disclosures under
2 P.R. 3-4.

3 **4. U.S. Patent No. 8,270,992**

4 As described in more detail in the attached chart, Exhibit 4, Plaintiffs assert that Netflix's
5 CDN infringes the '992 Patent. Netflix's CDN is sometimes known as "Open Connect" and
6 comprises a number of network elements, including OCAs. The accused functionality within
7 Netflix's CDN is implemented in a combination of software and hardware elements. Plaintiffs
8 reserve the right to refine the identification of infringing instrumentalities as discovery proceeds
9 and Netflix provides its mandatory disclosures under P.R. 3-4.

11 **5. U.S. Patent No. 6,341,375**

12 As described in more detail in the attached chart, Exhibit 5, Plaintiffs assert that the
13 processes performed using Netflix's CDN infringe the '375 Patent. Netflix's CDN is sometimes
14 known as "Open Connect" and comprises a number of network elements, including OCAs. The
15 accused functionality within Netflix's CDN is implemented in a combination of software and
16 hardware elements. Plaintiffs reserve the right to refine the identification of infringing
17 instrumentalities as discovery proceeds and Netflix provides its mandatory disclosures under
18 P.R. 3-4.

20 **6. U.S. Patent No. 8,572,138**

21 As described in more detail in the attached chart, Exhibit 6, Plaintiffs assert that Netflix's
22 cloud-based distributed computing systems, which rely on the Titus/Fenzo architecture and
23 microservices, and which Netflix uses to power various aspects of Netflix's business, such as
24 video streaming, recommendations, machine learning, big data, content encoding, studio
25 technology, internal engineering tools, and other Netflix workloads infringe the asserted claims
26 of the '138 Patent. The accused functionality within the accused Netflix systems is implemented
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1 in a combination of software and hardware elements. Plaintiffs reserve the right to update and
2 refine the identification of infringing instrumentalities as discovery proceeds and Netflix
3 provides its mandatory disclosures under P.R. 3-4.

4 **7. U.S. Patent No. 6,744,387**

5 As described in more detail in the attached chart, Exhibit 7, Plaintiffs assert that Netflix's
6 video encoding pipeline, and the systems associated therewith, infringes the asserted claims of
7 the '387 Patent. Netflix's video encoding pipeline provides for video encoding according to the
8 H.264 and H.265 Recommendations. The accused functionality within Netflix's video encoding
9 pipeline is implemented in a combination of software and hardware elements. Plaintiffs reserve
10 the right to update and refine the identification of infringing instrumentalities as discovery
11 proceeds and Netflix provides its mandatory disclosures under P.R. 3-4.

12 **8. U.S. Patent No. 6,982,663**

13 As described in more detail in the attached chart, Exhibit 8, Plaintiffs assert that Netflix's
14 video encoding pipeline, and the systems associated therewith, infringes the asserted claims of
15 the '663 Patent. Netflix's video encoding pipeline provides for video encoding according to the
16 H.264 and H.265 Recommendations. The accused functionality within Netflix's video encoding
17 pipeline is implemented in a combination of software and hardware elements. Plaintiffs reserve
18 the right to update and refine the identification of infringing instrumentalities as discovery
19 proceeds and Netflix provides its mandatory disclosures under P.R. 3-4.

20 **9. U.S. Patent No. 9,322,283**

21 As described in more detail in the attached chart, Exhibit 9, Plaintiffs assert that Netflix's
22 video encoding pipeline, and the systems associated therewith, infringes the asserted claims of
23 the '283 Patent. Netflix's video encoding pipeline provides for video encoding according to the
24 H.265 Recommendation. The accused functionality within Netflix's video encoding pipeline is
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1 implemented in a combination of software and hardware elements. Plaintiffs reserve the right to
2 update and refine the identification of infringing instrumentalities as discovery proceeds and
3 Netflix provides its mandatory disclosures under P.R. 3-4.

4 **10. U.S. Patent No. 8,548,976**

5 As described in more detail in the attached chart, Exhibit 10, Plaintiffs assert that Netflix's
6 cloud-based distributed computing systems, which rely on the Titus/Fenzo/Eureka architecture
7 and microservices, and which Netflix uses to power various aspects of Netflix's business, such as
8 video streaming, recommendations, machine learning, big data, content encoding, studio
9 technology, internal engineering tools, and other Netflix workloads infringe the asserted claims
10 of the '976 Patent. The accused functionality within the accused Netflix systems is implemented
11 in a combination of software and hardware elements. Plaintiffs reserve the right to update and
12 refine the identification of infringing instrumentalities as discovery proceeds and Netflix
13 provides its mandatory disclosures under P.R. 3-4.

14 **11. U.S. Patent No. 7,457,722**

15 As described in more detail in the attached chart, Exhibit 11, Plaintiffs assert that Netflix's
16 cloud-based distributed computing systems, which rely on the Titus/Fenzo/Atlas architecture and
17 microservices, and which Netflix uses to power various aspects of Netflix's business, such as
18 video streaming, recommendations, machine learning, big data, content encoding, studio
19 technology, internal engineering tools, and other Netflix workloads infringe the asserted claims
20 of the '722 Patent. The accused functionality within the accused Netflix systems is implemented
21 in a combination of software and hardware elements. Plaintiffs reserve the right to update and
22 refine the identification of infringing instrumentalities as discovery proceeds and Netflix
23 provides its mandatory disclosures under P.R. 3-4.

1 **12. U.S. Patent No. 8,365,183**

2 As described in more detail in the attached chart, Exhibit 12, Plaintiffs assert that Netflix's
3 cloud-based distributed computing systems, which rely on the Titus/Fenzo architecture, and
4 which Netflix uses to power various aspects of Netflix's business, such as video streaming,
5 recommendations, machine learning, big data, content encoding, studio technology, internal
6 engineering tools, and other Netflix workloads infringe the asserted claims of the '183 Patent.
7 The accused functionality within the accused Netflix systems is implemented in a combination of
8 software and hardware elements. Plaintiffs reserve the right to update and refine the
9 identification of infringing instrumentalities as discovery proceeds and Netflix provides its
10 mandatory disclosures under P.R. 3-4.

11 **C. Patent Local Rule 3-1(c)**

12 **1. U.S. Patent No. 7,266,079**

13 The chart attached as Exhibit 1 identifies (i) where and how each limitation of each asserted
14 claim of the '079 Patent is found within each Accused Instrumentality; and (ii) limitations that
15 are governed by 35 U.S.C. § 112(6) and the identity of the structures, acts, or materials in the
16 Accused Instrumentality that perform the claimed function.

17 **2. U.S. Patent No. 8,259,121**

18 The chart attached as Exhibit 2 identifies (i) where and how each limitation of each asserted
19 claim of the '121 Patent is found within each Accused Instrumentality; and (ii) limitations that
20 are governed by 35 U.S.C. § 112(6); and the identity of the structures, acts, or materials in the
21 Accused Instrumentality that perform the claimed function.

22 **3. U.S. Patent No. 8,959,245**

23 The chart attached as Exhibit 3 identifies (i) where and how each limitation of each asserted
24 claim of the '245 Patent is found within each Accused Instrumentality; and (ii) limitations that
25

1 are governed by 35 U.S.C. § 112(6); and the identity of the structures, acts, or materials in the
2 Accused Instrumentality that perform the claimed function.

3 **4. U.S. Patent No. 8,270,992**

4 The chart attached as Exhibit 4 identifies (i) where and how each limitation of each asserted
5 claim of the '992 Patent is found within each Accused Instrumentality; and (ii) limitations that
6 are governed by 35 U.S.C. § 112(6); and the identity of the structures, acts, or materials in the
7 Accused Instrumentality that perform the claimed function.
8

9 **5. U.S. Patent No. 6,341,375**

10 The chart attached as Exhibit 5 identifies (i) where and how each limitation of each asserted
11 claim of the '375 Patent is found within each Accused Instrumentality; and (ii) limitations that
12 are governed by 35 U.S.C. § 112(6); and the identity of the structures, acts, or materials in the
13 Accused Instrumentality that perform the claimed function.
14

15 **6. U.S. Patent No. 8,572,138**

16 The chart attached as Exhibit 6 identifies (i) where and how each limitation of each asserted
17 claim of the '138 Patent is found within each Accused Instrumentality; and (ii) limitations that
18 are governed by 35 U.S.C. § 112(6); and the identity of the structures, acts, or materials in the
19 Accused Instrumentality that perform the claimed function.
20

21 **7. U.S. Patent No. 6,744,387**

22 The chart attached as Exhibit 7 identifies (i) where and how each limitation of each asserted
23 claim of the '387 Patent is found within each Accused Instrumentality; and (ii) limitations that
24 are governed by 35 U.S.C. § 112(6); and the identity of the structures, acts, or materials in the
25 Accused Instrumentality that perform the claimed function.
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1 **8. U.S. Patent No. 6,982,663**

2 The chart attached as Exhibit 8 identifies (i) where and how each limitation of each asserted
3 claim of the '663 Patent is found within each Accused Instrumentality; and (ii) limitations that
4 are governed by 35 U.S.C. § 112(6); and the identity of the structures, acts, or materials in the
5 Accused Instrumentality that perform the claimed function.
6

7 **9. U.S. Patent No. 9,322,283**

8 The chart attached as Exhibit 9 identifies (i) where and how each limitation of each asserted
9 claim of the '283 Patent is found within each Accused Instrumentality; and (ii) limitations that
10 are governed by 35 U.S.C. § 112(6); and the identity of the structures, acts, or materials in the
11 Accused Instrumentality that perform the claimed function.
12

13 **10. U.S. Patent No. 8,548,976**

14 The chart attached as Exhibit 10 identifies (i) where and how each limitation of each asserted
15 claim of the '976 Patent is found within each Accused Instrumentality; and (ii) limitations that
16 are governed by 35 U.S.C. § 112(6); and the identity of the structures, acts, or materials in the
17 Accused Instrumentality that perform the claimed function.
18

19 **11. U.S. Patent No. 7,457,722**

20 The chart attached as Exhibit 11 identifies (i) where and how each limitation of each asserted
21 claim of the '722 Patent is found within each Accused Instrumentality; and (ii) limitations that
22 are governed by 35 U.S.C. § 112(6); and the identity of the structures, acts, or materials in the
23 Accused Instrumentality that perform the claimed function.
24

25 **12. U.S. Patent No. 8,365,183**

26 The chart attached as Exhibit 12 identifies (i) where and how each limitation of each asserted
27 claim of the '183 Patent is found within each Accused Instrumentality; and (ii) limitations that
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1 are governed by 35 U.S.C. § 112(6); and the identity of the structures, acts, or materials in the
2 Accused Instrumentality that perform the claimed function.

3 **D. Patent Local Rule 3-1(d)**

4 **1. U.S. Patent No. 7,266,079**

5 At the current time, Plaintiffs assert that Netflix directly infringes the asserted claims of the
6 '079 Patent. Plaintiffs reserve the right to amend this assertion should discovery reveal the
7 presence of others involved in the direct infringement of the asserted claims.
8

9 **2. U.S. Patent No. 8,259,121**

10 At the current time, Plaintiffs assert that Netflix directly infringes the asserted claims of the
11 '121 Patent. Plaintiffs reserve the right to amend this assertion should discovery reveal the
12 presence of others involved in the direct infringement of the asserted claims.
13

14 **3. U.S. Patent No. 8,959,245**

15 At the current time, Plaintiffs assert that Netflix directly infringes the asserted claims of the
16 '245 Patent. Plaintiffs reserve the right to amend this assertion should discovery reveal the
17 presence of others involved in the direct infringement of the asserted claims.
18

19 **4. U.S. Patent No. 8,270,992**

20 At the current time, Plaintiffs assert that Netflix directly infringes the asserted claims of the
21 '992 Patent. Plaintiffs reserve the right to amend this assertion should discovery reveal the
22 presence of others involved in the direct infringement of the asserted claims.
23

24 **5. U.S. Patent No. 6,341,375**

25 At the current time, Plaintiffs assert that Netflix directly infringed the asserted claims of the
26 '375 Patent. Plaintiffs reserve the right to amend this assertion should discovery reveal the
27 presence of others involved in the direct infringement of the asserted claims.
28

1 **6. U.S. Patent No. 8,572,138**

2 At the current time, Plaintiffs assert that Netflix directly infringes the asserted claims of the
3 '138 Patent. Plaintiffs reserve the right to amend this assertion should discovery reveal the
4 presence of others involved in the direct infringement of the asserted claims.

5 **7. U.S. Patent No. 6,744,387**

6 At the current time, Plaintiffs assert that Netflix directly infringes the asserted claims of the
7 '387 Patent. Plaintiffs reserve the right to amend this assertion should discovery reveal the
8 presence of others involved in the direct infringement of the asserted claims.

10 **8. U.S. Patent No. 6,982,663**

11 At the current time, Plaintiffs assert that Netflix directly infringes the asserted claims of the
12 '663 Patent. Plaintiffs reserve the right to amend this assertion should discovery reveal the
13 presence of others involved in the direct infringement of the asserted claims.

14 **9. U.S. Patent No. 9,322,283**

15 At the current time, Plaintiffs assert that Netflix directly infringes the asserted claims of the
16 '283 Patent. Plaintiffs reserve the right to amend this assertion should discovery reveal the
17 presence of others involved in the direct infringement of the asserted claims.

19 **10. U.S. Patent No. 8,548,976**

20 At the current time, Plaintiffs assert that Netflix directly infringes the asserted claims of the
21 '976 Patent. Plaintiffs reserve the right to amend this assertion should discovery reveal the
22 presence of others involved in the direct infringement of the asserted claims.

24 **11. U.S. Patent No. 7,457,722**

25 At the current time, Plaintiffs assert that Netflix directly infringes the asserted claims of the
26 '722 Patent. Plaintiffs reserve the right to amend this assertion should discovery reveal the
27 presence of others involved in the direct infringement of the asserted claims.

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1 **12. U.S. Patent No. 8,365,183**

2 At the current time, Plaintiffs assert that Netflix directly infringes the asserted claims of the
3 '183 Patent. Plaintiffs reserve the right to amend this assertion should discovery reveal the
4 presence of others involved in the direct infringement of the asserted claims.

5 **E. Patent Local Rule 3-1(e)**

6 Each limitation of each asserted claim is literally present in the Accused Instrumentality.
7 Limitations of the asserted claims that are also present under the doctrine of equivalents are
8 identified in the claim charts attached as Exhibits 1–12. At this time, Plaintiffs contend that each
9 of the Accused Instrumentalities literally infringes the Asserted Claims as set forth in Exhibits 1-
10 12, unless otherwise specifically stated. In the event Netflix contends that any element of any
11 claim is not literally present in the respective accused products, Plaintiffs reserve the right to
12 assert infringement under the doctrine of equivalents, and will show that any structure that does
13 appear, or the method step performed, is an equivalent structure or step that performs
14 substantially the same function, in substantially the same way, to achieve substantially the same
15 result.
16 result.

17 As explained in more detail in Exhibit 7, Plaintiffs also allege, in the alternative, that claim
18 elements 4.b., 4.d., 6.b., and 6.d. of U.S. Patent No. 6,744,387 are present under the doctrine of
19 equivalents.
20 equivalents.

21 **F. Patent Local Rule 3-1(f)**

22 **1. U.S. Patent No. 7,266,079**

23 All of the asserted claims of the '079 Patent are entitled to a priority date of September 18,
24 2000, based on Provisional Application No. 60/233,388.
25 2000, based on Provisional Application No. 60/233,388.

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1 **2. U.S. Patent No. 8,259,121**

2 All of the asserted claims of the '121 Patent are entitled to a priority date of October 22,
3 2002, based on Provisional Application No. 60/420,151.

4 **3. U.S. Patent No. 8,270,992**

5 All of the asserted claims of the '992 Patent are entitled to a priority date of September 22,
6 2003, based on Provisional Application No. 60/504,876. The '992 Patent claims are entitled to
7 claim priority to Application No. 12/464,255 (now U.S. Patent No. 7,983,689), which is a
8 continuation of Application No. 11/689,995 (now U.S. Patent No. 7,532,893), which is a
9 continuation of Application No. 10/875,891 (now U.S. Patent No. 7,221,946), and Provisional
10 Application No. 60/504,876.
11

12 **4. U.S. Patent No. 8,572,138**

13 All of the asserted claims of the '138 Patent are entitled to a priority date of March 30, 2006,
14 based on Provisional Application No. 60/787,280.
15

16 **5. U.S. Patent No. 6,982,663**

17 All of the asserted claims of the '663 Patent are entitled a priority date of July 10, 2002,
18 based on Application No. 10/191,596 (now U.S. Patent No. 6,744,387).
19

20 **6. U.S. Patent No. 9,332,283**

21 All of the asserted claims of the '283 Patent are entitled to a priority date of September 27,
22 2011, based on Provisional Application No. 61/539,948.

23 **7. U.S. Patent No. 8,548,976**

24 All of the asserted claims of the '976 Patent are entitled to a priority date of May 21, 2004, based
25 on Provisional Application No. 60/573,450.
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G. Patent Local Rule 3-1(g)

1. U.S. Patent No. 7,266,079

At the current time, Plaintiffs are not asserting that any of their own or licensees' products, devices, processes, methods, or acts practices any of the asserted claims of the '079 Patent.

2. U.S. Patent No. 8,259,121

At the current time, Plaintiffs are not asserting that any of their own or licensees' products, devices, processes, methods, or acts practices any of the asserted claims of the '121 Patent.

3. U.S. Patent No. 8,959,245

At the current time, Plaintiffs are not asserting that any of their own or licensees' products, devices, processes, methods, or acts practices any of the asserted claims of the '245 Patent.

4. U.S. Patent No. 8,270,992

At the current time, Plaintiffs are not asserting that any of their own or licensees' products, devices, processes, methods, or acts practices any of the asserted claims of the '992 Patent.

5. U.S. Patent No. 6,341,375

At the current time, Plaintiffs are not asserting that any of their own or licensees' products, devices, processes, methods, or acts practices any of the asserted claims of the '375 Patent.

6. U.S. Patent No. 8,572,138

At the current time, Plaintiffs are not asserting that any of their own or licensees' products, devices, processes, methods, or acts practices any of the asserted claims of the '138 Patent.

7. U.S. Patent No. 6,744,387

At the current time, Plaintiffs are not asserting that any of their own or licensees' products, devices, processes, methods, or acts practices any of the asserted claims of the '387 Patent.

8. U.S. Patent No. 6,982,663

At the current time, Plaintiffs are not asserting that any of their own or licensees' products, devices, processes, methods, or acts practices any of the asserted claims of the '663 Patent.

1 **9. U.S. Patent No. 9,322,283**

2 At the current time, Plaintiffs are not asserting that any of their own or licensees' products,
3 devices, processes, methods, or acts practices any of the asserted claims of the '283 Patent.

4 **10. U.S. Patent No. 8,548,976**

5 At the current time, Plaintiffs are not asserting that any of their own or licensees' products,
6 devices, processes, methods, or acts practices any of the asserted claims of the '976 Patent.

7 **11. U.S. Patent No. 7,457,722**

8 At the current time, Plaintiffs are not asserting that any of their own or licensees' products,
9 devices, processes, methods, or acts practices any of the asserted claims of the '722 Patent.

10 **12. U.S. Patent No. 8,365,183**

11 At the current time, Plaintiffs are not asserting that any of their own or licensees' products,
12 devices, processes, methods, or acts practices any of the asserted claims of the '183 Patent.

13 **H. Patent Local Rule 3-1(h)**

14 **1. U.S. Patent No. 7,266,079**

15 Based on the information available, Netflix first infringed the '079 Patent at least as early as
16 March 13, 2014. Plaintiffs are entitled to damages based on Netflix's infringement that occurred
17 from March 13, 2014 through the time of trial and will be entitled to a continuing reasonable
18 royalty for any infringing acts after that date.

19 **2. U.S. Patent No. 8,259,121**

20 Based on the information available, Netflix first infringed the '121 Patent at least as early as
21 March 13, 2014. Plaintiffs are entitled to damages based on Netflix's infringement that occurred
22 from March 13, 2014 through the time of trial and will be entitled to a continuing reasonable
23 royalty for any infringing acts after that date.

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1 **3. U.S. Patent No. 8,959,245**

2 Based on the information available, Netflix first infringed the '245 Patent at least as early as
3 February 17, 2015. Plaintiffs are entitled to damages based on Netflix's infringement that
4 occurred from February 17, 2015 through the time of trial and will be entitled to a continuing
5 reasonable royalty for any infringing acts after that date.
6

7 **4. U.S. Patent No. 8,270,992**

8 Based on the information available, Netflix first infringed the '992 Patent at least as early as
9 March 13, 2014. Plaintiffs are entitled to damages based on Netflix's infringement that occurred
10 from March 13, 2014 through the time of trial and will be entitled to a continuing reasonable
11 royalty for any infringing acts after that date.
12

13 **5. U.S. Patent No. 6,341,375**

14 Based on the information available, Netflix first infringed the '375 Patent at least as early as
15 March 13, 2014. Plaintiffs are entitled to damages based on Netflix's infringement that occurred
16 from March 13, 2014 through the expiration of the patent on July 14, 2019.

17 **6. U.S. Patent No. 8,572,138**

18 Based on the information available, Netflix first infringed the '138 Patent at least as early as
19 March 13, 2014. Plaintiffs are entitled to damages based on Netflix's infringement that occurred
20 from March 13, 2014 through the time of trial and will be entitled to a continuing reasonable
21 royalty for any infringing acts after that date.
22

23 **7. U.S. Patent No. 6,744,387**

24 Based on the information available, Netflix first infringed the '387 Patent at least as early as
25 March 13, 2014. Plaintiffs are entitled to damages based on Netflix's infringement that occurred
26 from March 13, 2014 through the expiration of the patent on July 17, 2022.
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1 **8. U.S. Patent No. 6,982,663**

2 Based on the information available, Netflix first infringed the '663 Patent at least as early as
3 March 13, 2014. Plaintiffs are entitled to damages based on Netflix's infringement that occurred
4 from March 13, 2014 through the expiration of the patent on July 17, 2022.

5 **9. U.S. Patent No. 9,322,283**

6 Based on the information available, Netflix first infringed the '283 Patent at least as early as
7 May 3, 2016. Plaintiffs are entitled to damages based on Netflix's infringement that occurred
8 from May 3, 2016 through the time of trial and will be entitled to a continuing reasonable royalty
9 for any infringing acts after that date.

10 **10. U.S. Patent No. 8,548,976**

11 Based on the information available, Netflix first infringed the '976 Patent at least as early as
12 June 22, 2014. Plaintiffs are entitled to damages based on Netflix's infringement that occurred
13 from June 22, 2014 through the time of trial and will be entitled to a continuing reasonable
14 royalty for any infringing acts after that date.

15 **11. U.S. Patent No. 7,457,722**

16 Based on the information available, Netflix first infringed the '722 Patent at least as early as
17 June 22, 2014. Plaintiffs are entitled to damages based on Netflix's infringement that occurred
18 from June 22, 2014 through the time of trial and will be entitled to a continuing reasonable
19 royalty for any infringing acts after that date.

20 **12. U.S. Patent No. 8,365,183**

21 Based on the information available, Netflix first infringed the '183 Patent at least as early as
22 June 22, 2014. Plaintiffs are entitled to damages based on Netflix's infringement that occurred
23 from June 22, 2014 through the time of trial and will be entitled to a continuing reasonable
24 royalty for any infringing acts after that date.

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1 **I. Patent Local Rule 3-1(i)**

2 Netflix willfully infringes the following patents.

3 **1. U.S. Patent No. 7,266,079**

4 On or about September 26, 2019, Plaintiffs advised Netflix of their assertion that Netflix
5 infringed the '079 Patent. Following that assertion, Plaintiffs and Netflix had an in-person
6 meeting on October 24, 2019, where Plaintiffs reiterated their assertion of infringement. Despite
7 this knowledge of Plaintiffs' patent rights and their infringement allegations, Netflix has
8 continued to infringe the '079 Patent in willful disregard of Plaintiffs' rights.
9

10 **2. U.S. Patent No. 8,259,121**

11 On or about September 26, 2019, Plaintiffs advised Netflix of their assertion that Netflix
12 infringed the '121 Patent. Following that assertion, Plaintiffs and Netflix had an in-person
13 meeting on October 24, 2019, where Plaintiffs reiterated their assertion of infringement. Despite
14 this knowledge of Plaintiffs' patent rights and their infringement allegations, Netflix has
15 continued to infringe the '121 Patent in willful disregard of Plaintiffs' rights.
16

17 **3. U.S. Patent No. 8,959,245**

18 On or about September 26, 2019, Plaintiffs advised Netflix of their assertion that Netflix
19 infringed the '245 Patent. Following that assertion, Plaintiffs and Netflix had an in-person
20 meeting on October 24, 2019, where Plaintiffs reiterated their assertion of infringement. Despite
21 this knowledge of Plaintiffs' patent rights and their infringement allegations, Netflix has
22 continued to infringe the '245 Patent in willful disregard of Plaintiffs' rights.
23

24 **4. U.S. Patent No. 8,270,992**

25 On or about September 26, 2019, Plaintiffs advised Netflix of their assertion that Netflix
26 infringed the '992 Patent. Following that assertion, Plaintiffs and Netflix had an in-person
27 meeting on October 24, 2019, where Plaintiffs reiterated their assertion of infringement. Despite
28

1 this knowledge of Plaintiffs' patent rights and their infringement allegations, Netflix has
2 continued to infringe the '992 Patent in willful disregard of Plaintiffs' rights.

3 **5. U.S. Patent No. 6,341,375**

4 On or about September 26, 2019, Plaintiffs advised Netflix of their assertion that Netflix
5 infringed the '375 Patent. Following that assertion, Plaintiffs and Netflix had an in-person
6 meeting on October 24, 2019, where Plaintiffs reiterated their assertion of infringement. Despite
7 this knowledge of Plaintiffs' patent rights and their infringement allegations, Netflix has
8 continued to infringe the '375 Patent in willful disregard of Plaintiffs' rights.

10 **6. U.S. Patent No. 8,572,138**

11 On or about September 26, 2019, Plaintiffs advised Netflix of their assertion that Netflix
12 infringed the '138 Patent. Following that assertion, Plaintiffs and Netflix had an in-person
13 meeting on October 24, 2019, where Plaintiffs reiterated their assertion of infringement. Despite
14 this knowledge of Plaintiffs' patent rights and their infringement allegations, Netflix has
15 continued to infringe the '138 Patent in willful disregard of Plaintiffs' rights.

17 **7. U.S. Patent No. 6,744,387**

18 On or about September 26, 2019, Plaintiffs advised Netflix of their assertion that Netflix
19 infringed the '387 Patent. Following that assertion, Plaintiffs and Netflix had an in-person
20 meeting on October 24, 2019, where Plaintiffs reiterated their assertion of infringement. Despite
21 this knowledge of Plaintiffs' patent rights and their infringement allegations, Netflix has
22 continued to infringe the '387 Patent in willful disregard of Plaintiffs' rights.

24 **8. U.S. Patent No. 6,982,663**

25 On or about September 26, 2019, Plaintiffs advised Netflix of their assertion that Netflix
26 infringed the '663 Patent. Following that assertion, Plaintiffs and Netflix had an in-person
27 meeting on October 24, 2019, where Plaintiffs reiterated their assertion of infringement. Despite
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1 this knowledge of Plaintiffs' patent rights and their infringement allegations, Netflix has
2 continued to infringe the '663 Patent in willful disregard of Plaintiffs' rights.

3 **9. U.S. Patent No. 9,322,283**

4 Through the filing of the Original Complaint on March 13, 2020, Plaintiffs provided notice to
5 Netflix of Plaintiffs' assertion of infringement for the '283 Patent. Despite this knowledge of
6 Plaintiffs' patent rights and their infringement allegations, Netflix has continued to infringe the
7 '283 Patent in willful disregard of Plaintiffs' rights.

8 **10. U.S. Patent No. 8,548,976**

9 Through the filing of the First Amended Complaint on June 22, 2020, Plaintiffs provided
10 notice to Netflix of Plaintiffs' assertion of infringement for the '976 Patent. Despite this
11 knowledge of Plaintiffs' patent rights and their infringement allegations, Netflix has continued to
12 infringe the '976 Patent in willful disregard of Plaintiffs' rights.

13 **11. U.S. Patent No. 7,457,722**

14 Through the filing of the First Amended Complaint on June 22, 2020, Plaintiffs provided
15 notice to Netflix of Plaintiffs' assertion of infringement for the '722 Patent. Despite this
16 knowledge of Plaintiffs' patent rights and their infringement allegations, Netflix has continued to
17 infringe the '722 Patent in willful disregard of Plaintiffs' rights.

18 **12. U.S. Patent No. 8,365,183**

19 Through the filing of the First Amended Complaint on June 22, 2020, Plaintiffs provided
20 notice to Netflix of Plaintiffs' assertion of infringement for the '183 Patent. Despite this
21 knowledge of Plaintiffs' patent rights and their infringement allegations, Netflix has continued to
22 infringe the '183 Patent in willful disregard of Plaintiffs' rights.

Patent Local Rule 3-2 Disclosures

In accordance with Patent Local Rule 3-2, Plaintiffs are producing the following documents.

A. Patent Local Rule 3-2(a)

BRCM00000397-BRCM00000416

B. Patent Local Rule 3-2(b)

BRCM00000240-BRCM00000252

C. Patent Local Rule 3-2(c)

BRCM00009929-BRCM00014220; BRCM00015311-BRCM00015515

D. Patent Local Rule 3-2(d)

BRCM00000882-BRCM000009428

E. Patent Local Rule 3-2(e)

None

F. Patent Local Rule 3-2(f)

BRCM00000882-BRCM000009428

G. Patent Local Rule 3-2(g)

BRCM00000001-BRCM00000239; BRCM00000253-BRCM00000396;

BRCM00000417-BRCM00000670; BRCM00000683-BRCM00000701

H. Patent Local Rule 3-2(h)

None at this time

I. Patent Local Rule 3-2(i)

BRCM00000702

J. Patent Local Rule 3-2(j)

BRCM00000394-BRCM00000396; BRCM00000671-BRCM00000682

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Dated: January 5, 2021

Respectfully submitted,
/s/ Richard L. Wynne, Jr.
Bruce S. Sostek
Richard L. Wynne, Jr.
Adrienne E. Dominguez
Attorney for Plaintiffs
BROADCOM CORPORATION and
AVAGO TECHNOLOGIES
INTERNATIONAL SALES PTE. LIMITED

Proof of Service

I, Richard L. Wynne, Jr., declare:

I am a citizen of the United States and employed in Dallas County, Texas. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1722 Routh Street, Suite 1500, Dallas, Texas 75201.

On January 5, 2021, I served a copy of the within document:

**PLAINTIFFS' PATENT LOCAL RULE 3-1 AND 3-2
DISCLOSURES**

- ☐ by placing the document listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at [CITY NAME], [STATE NAME] addressed as set forth below.
- ☒ by transmitting via my electronic service address (richard.wynne@tklaw.com) the document listed above to the persons at the e-mail addresses set forth below.

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I declare under penalty of perjury under the laws of the State of Texas that the above is true and correct.

Executed on January 5, 2021 at Dallas, Texas.

/s/ Richard L. Wynne, Jr.
Richard L. Wynne, Jr.