

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

In Re Innovatio IP Ventures, LLC, Patent Litigation	Case No. 1:11-cv-09308
This Document Relates To:	Judge James F. Holderman Magistrate Judge Sidney Schenkier
All Cases	

**JOINT STATEMENT REGARDING “ESSENTIALITY” OF ASSERTED CLAIMS**

Pursuant to the Court’s April 11, 2013 Minute Order, Innovatio IP Ventures, LLC (“Innovatio”) and defendants including those described below (“Defendants”) (collectively, Innovatio and Defendants are “parties”) hereby submit this joint statement identifying agreements and disagreements between the parties about which of the patent claims asserted by Innovatio in this action are “essential” and “non-essential.” *See* Dkt. No. 662.

The parties’ respective contentions about these issues are attached hereto as Exhibits A and B, respectively. As shown by the attached contentions, the parties have been able to reach agreement on a large number of the asserted claims. Specifically, the parties are in agreement with respect to the 213 asserted claims described as “standard-essential claims”<sup>1</sup> in Innovatio’s contentions attached hereto as Exhibit A, under Innovatio’s contentions. Also as shown by the attached contentions, the parties disagree about whether the following asserted claims are “essential” (Defendants’ position) or “non-essential” (Innovatio’s position) under Innovatio’s contentions:

- U.S. Patent No. 5,740,366: cls. 8, 13, 14, 22, 23, 25

<sup>1</sup> Further explanation of Plaintiff’s contentions is provided in footnote 1 of Plaintiff’s contentions attached hereto as Exhibit A. A more complete explanation of Defendants’ contentions with respect to these claims is provided in footnote 1 of Defendants’ contentions attached hereto as Exhibit B.

- U.S. Patent No. 5,940,771: cls. 5-7
- U.S. Patent No. 6,374,311: cls. 20-24, 26-30, 32-37, 39, 40, 43, 45-51, 53-54, 56, 60, 64
- U.S. Patent No. 7,457,646: cls. 18, 22, 27, 28, 30, 33, 45, 82, 86, 88, 90, 94, 98, 100
- U.S. Patent No. 7,536,167: cls. 77, 79-81, 85, 102-104, 107, 109-111, 115, 132-134
- U.S. Patent No. 7,873,343: cls. 6, 12, 22, 23, 36, 42, 52, 53
- U.S. Patent No. 5,546,397: cls. 1-5
- U.S. Patent No. 5,844,893: cls. 7-11
- U.S. Patent No. 6,665,536: cls. 1, 5, 8, 10, 11, 13-17, 19-21, 23, 24, 27, 30, 32, 36, 37, 39-42, 49, 50
- U.S. Patent No. 6,697,415: cls. 11, 12, 15
- U.S. Patent No. 7,013,138: cls. 1, 5, 8, 10, 11, 13-15, 17, 18, 21, 24, 26, 28, 36-39
- U.S. Patent No. 7,710,907: cls. 1, 7, 10, 12, 13, 15-17, 20, 21, 23, 24, 30, 33, 35, 36, 38-40, 43, 44, 46-50
- U.S. Patent No. 7,107,052: cls. 1, 5, 6, 8-12, 15, 16
- U.S. Patent No. 7,710,935: cls. 1, 5, 6, 8-12, 15, 16, 25-28, 32-35, 37-42, 44-47
- U.S. Patent No. 5,295,154: cls. 1-7
- U.S. Patent No. 5,428,636: cls. 1-13
- U.S. Patent No. 5,504,746: cls. 13-17
- U.S. Patent No. 6,826,165: cls. 16-20

Consistent with the Court's April 11, 2013 Minute Order, the parties met and conferred about their respective positions about these issues. *See* Dkt. No. 662. The parties have agreed to continue meeting and conferring, in a further effort to reduce disputed issues between the parties, as the briefing called for by the Court's Minute Order progresses.

Dated: April 23, 2013

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 23, 2013 a true and correct copy of the foregoing **JOINT STATEMENT REGARDING “ESSENTIALITY” OF ASSERTED CLAIMS** was electronically filed with the Court via the CM/ECF system which sent notification of such filing to all Counsel of Record.

Dated: **April 23, 2013**

*/s/ Adam R. Alper*

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