

May 10, 2017

Matthew Bernstein, Esq.
Perkins Coie, LLP
11988 El Camino Real, Suite 350
San Diego, CA 92130-2594

Dear Matt:

Further to my letters dated March 23, 2017, in which I informed Microsoft that three new Bradium patents would soon be issued by the U.S. Patent Office, I write to inform Microsoft that the patents have now been issued. In particular, U.S. Patent 9,635,136 issued on April 25, 2017, U.S. Patent 9,641,644 issued on May 2, 2017, and U.S. Patent 9,641,645 issued on May 2, 2017. Copies of all three patents are attached. As further stated below, Bradium believes that Microsoft is infringing all three patents. I also write to address some of the comments in your letter dated April 20, 2017, which you wrote in response to my March 23, 2017, letters.

Notice of Infringement of U.S. Patent Nos. 9,635,136, 9,641,644, and 9,641,645

Bradium believes that Microsoft has been infringing, and continues to infringe, one or more claims of U.S. Patent Nos. 9,635,136 (the “’136 patent”), 9,641,644 (the “’644 patent”), and 9,641,645 (the “’645 patent”). Microsoft has been on notice regarding these patents at least since the date of my March 23, 2017, letters.

Based on its current investigation, Bradium identifies claim 10 of the ’136 patent, claim 23 of the ’644 patent, and claim 1 of the ’645 patent as examples of infringed claims. Bradium further identifies as infringing products at least those products noted in my March 23, 2017, letters.

Bradium intends to seek the Court’s authorization to add these newly-issued patents to the litigation entitled *Bradium Technologies LLC v. Microsoft Corporation* (D. Del. 15-0031-RGA), as soon as the Court permits.

Contentions in Your Letter Dated April 20, 2017

1. Microsoft’s Invalidity Contentions

Your letter attacks the US Patent Office for allowing Application No. 14/970,526, now issued as the ’644 patent, which is surprising given that the Examiner was provided with and

carefully considered Microsoft's arguments and asserted prior art. In addition, your letter mischaracterizes the Examiner's statement of the basis for allowing the patent. The Examiner specifically stated in allowing Claims 1-65 that "[w]hen considering **the claims as a whole, particularly how these elements interact with the claimed update parcels**, the claims are found to be novel and non-obvious over the prior art." Notice at Page 2, Paragraph 4 (emphasis added). Microsoft's arguments regarding the alleged errors of the Patent Office are unsupported by the evidence and therefore frivolous.

Your letter also persists in attacking the validity of the '794 patent, which is one the patents already in suit, not one of the new patents. Microsoft's continued attack on the patent is also surprising, given that Microsoft challenged the patent in the Patent Office, received a fair hearing, and lost. Further, we note that Microsoft abandoned its appeal to the Federal Circuit on this patent, an admission of defeat on the merits.

2. Microsoft's Contentions Regarding Its Infringement

Your letter does not deny that Microsoft infringes the new patents, and instead attacks Bradium for not providing detailed infringement contentions. Your letter misconstrues the purpose of Image Processing's March 23, 2017, letters, which was to provide Microsoft with notice of the expected issuance of the patents and of Bradium's allegations of infringement. As your letter implicitly acknowledges, Microsoft is well aware that it infringes the new patents as well as the previously-issued patents that are asserted in the lawsuit. As you also well know, Bradium has already detailed the evidence of such infringement in its 101 pages of infringement contentions served on Microsoft in the pending lawsuit. Those contentions were provided after Microsoft was required under Court order to make the code for its software available to Bradium for review. Again, Microsoft's position is frivolous.

Microsoft's further contention that it does not infringe the '794 patent, which is not one of the new patents, is also without basis. Microsoft's infringement is clearly demonstrated in the detailed infringement contentions provided in the litigation.

Microsoft's Contentions Regarding Unenforceability

Your letter continues in the same vein to make baseless and scurrilous accusations that the patents are "unenforceable." As you know, the individual who made these accusations refused to show up for his deposition where his statements could be tested under oath. Microsoft's continued reliance on these baseless accusations is shameful and indicative of its weak position.

As requested in the March 23, 2017, letters, Bradium demands that Microsoft cease and desist from its infringement of the newly issued patents, as well as the earlier patents that are already the subject of the lawsuit.

Very truly yours,



Michael Zachary

Enclosures

Related U.S. Application Data

No. 14/970,526, filed on Dec. 15, 2015, which is a continuation of application No. 14/547,148, filed on Nov. 19, 2014, now Pat. No. 9,253,239, which is a continuation of application No. 13/027,929, filed on Feb. 15, 2011, now Pat. No. 8,924,506, which is a continuation-in-part of application No. 12/619,643, filed on Nov. 16, 2009, now Pat. No. 7,908,343, which is a continuation of application No. 10/035,987, filed on Dec. 24, 2001, now Pat. No. 7,644,131.

- (60) Provisional application No. 60/258,465, filed on Dec. 27, 2000, provisional application No. 60/258,466, filed on Dec. 27, 2000, provisional application No. 60/258,467, filed on Dec. 27, 2000, provisional application No. 60/258,468, filed on Dec. 27, 2000, provisional application No. 60/258,488, filed on Dec. 27, 2000, provisional application No. 60/258,489, filed on Dec. 27, 2000.

(51) **Int. Cl.**

G06T 3/40 (2006.01)
G06F 3/14 (2006.01)
G09G 5/00 (2006.01)
G06T 11/60 (2006.01)
G06T 15/04 (2011.01)
G06F 17/24 (2006.01)
G06T 19/00 (2011.01)

(52) **U.S. Cl.**

CPC *G06F 17/241* (2013.01); *G06T 11/60* (2013.01); *G06T 15/04* (2013.01); *G06T 19/003* (2013.01); *G06T 2207/10032* (2013.01); *G09G 2350/00* (2013.01); *G09G 2370/02* (2013.01); *G09G 2370/16* (2013.01)

(58) **Field of Classification Search**

CPC H04N 21/25825; G06F 17/30241; G06F 3/04815; G06T 3/4092; G06T 19/003
 USPC 709/202, 203, 217, 218, 230, 231; 382/305, 232; 345/428, 581, 625
 See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

5,559,936 A * 9/1996 Poulter G06F 17/30017
 345/428
 5,613,051 A * 3/1997 Iodice G06F 3/14
 345/428

5,929,860 A * 7/1999 Hoppe G06T 9/001
 345/419
 5,995,903 A * 11/1999 Smith G01C 21/00
 340/995.26
 6,167,442 A * 12/2000 Sutherland G06F 17/3028
 709/217
 6,212,301 B1 * 4/2001 Warner G06T 9/00
 382/232
 6,246,797 B1 * 6/2001 Castor H04N 19/63
 375/E7.035
 6,285,317 B1 * 9/2001 Ong G01C 21/3647
 340/995.2
 6,314,452 B1 * 11/2001 Dekel H04N 19/647
 375/E7.045
 6,326,965 B1 * 12/2001 Castelli G06F 17/30241
 345/420
 6,345,279 B1 * 2/2002 Li G06F 17/30905
 6,346,938 B1 * 2/2002 Chan G06F 3/04815
 345/419
 6,397,259 B1 * 5/2002 Lincke G06F 17/3089
 707/E17.116
 6,449,639 B1 * 9/2002 Blumberg G06F 17/30905
 707/E17.118
 6,496,189 B1 * 12/2002 Yaron G06T 15/40
 345/419
 6,525,732 B1 * 2/2003 Gadh G06T 15/20
 345/428
 6,608,628 B1 * 8/2003 Ross G06T 17/20
 345/619
 6,608,933 B1 * 8/2003 Dowell G06T 9/007
 382/232
 6,625,309 B1 * 9/2003 Li G06T 15/40
 345/418
 6,704,024 B2 * 3/2004 Robotham G06F 3/14
 345/581
 6,704,791 B1 * 3/2004 Harris G06T 15/20
 709/231
 6,711,297 B1 * 3/2004 Chang G06T 1/00
 375/E7.065
 6,754,365 B1 * 6/2004 Wen G06T 1/0078
 382/100
 6,801,665 B1 * 10/2004 Atsumi H04N 19/70
 375/E7.056
 6,882,755 B2 * 4/2005 Silverstein H04N 21/2662
 375/E7.011
 6,898,311 B2 * 5/2005 Whitehead H04N 1/64
 375/E7.184
 6,970,604 B1 * 11/2005 Chai H04N 19/176
 375/E7.056
 7,644,131 B2 * 1/2010 Levanon G06F 3/14
 345/625
 8,924,506 B2 * 12/2014 Levanon G06F 3/1454
 345/625

* cited by examiner

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.