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## UNITED STATES DISTRICT COURT

## NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE

| | |
|---|---|
| TWILIO INC.,<br><br>              Plaintiff,<br><br>vs.<br><br>TELESIGN CORPORATION,<br><br>              Defendant. | Case No. 5:16-CV-06925-LHK<br><br>**PLAINTIFF TWILIO INC.'S DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS PURSUANT TO PATENT L.R. 3–1.** |

Twilio's Disclosure of Asserted Claims and Infringement Contentions
Case: 5:16-cv-06925-LHK

Pursuant to Patent L.R. 3-1, Plaintiff Twilio Inc. ("Twilio") makes the following Disclosure of Asserted Claims and Infringement Contentions for United States Patent Nos. 8,306,021 ("the '021 Patent"), 8,837,465 ("the '465 Patent"), 8,755,376 ("the '376 Patent"), 8,738,051 ("the '051 Patent"), 8,737,962 ("the '962 Patent"), 9,270,833 ("the '833 Patent"), 9,226,217 ("the '217 Patent") (collectively, the "Asserted Patents"). Nothing herein should be construed as setting forth Twilio's claim construction positions, which will be provided in accordance with the deadlines provided by the Court.

## ASSERTED CLAIMS & PRELIMINARY INFRINGEMENT CONTENTIONS

### I. PATENT L.R. 3-1(A) & (B) DISCLOSURE OF ASSERTED CLAIMS & ACCUSED PRODUCTS

Based on the information Twilio currently possesses, Twilio contends that Defendant TeleSign Corporation ("TeleSign") infringes Claims 1–4, 6–7, and 10–12 of the '021 Patent, Claims 1–6, 9, 10, 13, and 22 of the '465 Patent, Claims 1–5, 13–14, 16–17, and 19–23 of the '376 Patent, Claims 1–8, 11–20 and 22 of the '051 Patent, Claims 1–3 and 5–12 of the '962 Patent, Claims 1, 3–5, and 8–9 of the '833 Patent, and Claims 1–12 and 15–19 of the '217 Patent ("the Asserted Claims") under Title 35, Section 271(a) of the United States Code by making, using, importing, selling, offering for sale, or otherwise disposing of the Accused Products. The Accused Products are TeleSign's Smart Verify, Auto Verify, SMS Verify, Voice Verify, Push Verify, Score, and Phone ID products. The below chart identifies the Asserted Claims for each Accused Product:

| Accused Product | Asserted Claims |
| --- | --- |
| Smart Verify | '051 Patent, Claims 1–8, 11–20 and 22<br>'217 Patent, Claims 1–12 and 15–19<br>'376 Patent, Claims 1–5, 13–14, 16–17, and 19–23 |
| Auto Verify | '051 Patent, Claims 1–8, 11–20 and 22<br>'376 Patent, Claims 1–5, 13–14, 16–17, and 19–23<br>'217 Patent, Claims 1–12 and 15–19 |
| SMS Verify | '051 Patent, Claims 1–8, 11–20 and 22<br>'021 Patent, Claims 1–4, 6–7, and 10–12<br>'217 Patent, Claims 1–12 and 15–19<br>'376 Patent, Claims 1–5, 13–14, 16–17, and 19, 21–23 |
| Voice Verify | '051 Patent, Claims 1, 4–8, 11–20 and 22 |

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| Accused Product | Asserted Claims |
|---|---|
| | '021 Patent, Claims 1–4, 6–7, and 10–11 |
| | '465 Patent, Claims 1–6, 9, 10, 13, and 22 |
| | '376 Patent, Claims 1–4, 13-14, 16–17, and 19–22 |
| | '217 Patent, Claims 1–12 and 15–19 |
| Push Verify | '051 Patent, Claims 1, 3–8, 11–20 and 22 |
| | '376 Patent, Claims 1–3, 13–14, 16-17, and 19, 21–22 |
| | '217 Patent, Claims 1–12 and 15–19 |
| Score | '833 Patent, Claims 1, 3–5, and 8–9 |
| | '962 Patent, Claims 1–3 and 5–12 |
| Phone ID | '833 Patent, Claims 1, 3–5, and 8–9 |
| | '962 Patent, Claims 1–3 and 5–12 |

## II.  PATENT L.R. 3-1(C) INFRINGEMENT CONTENTION CHARTS

Appendices A–G identify where each element of each Asserted Claim is found in the Accused Products.  Appendix A is a chart setting forth Twilio's infringement theories for the '021 Patent which apply to TeleSign's SMS Verify and Voice Verify products.  Appendix B is a chart setting forth Twilio's infringement theories for the '465 Patent which apply to TeleSign's Voice Verify product.  Appendix C is a chart setting forth Twilio's infringement theories for the '376 Patent which apply to TeleSign's Smart Verify, Auto Verify, SMS Verify, Voice Verify, and Push Verify products.  Appendix D is a chart setting forth Twilio's infringement theories for the '051 Patent which apply to TeleSign's Smart Verify, Auto Verify, SMS Verify, Voice Verify, and Push Verify products.  Appendix E is a chart setting forth Twilio's infringement theories for the '962 Patent which apply to TeleSign's Score product.  Appendix F is a chart setting forth Twilio's infringement theories for the '833 Patent which apply to TeleSign's Score product.  Appendix G is a chart setting forth Twilio's infringement theories for the '217 Patent which apply to TeleSign's Smart Verify, Auto Verify, SMS Verify, Voice Verify, and Push Verify products.  Because claim construction is yet to be determined in this case and because Twilio's investigation is ongoing, Twilio reserves the right to supplement this disclosure.

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### III. PATENT L.R. 3-1 (E) LITERAL INFRINGEMENT AND INFRINGEMENT UNDER DOCTRINE OF EQUIVALENTS

Based on the information Twilio currently possesses, Twilio contends that each Accused Product literally infringes the Asserted Claims and also infringes the Asserted Claims under the doctrine of equivalents, as explained in Appendices A–G.

### IV. PATENT L.R. 3-1 (F) PRIORITY CLAIMS

Twilio hereby identifies in the following chart (1) Asserted Patents that claim priority to an earlier application; and (2) the priority date to which each Asserted Claim is entitled based only upon priority to the earlier application. Twilio reserves the right to claim actual priority to different dates based on, for example, conception and diligence.

| Asserted Patent | Asserted Claims | Earlier Application | Priority Date Based on Earlier Application |
|---|---|---|---|
| '962 Patent | 1–3 and 5–12 | Provisional Application 61/675,156 | July 24, 2012 |
| '833 Patent | 1, 3–5, 8-9 | Application 13/949,984 | July 24, 2013 |
| '051 Patent | 1-8, 11–17 | Provisional Application 61/751,773 | Jan. 11, 2013 |
| | | Provisional Application 61/676,261 | July 26, 2012 |
| | 18–20, 22 | Provisional Application 61/751,773 | Jan. 11, 2013 |
| '021 Patent | 1–4, 10 | Provisional Application 61/041,829 | April 2, 2008 |
| | | Provisional Application 61/055,417 | May 22, 2008 |
| | | Provisional Application 61/100,578 | Sept. 26, 2008 |
| | | Provisional Application 61/156,746 | March 2, 2009 |
| | | Provisional Application 61/156,751 | March 2, 2009 |
| | 6–7 | Provisional Application 61/100,578 | Sept. 26, 2008 |
| | | Provisional Application 61/156,746 | March 2, 2009 |
| | | Provisional Application | March 2, 2009 |

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| Asserted Patent | Asserted Claims | Earlier Application | Priority Date Based on Earlier Application |
|---|---|---|---|
| | | 61/156,751 | |
| | 9, 12 | Provisional Application 61/055,417 | May 22, 2008 |
| | | Provisional Application 61/100,578 | Sept. 26, 2008 |
| | | Provisional Application 61/156,746 | March 2, 2009 |
| | | Provisional Application 61/156,751 | March 2, 2009 |
| | 11 | Provisional Application 61/156,746 | March 2, 2009 |
| | | Provisional Application 61/156,751 | March 2, 2009 |
| '465 Patent | 1–6, 9–10, 13, 22 | Provisional Application 61/041,829 | April 2, 2008 |
| | | Provisional Application 61/055,417 | May 22, 2008 |
| | | Provisional Application 61/100,578 | Sept. 26, 2008 |
| | | Provisional Application 61/156,746 | March 2, 2009 |
| | | Provisional Application 61/156,751 | March 2, 2009 |
| | | Application 13/632,798 | October 1, 2012 |
| | | Application 12/417,630 | April 2, 2009 |
| '376 Patent | 1–5, 13–14, 16, 17, 19–23 | Provisional Application 61/156,746 | March 2, 2009 |
| | | Provisional Application 61/156,751 | March 2, 2009 |
| | | Application 13/632,798 | October 1, 2012 |
| | | Application 12/417,630 | April 2, 2009 |
| '217 Patent | 1–12, 15–19 | Provisional Application No. 61/980,749 | April 17, 2014 |

## V. PATENT L.R. 3-1 (G) TWILIO PRODUCTS THAT PRACTICE THE CLAIMED INVENTION

Twilio itself implements the Asserted Claims of the '962 and '833 Patents, for example, in conjunction with its Programmable SMS product. Additionally, Twilio's products incorporate or reflect the Asserted Claims, as shown below:

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