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15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**
17 **SOUTHERN DIVISION**

18 SPEX TECHNOLOGIES, INC.,

19 Plaintiff,

20 v.

21 KINGSTON TECHNOLOGY
22 CORPORATION, KINGSTON
23 DIGITAL, INC., KINGSTON
24 TECHNOLOGY COMPANY, INC.,
25 IMATION CORPORATION,
26 DATALOCKER INC., DATA
27 LOCKER INTERNATIONAL, LLC,

28 Defendants.

Case No. 8:16-CV-01790-JVS-AGR

**PLAINTIFF SPEX TECHNOLOGIES,
INC. DISCLOSURE OF ASSERTED
CLAIMS AND INFRINGEMENT
CONTENTIONS**

SPEX'S DISLCOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS

SPEX Technologies, Inc.

IPR2018-00082 Filed 08/01/18

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SPEX TECHNOLOGIES, INC.,
Plaintiff,

Case No. 8:16-CV-01799-JVS-AGR

v.

WESTERN DIGITAL
CORPORATION, WESTERN
DIGITAL TECHNOLOGIES, INC.,
HGST, INC.,

Defendants.

SPEX TECHNOLOGIES, INC.,

Case No. 8:16-CV-01800-JVS-AGR

Plaintiff

v.

TOSHIBA AMERICA
ELECTRONICS COMPONENTS
INC., TOSHIBA AMERICA
INFORMATION SYSTEMS, INC.,
TOSHIBA AMERICA, INC., AND
TOSHIBA CORPORATION,

Defendants.

SPEX TECHNOLOGIES, INC.,

Case No. 2:16-CV-07349-JVS-AGR

Plaintiff,

v.

APRICORN, INC.,

Defendant

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SPEX TECHNOLOGIES, INC., Plaintiff, v. INTEGRAL MEMORY PLC, Defendant.	Case No. 8:16-CV-01805-JVS-AGR
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1 Plaintiff SPEX Technologies, Inc. ("SPEX") provides this Disclosure of
2 Asserted Claims and Infringement Contentions to Defendants Toshiba America
3 Electronic Components Inc., Toshiba America Information Systems, Inc., and
4 Toshiba Corporation (together, "Toshiba Defendants"), Western Digital
5 Corporation, Western Digital Technologies, Inc., and HGST, Inc. (together
6 "Western Digital Defendants"), Imation Corporation ("Imation"), Kingston
7 Technology Corporation, Kingston Digital Inc., and Kingston Technology
8 Company, Inc., (together, "Kingston Defendants"), Apricorn ("Apricorn"), Integral
9 Memory, Inc. ("Integral Memory"), Datalocker, Inc. and Data Locker International,
10 LLC (together "Datalocker Defendants") (collectively, "Defendants"). This
11 disclosure is made solely for the purposes of this action.

12 Discovery in this matter is at a very early stage and is ongoing. Defendants
13 have not yet produced any documents and there have been no deposition testimony
14 or other discovery responses in this action. SPEX's investigation regarding these and
15 other potential grounds of infringement is ongoing. This disclosure is therefore based
16 upon information that SPEX has been able to obtain publicly, together with SPEX's
17 current good faith beliefs and information regarding the Accused Instrumentalities,
18 and is given without prejudice to SPEX's right to obtain leave to supplement or
19 amend its disclosure as additional facts are ascertained, analyses are made, research
20 is completed, and claims are construed.

21 These disclosures are based at least in part upon SPEX's present understanding
22 of the meaning and scope of the claims of U.S. Patent No. 6,088,802 ("the "'802
23 patent") and U.S. Patent No. 6,003,135 (the "'135 patent") (collectively, the "Patents-
24 in-Suit") in the absence of claim construction proceedings in this action. SPEX
25 reserves the right to seek leave to supplement or amend these disclosures if its
26 understanding of the claims changes, including when the Court construes them in
27 this action.

28 **N.D. Cal. Patent L.R. 3-1(a)**

1 SPEX is asserting claims 1-2, 6-7, 11-14, 23-27 and 38-39 of the '802 patent
2 and claim 55-58 of the '135 patent. The attached claim charts identify the specific
3 claims asserted against each product.

4
5 **N.D. Cal. Patent L.R. 3-1(b)**

6 The Accused Instrumentalities include Defendants' current, past and future
7 hardware encrypting devices. For example, SPEX provides the following non-
8 exhaustive list of Defendants' current and past Accused Instrumentalities:

9 **Apricorn:** The following series: Aegis BIO, Aegis Padlock USB 3.0, Aegis
10 Secure Key, Aegis Secure Key USB 3.0, Aegis BIO 3.0 SSD, Aegis Fortress, Aegis
11 Fortress SSD, Aegis Padlock 3.0 SSD, Aegis Padlock DT, Aegis Padlock DT FIPS,
12 Aegis Padlock SSD, Aegis Secure Key 3z.

13 **Datalocker:** The following series: H100, H300, Sentry 3 FIPS, Sentry 3.0,
14 DL2, DL3, DL3 FE, Enterprise, H80, H200, H350, Sentry EMS, Sentry FIPS and
15 any Imation IronKey hard drive for which liability was transferred to DataLocker.

16 **Imation:** The following series: IronKey D80, IronKey Enterprise S1000,
17 IronKey Enterprise S250, IronKey Enterprise D250, IronKey F150, IronKey F100,
18 IronKey Basic S1000, IronKey Basic S250, IronKey Basic D250, IronKey F200,
19 IronKey Personal S250, IronKey D250, IronKey Workspace W700, IronKey
20 Workspace W500, IronKey Workspace W300, IronKey Workspace W200, IronKey
21 Workspace W700SC, IronKey Enterprise H350, IronKey Enterprise H300, IronKey
22 H200 Biometric, IronKey H100, IronKey Basic H350, IronKey Basic H300, MXI
23 M200, MXI M500, MXI M500 and MXP Bio.

24 **Integral Memory:** The following series: Crypto Dual FIPS 140-2, Crypto
25 Dual FIPS 197, Courier Dual FIPS 197, Courier FIPS 197 Encrypted USB, Courier
26 FIPS 197 Encrypted USB 3.0, Crypto Drive FIPS 140-2 Encrypted USB, Crypto
27 FIPS 140-2 Encrypted USB 3.0, Crypto Drive FIPS 197 Encrypted USB, Crypto
28 Drive FIPS 197 Encrypted USB 3.0, Crypto Dual FIPS 140-2 Encrypted USB 3.0,

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