

Exhibit D

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12 UNITED STATES DISTRICT COURT

13 DISTRICT OF NEVADA

14 * * *

15 VOIP-PAL.COM, INC, a Nevada corporation,
16 Plaintiff,
17 v.
18 APPLE, INC, a California corporation,
19 Defendants.

CASE NO.:

**ASSERTED CLAIMS AND
INFRINGEMENT CONDITIONS**

20 Plaintiff, Voip-Pal.com, Inc.’s (“VPLM”) provides the following Asserted Claims and
21 Infringement Contentions for Apple, Inc. (“Apple”). These contentions are preliminary, and based
22 solely on public information obtained by VPLM. VPLM reserves the right to supplement these
23 claims and contentions as appropriate based upon the opening of discovery in this case. VPLM
24 provides the following preliminary disclosures

25 **A. PRELIMINARY DISCLOSURES**

26 (a) *Identification of each claim of each patent in suit that is allegedly infringed by
27 Apple, including for each claim the applicable statutory subsection of 35 .S.C. § 271;*
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In the claim charts below, VPLM has identified claims of the patents in suit that are infringed by Apple. For each claim in the chart below the applicable statutory subsection of 35 U.S.C. § 271 is subsection (a).

(b) *Separately for each asserted claim, identification of each accused apparatus, product, device, process, method, act, or other instrumentality (“Accused Device”) of the opposing party of which the party claiming infringement is aware. This identification shall be as specific as possible. Each Accused Device must be identified by name or model number, if known. Each method or process shall be identified by name, if known, or by any product, device, or apparatus which, when used, allegedly results in the practice of the claimed method or process;*

1. Asserted Claims with respect to Apple’s iMessage System

a. Asserted Claim No. 1 regarding iMessage (the ‘815 patent)

Apple Inc. (“Apple”) supports and operates iMessage, the first Accused Device, which is an instant messaging service supported by the Messages application that allows smartphone and desktop users to send messages including text, images, video and audio to other users. The iMessage software application runs on Apple desktop computers, laptops, tablets and mobile devices running OS X, iOS and watchOS operating systems. iMessage practices directly and/or indirectly certain claims of the ‘815 patent by utilizing a caller dialing profile comprising a plurality of calling attributes to form network classification criteria. *See Chart 1*, Claim Chart, attached hereto.

b. Asserted Claim No. 2 regarding iMessage (the ‘005 patent)

Apple Inc. (“Apple”) supports and operates iMessage, the first Accused Device, which is an instant messaging service supported by the Messages application that allows smartphone and desktop users to send messages including text, images, video and audio to other users. The iMessage software application runs on Apple desktop computers, laptops, tablets and mobile devices running OS X, iOS and watchOS operating systems. iMessage practices directly and/or indirectly certain claims of the ‘005 patent by utilizing a caller dialing profile comprising a plurality of calling attributes to form network classification criteria. *See Chart 3*, Claim Chart, attached hereto.

1 In the Claim Charts below, VPLM asserts that the claims are literally infringed by the
2 Accused Device. VPLM has therefore not made any claims under the doctrine of equivalents at this
3 time.

4 (f) *For any patent that claims priority to an earlier application, the priority date to*
5 *which each asserted claim allegedly is entitled;*

6 The priority date for each asserted claim in the Claim Charts is November 2, 2006.

7 (g) *If a party claiming patent infringement wishes to preserve the right to rely, for any*
8 *purpose, on the assertion that is own apparatus, product, device, process, method, act, or other*
9 *instrumentality practices the claimed invention, the party shall identify, separately for each*
10 *asserted claim, each such apparatus, product, device, process, method, act, or other*
11 *instrumentality that incorporates or reflects that particular claim; and,*

12 (h) *If a party claiming patent infringement alleges willful infringement, the basis for*
13 *such allegation.*

14 VPLM is informed and believes, and on that basis alleges, that Apple's infringement of the
15 '815 patent and the '005 patent has been and continues to be intentional, willful, and without regard
16 to VPLM's rights, because it had actual knowledge of the identified patents through direct or indirect
17 communications with VPLM and/or as a result of its participation in the Internet Protocol
18 communications industry.

19 DATED this ____ day of February, 2016.

20
21 ALVERSON, TAYLOR,
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