

Exhibit D

ALVERSON, TAYLOR, MORTENSEN & SANDERS
LAWYERS
7401 WEST CHARLESTON BOULEVARD
LAS VEGAS, NEVADA 89117-1401
(702) 384-7000

**ALVERSON, TAYLOR,
MORTENSEN & SANDERS**
KURT R. BONDS, ESQ.
Nevada Bar No. 6228
ADAM R. KNECHT, ESQ.
Nevada Bar No. 13166
7401 W. Charleston Boulevard
Las Vegas, NV 89117
(702) 384-7000
efile@alversontaylor.com
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

VOIP-PAL.COM, INC, a Nevada corporation,

Plaintiff,

v.

TWITTER, INC, a California corporation,

Defendants.

CASE NO.:

**ASSERTED CLAIMS AND
INFRINGEMENT CONDITIONS**

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

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A. PRELIMINARY DISCLOSURES

(a) *Each claim of each patent in suit that is allegedly infringed by each opposing party, including for each claim the applicable statutory subsections of 35 U.S.C. § 271 asserted;*

In the claim charts attached hereto, VPLM has identified claims of the patents in suit that are infringed by Twitter. 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, each accused apparatus, product, device, process, method, act, or other instrumentality (“Accused Instrumentality”) of each opposing party of which the party is aware. This identification must be as specific as possible. Each product, device, and apparatus must be identified by name or model number, if known. Each method or process must 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 Claim No. 1 regarding the Twitter System (the ‘815 patent)

Twitter operates and supports a messaging platform (the “Twitter System”) that includes desktop computers, laptops, tablets and mobile devices such as smartphones, software applications running on mobile devices, and servers and gateways communicating with such devices. The Twitter System allows smartphone, tablet, laptop and desktop users to send messages that are routed to other users. Twitter directly or indirectly (e.g., through its subsidiaries, affiliates, partners and/or other intermediaries) practices certain claims of U.S. Patent 8,542,815 (the “‘815 patent”) as illustrated in **Chart 1**, Claim Chart, attached hereto.

The Twitter System allows devices to initiate a communication between a caller and a callee. In the case of messages referred to as “Mentions” (in which one or more Twitter users is identified in the message, such as a “Reply Tweet” or a “Re-Tweet”) and “Direct Messages” (in which one or more Twitter users are identified as the recipient(s) of a direct message), a callee identifier (e.g., username) is part of the message. A profile that includes calling attributes associated with the caller is used as part of the process that classifies the communication using public and/or private network classification criteria. For example, the message can be delivered to the callee using the public SMS

1 network and/or over a private network to an application running on a mobile device.

2 **2. Asserted Claim No. 2 regarding the Twitter System (the ‘005 patent)**

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4 Twitter operates and supports a messaging platform (the “Twitter System”) that includes
5 desktop computers, laptops, tablets and mobile devices such as smartphones, software applications
6 running on mobile devices, and servers and gateways communicating with such devices. The Twitter
7 System allows smartphone, tablet, laptop and desktop users to send messages that are routed to other
8 users. Twitter directly or indirectly (e.g., through its subsidiaries, affiliates, partners and/or other
9 intermediaries) practices certain claims of U.S. Patent 9,179,005 (the “‘005 patent”) as illustrated in
10 **Chart 2**, Claim Chart, attached hereto.

11 The Twitter System allows devices to initiate a communication between a caller (or a first
12 participant), and a callee (or a second participant). In the case of messages referred to as “Mentions”
13 (in which one or more Twitter users is identified in the message, such as in a “Reply Tweet” or a
14 “Re-Tweet”) and “Direct Messages” (in which one or more specific Twitter users are identified as
15 the recipient(s) of the message), a callee identifier (e.g., username) is part of the message. A profile
16 that includes attributes associated with the caller is used as part of the process that classifies the
17 communication using public and/or private network classification criteria. For example, the message
18 can be delivered to the callee, or second participant, using the public SMS network and/or over a
19 private network to an application running on a mobile device.

20 (c) *A chart identifying specifically where each limitation of each asserted claim is*
21 *found within each Accused Instrumentality, including for each limitation that such party*
22 *contends is governed by 35 U.S.C. § 112(6), the identity of the structure(s), act(s), or material(s) in*
23 *the Accused Instrumentality that performs the claimed function;*

24 Claim Charts, collectively attached hereto as **Chart 1** and **Chart 2**, regarding the Twitter’s
25 System, specifically identify where each limitation of each asserted claim is found within each
26 Accused Instrumentality.

27 (d) *For each claim that is alleged to have been indirectly infringed, an identification of*
28 *any direct infringement and a description of the acts of the alleged indirect infringer that*

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

DATED this 6th day of October, 2016.

ALVERSON, TAYLOR,
MORTENSEN & SANDERS

/s/ Kurt R. Bonds
KURT R. BONDS, ESQ.
Nevada Bar No. 6228
ADAM R. KNECHT, ESQ.
Nevada Bar No. 13166
7401 W. Charleston Boulevard
Las Vegas, NV 89117
Attorneys for Plaintiff