

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CARDWARE INC.

Plaintiff,

v.

**SAMSUNG ELECTRONICS CO., LTD.;
SAMSUNG ELECTRONICS AMERICA,
INC.,**

Defendants.

Civil Action No. 2:22-cv-00141-JRG-RSP

**PLAINTIFF CARDWARE INC.'S DISCLOSURE OF ASSERTED CLAIMS AND
INFRINGEMENT CONTENTIONS**

Pursuant to Patent Rule 3-1, Plaintiff CardWare Inc. (“CardWare”) hereby discloses its asserted claims and infringement contentions. CardWare’s investigation of Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Defendants” or “Samsung”) infringement is on-going, and thus CardWare expressly reserves the right to supplement its infringement contentions when additional information becomes available, including but not limited to Defendants’ production of source code and other technical documents, interrogatory responses, and disclosures under the local patent rules.

I. P.R. 3-1(a)-(c) – Asserted Patents and Accused Instrumentalities

CardWare presently asserts infringement, under at least 35 U.S.C. §§ 271(a)-(c), of claims of U.S. Pat No. 10,339,520 (“the ’520 Patent”); U.S. Pat. No. 10,628,820 (“the ’820 Patent”); U.S. Pat. No. 10,810,579 (“the ’579 Patent”); U.S. Pat. No. 11, 176,538 (“the ’538 Patent”); and U.S. Pat. No. 11,328,286 (“the ’286 Patent”) as identified in the chart below. The accused

instrumentalities include payment cards and Samsung Pay and/or Samsung Wallet as implemented on electronic devices, including:

- the Samsung Money by SoFi card, as well as any other Samsung payment cards with similar functionality (“Accused Cards”)
- Samsung Pay and/or Samsung Wallet as implemented on Samsung-branded mobile devices including at least the following: Samsung Galaxy S6 (including S6 Edge, Active, and Edge+; S6, S6 Edge and S6 Active), Samsung Galaxy S7 (including S7 Edge & Active), Samsung Galaxy S8 (including S8+ & Active), Samsung Galaxy S9 (including S9+), Samsung Galaxy S10 (including S10e, S10+, S10 5G and S10 Lite), Samsung Galaxy S20 (including S20 5G, S20+, S20+ 5G, S20 Ultra, S20 Ultra 5G, S20 FE, S20 FE 5G), Samsung Galaxy S21 (including S21+, S21 Ultra, S21 Ultra 5G, S21 FE, and S21 FE 5G), Samsung Galaxy S22 (including S22+, S22 Ultra, and S22 Ultra 5G), Samsung Galaxy Note 5, Samsung Galaxy Note 7, Samsung Galaxy Note FE, Samsung Galaxy Note 8, Samsung Galaxy Note 9, Samsung Galaxy Note 10 (including Note 10+, Note 10 5G, Note 10+ 5G and Note 10 Lite), Samsung Galaxy Note 20 (including Note 20 5G, Note 20 Ultra, Note 20 Ultra 5G), Samsung Galaxy Fold (including Fold 5G), Samsung Galaxy Z Flip (including Z Flip 5G), Samsung Galaxy Z Fold 2 (including Z Fold 2 5G), Samsung Galaxy Z Fold 3 (including Z Fold 3 5G), Samsung Galaxy Z Flip 3 (including Z Flip 3 5G), Samsung Galaxy A3, Samsung Galaxy A5 (including A5 2016 and A5 2017), Samsung Galaxy A7 (including A7 2016, A7 2017, and A7 2018), Samsung Galaxy A8 (including A8+ and A8 Star), Samsung Galaxy A9 (including A9 Pro and A9 2018), Samsung Galaxy A80, Samsung Galaxy A30s, Samsung Galaxy

A31, Samsung Galaxy A32 (including A32 5G), Samsung Galaxy 42 5G, Samsung Galaxy A50s, Samsung Galaxy A51, Samsung Galaxy A52 (including A52 5G and A52s 5G), Samsung Galaxy A71, Samsung Galaxy A72, Samsung Galaxy M22, Samsung Galaxy M32, Samsung Galaxy M52 5G, Samsung Galaxy M22, and Samsung Galaxy M42, as well as any other mobile devices that support or have supported Samsung Pay and/or Samsung Wallet (“Accused Mobile Devices”)

- Samsung Pay and/or Samsung Wallet as implemented on Samsung-branded smart watches including at least the following: Samsung Galaxy Watch, Samsung Galaxy Watch 3, Samsung Galaxy Watch 4, Samsung Galaxy Watch 4 Classic, Samsung Galaxy Watch 5, Samsung Galaxy Watch 5 Pro, Samsung Galaxy Watch Active, Samsung Galaxy Watch Active 2, Samsung Gear S2, Samsung Gear S3, and Samsung Gear Sport, as well as any other mobile devices that support or have supported Samsung Pay and/or Samsung Wallet (“Accused Watches”)

The accused methods include use of Accused Cards to make payments, and use of Accused Mobile Devices and/or Accused Watches with Samsung Pay and/or Samsung Wallet, including to make payments.

Patent	Asserted Claims	Accused Instrumentalities
'520 Patent	1, 4-20, 22, 23	Samsung Pay and/or Samsung Wallet as supported on Accused Mobile Devices and/or Accused Watches
'820 Patent	1, 2, 4, 10	Accused Cards
	11, 12, 15, 16, 18, 20	Accused Cards with Samsung Pay and/or Samsung Wallet as supported on Accused Mobile Devices and/or Accused Watches
'579 Patent	1-23	Samsung Pay and/or Samsung Wallet as supported on Accused Mobile Devices and/or Accused Watches

'538 Patent	1-21, 23-30	Samsung Pay and/or Samsung Wallet as supported on Accused Mobile Devices and/or Accused Watches
'286 Patent	1-27	Accused Cards with Samsung Pay and/or Samsung Wallet as supported on Accused Mobile Devices and/or Accused Watches

The charts identifying where each element of each asserted claim is found within the accused instrumentalities are attached hereto as Exhibits A-E.

II. P.R. 3-1(d) – Literal Infringement and Doctrine of Equivalents

CardWare presently contends that every limitation of each asserted claim is literally present in the accused instrumentalities. CardWare also contends, in the alternative, that to the extent not literally met, the limitations of the asserted claims are present under the doctrine of equivalents. See Exhibits A-E for further explanation. CardWare reserves the right to supplement its contentions under the doctrine of equivalents, including assertion of doctrine of equivalents as to additional limitations, as additional information becomes available, including but not limited to discovery from Defendants, Defendants' non-infringement arguments, and the Court's claim constructions.

III. P.R. 3-1(e) – Priority Dates

CardWare contends that every asserted claim of each asserted patent is entitled to a priority date no later than March 15, 2013, the filing date of U.S. Provisional Application No. 61/794,891.

P.R. 3-1(e) by its terms requires CardWare to identify the priority date to which each asserted claim is entitled, but does not require disclosure of any claim of conception or reduction to practice that predates the filing of a patent application. CardWare reserves the right to contend that one or more of the asserted claims were conceived and/or reduced to practice prior to the date identified above.

IV. P.R. 3-1(f) – CardWare Products That Practice the Asserted Patents

CardWare reserves the right to contend that its CardWare® & Card+® products, and associated methods, practice at least the following claims:

- '520 Patent: Claims 1-17
- '538 Patent: Claims 1-11, 14, 15, 18-30
- '579 Patent: Claims 1-12, 15-23

September 8, 2022

Respectfully submitted,

/s/Eric H. Findlay

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 8, 2022 a true and correct copy of the above and foregoing document has been served by electronic email to all counsel of record.

/s/ Eric H. Findlay

Eric H. Findlay