

From: Bailey Benedict <benedict@fr.com>
Sent: Wednesday, June 28, 2023 7:12 PM
To: Seth Reich; LGE/Constellation EDTX - Service; melissa@gillamsmithlaw.com
Cc: constellation@caldwellcc.com; andrea@wsfirm.com
Subject: RE: Constellation v LG - Final Election of Invalidity Theories/Equitable Defenses

Counsel,

Defendants' final election of equitable defenses is as follows: prosecution laches, unclean hands, and patent misuse.

Defendants' final election of invalidity theories and prior art references/combinations is described in the chart below:

Asserted Patent	Invalidity Theories and Prior Art References/Combinations
'761 Patent, claims 17, 21, 24, and 28	Single ref. §103: DeGaudenzi Article
'700 Patent, claims 1 and 5	Single ref. §103: DeGaudenzi Article
'509 Patent, claim 21	Single ref. §103: Bauch
'509 Patent, claim 23	§103: Bauch + Zhang
'922 Patent, claim 24	§103: Shen + Thomsom + Cronie
'922 Patent, claim 44	§103: Shen + Thomson + Cronie

Regards,

Bailey K. Benedict

Principal :: Fish & Richardson P.C.

713 654 5331 direct :: benedict@fr.com