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

APEX BEAM TECHNOLOGIES LLC,	§	Case No. 2:22-cv-00188-JRG
Plaintiff,	§	**JURY TRIAL DEMANDED**
v.	§	
SAMSUNG ELECTRONICS CO. LTD., and SAMSUNG ELECTRONICS AMERICA, INC.,	§	
Defendants.	§	

PLAINTIFF'S DISCLOSURE OF ASSERTED CLAIMS
AND INFRINGEMENT CONTENTIONS

Plaintiff Apex Beam Technologies LLC ("Apex Beam") hereby makes the following infringement disclosures under the Patent Local Rules with respect to United States Patent Nos. 10,462,767; 10,568,113; 10,912,081; 10,944,527; and 10,951,271 (collectively, "Patents-in-Suit"). Apex Beam's investigation is ongoing, and discovery has not yet commenced. Accordingly, these disclosures are based on information available to Apex Beam at this time. Apex Beam reserves the right to supplement this disclosure after further discovery from defendant and non-parties, particularly documents and other discovery regarding the Samsung Accused Products set forth below. Apex Beam also reserves the right to assert additional claims of the Patents-in-Suit, accuse different products, or find alternative literal and/or equivalent infringing elements in the Samsung Accused Products.

I. DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS PURSUANT TO PATENT LOCAL RULE 3-1

A. ASSERTED CLAIMS

Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. ("Defendant" or "Samsung") have infringed and continue to infringe at least the following claims of the Patents-in-Suit in connection with the Samsung Accused Products set forth below:

- Claims 1-5 and 11-15 of the '767 Patent;
- Claims 1-5 and 11-15 of the '113 Patent;
- Claims 1-4 and 9-10 of the '081 Patent;
- Claims 1-5 and 11-15 of the '527 Patent; and
- Claims 1-5, and 11-15 of the '271 Patent.

Apex Beam reserves the right to seek leave of court to add, delete, substitute, or otherwise amend this list of asserted claims should further discovery, the Court's claim construction, or other circumstances so merit.

B. ACCUSED PRODUCTS

Apex Beam is currently aware the following Samsung products that infringe the '767 Patent, the '081 Patent, the '527 Patent, and the '271 Patent: the Galaxy A13 5G, Galaxy A22 5G, Galaxy A32 5G, Galaxy A33 5G, Galaxy A42 5G, Galaxy A51 5G, Galaxy A52 5G, Galaxy A52s 5G, Galaxy A53 5G, Galaxy A71 5G, Galaxy A73 5G, Galaxy A90 5G, Galaxy Book Go 5G, Galaxy Book Pro 360 5G, Galaxy F42 5G, Galaxy F52 5G, Galaxy Fold 5G, Galaxy M32 5G, Galaxy M42 5G, Galaxy M52 5G, Galaxy Note 10 5G, Galaxy Note 10+ 5G, Galaxy Note 20 5G, Galaxy Note 20 Ultra 5G, Galaxy Quantum 2, Galaxy S10 5G, Galaxy S20 5G, Galaxy S20 FE 5G, Galaxy S20 Ultra 5G, Galaxy S20 UW, Galaxy S20+ 5G, Galaxy S21 5G, Galaxy S21 Ultra 5G, Galaxy S21+ 5G, Galaxy S22, Galaxy S22 5G, Galaxy S22 Ultra, Galaxy S22+, Galaxy Tab

S7 5G, Galaxy Tab S7 FE 5G, Galaxy Tab S7+ 5G, Galaxy Tab S8+ 5G, Galaxy Z Flip 5G, Galaxy Z Flip3 5G, Galaxy Z Flip4, Galaxy Z Fold 2 5G, Galaxy Z Fold3 5G, and the Galaxy Z Fold4; and the following Samsung products that infringe the '113 Patent: the Galaxy S22, Galaxy S22 Ultra, Galaxy S22+, Galaxy Z Fold4, and the Galaxy Z Flip4 (collectively, the "Accused Products").

Apex Beam reserves the right to amend this list of accused products, as well as other information contained in this document and the appendices hereto, to incorporate new information learned during the course of discovery including, but not limited to, the inclusion of newly-released products or any other equivalent devices ascertained through discovery.

C. CLAIM CHARTS

Claim charts identifying a location of every element of every asserted claim of the Patents-in-Suit within Samsung Accused Products are attached hereto as Appendices A-E. Apex Beam believes that the citations in the claim charts are representative of all Samsung Accused Products. For example, where Apex Beam cites reference material or images representing an application, service, or server, that citation is representative for all other such applications, services, or servers including all prior and future versions unless otherwise noted. Apex Beam reserves the right to amend these claim charts as well as other information contained in this document and the appendices hereto, to incorporate new information learned during the course of discovery including, but not limited to, information that is not publicly available or readily discernible without discovery. Apex Beam further reserves the right to amend these claim charts, as well as other information contained in this document and the appendices attached hereto, pursuant to Patent Local Rules 3-1(g) and 3-6.

D. LITERAL INFRINGEMENT AND DOCTRINE OF EQUIVALENTS

Apex Beam asserts that, under the proper construction of the asserted claims and their claim terms, the limitations of the asserted claims of the Patents-in-Suit are literally present in the Samsung Accused Products as set forth in the claim charts attached hereto as Appendices A-E. Apex Beam contends that any and all elements found not to be literally infringed are infringed under the doctrine of equivalents because the differences between the claimed inventions and the accused products, if any, are insubstantial.

Apex Beam contends that Samsung directly infringes the asserted claims by making, using, offering for sale, selling, and importing into the United States the accused products as well as indirectly infringe by contributing to and/or inducing others (*e.g.*, Samsung customers or its Samsung customers' customers) to directly infringe those claims by making, using, offering for sale, or selling the Samsung Accused Products. Apex Beam contends that Samsung directly infringes the asserted claims by testing the Samsung Accused Products in the United States.

Pursuant to Patent Local Rule 3-6(a)(1), Apex Beam reserves the right to amend its Infringement Contentions as to literal infringement or infringement under the doctrine of equivalents, *e.g.*, in light of the Court's claim construction.

E. PRIORITY DATES

Pursuant to P.R. 3-1(e), Apex Beam provides the following disclosure:

- Each of the asserted claims of the '767 Patent is entitled to a priority date of April 19, 2017;
- Each of the asserted claims of the '113 Patent is entitled to a priority date of August 11, 2017;

- Each of the asserted claims of the ’081 Patent is entitled to a priority date of May 8, 2017;
- Each of the asserted claims of the ’527 Patent is entitled to a priority date of December 3, 2016; and
- Each of the asserted claims of the ’217 Patent is entitled to a priority date of December 28, 2016.

Apex Beam’s disclosure under P.R. 3-1(e) is made without prejudice to Apex Beam’s right to establish an earlier date of invention based upon actions related to conception and reduction to practice of the claimed inventions.

II. PRODUCTION OF DOCUMENTS PURSUANT TO PATENT LOCAL RULE 3-2

Apex Beam is producing or making available for inspection documents that are in Apex Beam’s possession, custody, or control as set forth in Patent Local Rule 3-2. An Apex Beam 3-2 Production Index identifying these documents is attached hereto.

This preliminary identification of documents is for convenience and is not an admission that each document falls within any exemplary categories in the Patent Local Rules, or that any document qualifies as prior art. Apex Beam is continuing with its investigation, particularly with respect to ESI. Thus, Apex Beam reserves its right to add to, delete from, or otherwise modify its disclosures in this section as its investigation proceeds.

Production of these documents is governed by Patent Local Rule 2-2, and, with the exception of documents produced pursuant to P.R. 3.2(c) and public documents listed in the infringement charts, are considered “Confidential – Outside Attorneys Eyes Only” and disclosure of the confidential document or information shall be limited to each party’s outside attorney(s) of record and the employees of such outside attorney(s).

Dated: January 5, 2023

Respectfully submitted,

/s/ Alfred R. Fabricant

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ATTORNEYS FOR PLAINTIFF,
APEX BEAM TECHNOLOGIES LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on January 5, 2023, all counsel of record are being served with a copy of this document via electronic mail.

/s/ Alfred R. Fabricant
Alfred R. Fabricant

APEX BEAM P.R. 3-2 PRODUCTION INDEX

3-2(a): n/a

3-2(b): n/a

3-2(c): ABT_00000001 through ABT_00001687