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

| | |
|---|---|
| COBBLESTONE WIRELESS, LLC,<br><br>Plaintiff,<br>v.<br><br>SAMSUNG ELECTRONICS AMERICA, INC., et al.,<br><br>Defendants. | Case No. 2:23-cv-00285-JRG-RSP |

# PLAINTIFF COBBLESTONE WIRELESS, LLC'S PRELIMINARY DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS

## I. Patent Rule 3-1: Disclosure of Asserted Claims and Infringement Contentions

Pursuant to Patent Rule 3-1, Plaintiff Cobblestone Wireless, LLC submits the following Preliminary Disclosure of Asserted Claims and Infringement Contentions. This disclosure is based on the information available to Cobblestone as of the date of this disclosure, and Cobblestone reserves the right to amend this disclosure to the full extent permitted, consistent with the Court's Rules and Orders.

### A. Patent Rule 3-1(a): Asserted Claims

Cobblestone asserts that Defendants Samsung Electronics America, Inc. and Samsung Electronics Co., Ltd. (collectively "Samsung") infringe the following claims (collectively, "Asserted Claims"):

(1) U.S. Patent No. 7,924,802 ("the '802 patent"), claims 1–4, 6–10, 13, 14, 17, and 21–24;

(2) U.S. Patent No. 8,891,347 ("the '347 patent"), claims 1-4, 6-12, 14-17, and 19-23;

(3) U.S. Patent No. 9,094,888 ("the '888 patent"), claims 9, 10, 12, 20, 21, and 23;

(4) U.S. Patent No. 10,368,361 ("the '361 patent"), claims 10-13, 15, and 17; and

(5) U.S. Patent No. 8,554,196 ("the '196 patent"), claims 1–5, 7, 10, 12, 14, 17, 18, 20 and 21.

**B. Patent Rule 3-1(b): Accused Instrumentalities of which Cobblestone is aware**

Cobblestone asserts that the Asserted Claims are infringed by the various instrumentalities used, made, sold, offered for sale, or imported into the United States by Defendants, including certain (a) cellular base stations that support 3GPP 5G NR ("New Radio") communications, (b) 4G LTE cellular base stations that support handover to or from 5G NR cellular base stations, (c) user equipment that supports 3GPP 5G NR communications, and (d) cellular base stations and user equipment that support 3GPP carrier aggregation, and (e) cellular base stations that support providing network coverage using different types of beams and networks, *e.g.* 4G LTE and 5G NR wireless networks ("Accused Instrumentalities"). Defendants' Accused Instrumentalities of which Cobblestone is presently aware are described in more detail in the accompanying preliminary infringement contention charts, Exhibits A-E.

Cobblestone reserves the right to accuse additional products from Defendants to the extent Cobblestone becomes aware of additional products during the discovery process. Unless otherwise stated, Cobblestone's assertions of infringement apply to all variations, versions, and applications of each of the Accused Instrumentalities, on information and belief, that different variations, versions, and applications of each of the Accused Instrumentalities are substantially the same for purposes of infringement of the Asserted Claims.

**C. Patent Rule 3-1(c): Claim Charts**

Cobblestone's analysis of Defendants' products is based upon limited information that is publicly available, and based on Cobblestone's own investigation prior to any discovery in these

actions. Specifically, Cobblestone's analysis is based on certain limited resources that evidence certain products made, sold, used, or imported into the United States by Defendants.

Cobblestone reserves the right to amend or supplement these disclosures for any of the following reasons:

(1) Defendants and/or third parties provide evidence relating to the Accused Instrumentalities;

(2) Cobblestone's position on infringement of specific claims may depend on the claim constructions adopted by the Court, which has not yet occured; and

(3) Cobblestone's investigation and analysis of Defendants' Accused Instrumentalities is based upon public information and Cobblestone's own investigations. Cobblestone reserves the right to amend these contentions based upon discovery of non-public information that Cobblestone anticipates receiving during discovery.

Attached as Exhibits A-E, and incorporated herein in their entirety, are charts identifying where each element of the Asserted Claims are found in the Accused Instrumentalities.

Unless otherwise indicated, the information provided that corresponds to each claim element is considered to indicate that each claim element is found within each of the different variations, versions, and applications of each of the respective Accused Instrumentalities described above.

**D. Patent Rule 3-1(d): Literal Infringement / Doctrine of Equivalents**

With respect to the patents at issue, each element of each Asserted Claim is considered to be literally present. Cobblestone also contends that each Asserted Claim is infringed or has been infringed under the doctrine of equivalents in Defendant's Accused Instrumentalities. Cobblestone also contends that Defendant both directly and indirectly infringes the Asserted Claims. For example, the Accused Instrumentalities are provided by the Defendant to customers, who are

actively encouraged and instructed (for example, through Defendant's online instructions on its website and instructions, manual, or user guides that are provided with the Accused Instrumentalities) by the Defendant to use the Accused Instrumentalities in ways that directly infringe the Asserted Claims. Defendant therefore specifically intends for and induces its customers to infringe the Asserted Claims under Section 271(b) through the customers' normal and customary use of the Accused Instrumentalities. In addition, Defendant is contributorily infringing the Asserted Claims under Section 271(c) and/or Section 271(f) by selling, offering for sale, or importing the Accused Instrumentalities into the United States, which constitute a material part of the inventions claimed in the Asserted Claims, are especially made or adapted to infringe the Asserted Claims, and are otherwise not staple articles or commodities of commerce suitable for non-infringing use.

**E. Patent Rule 3-1(e): Priority Dates**

The Asserted Claims of the '802 patent are entited to a priority date at least as early as January 23, 2008, the filing date of U.S. Patent Application No. 12/018,370.

The Asserted Claims of the '347 patent are entitled to a priority date at least as early as July 28, 2011, the filing date of International Application No. PCT/CN2011/077718.

The Asserted Claims of the '888 patent are entitled to a priority date at least as early as April 29, 2011, the filing date of International Application No. PCT/US2011/034470.

The Asserted Claims of the '361 patent are entitled to a priority date at least as early as August 1, 2014, the filing date of International Application No. PCT/CN2014/083578.

The Asserted Claims of the '196 patent are entitled to a priority date at least as early as August 24, 2011, the filing date of International Application No. PCT/US2011/049003.

A diligent search continues for additional responsive information and Cobblestone reserves the right to supplement this response.

### F. Patent Rule 3-1(f): Identification of Instrumentalities Practicing the Claimed Invention

At this time, Cobblestone does not identify any of its instrumentalities as practicing the Asserted Claims. A diligent search continues for additional responsive information and Cobblestone reserves the right to supplement this response.

## II. Patent Rule 3-2: Document Production Accompanying Disclosure

Pursuant to Patent Rule 3-2, Cobblestone submits the following Document Production Accompanying Disclosure, along with an identification of the categories to which each of the documents corresponds.

### F. Patent Rule 3-2(a) documents:

Cobblestone is presently unaware of any documents sufficient to evidence any discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, the inventions recited in the Asserted Claims of the Asserted Patents prior to the application dates or priority dates for the Asserted Patents. A diligent search continues for such documents and Cobblestone reserves the right to supplement this response.

### G. Patent Rule 3-2(b) documents:

Cobblestone identifies the following non-privileged documents as related to evidencing conception and reduction to practice of each claimed invention of the Asserted Patents: COBB_SAM_000001-1748. A diligent search continues for additional documents and Cobblestone reserves the right to supplement this response.

### H. Patent Rule 3-2(c) documents:

Cobblestone identifies the following documents as being the file histories for the Asserted Patents: COBB_SAM_000023-117, COBB_SAM_000138-383, COBB_SAM_000402-704, COBB_SAM_000727-1341, COBB_SAM_001362-1748.

Dated: September 28, 2023

Respectfully submitted,

*/s/ Reza Mirzaie*

Reza Mirzaie
CA State Bar No. 246953
Marc A. Fenster
CA State Bar No. 181067
Neil A. Rubin
CA State Bar No. 250761
Amy E. Hayden
CA State Bar No. 287026
Qi Tong
CA State Bar No. 300347
Christian W. Conkle
CA State Bar No. 306374
Jonathan Ma
CA State Bar No. 312773
RUSS AUGUST & KABAT
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
Telephone: 310-826-7474
Email: rmirzaie@raklaw.com
Email: mfenster@raklaw.com
Email: nrubin@raklaw.com
Email: ahayden@raklaw.com
Email: ptong@raklaw.com
Email: cconkle@raklaw.com
Email: jma@raklaw.com

**ATTORNEYS FOR PLAINTIFF**
**COBBLESTONE WIRELESS, LLC**

## CERTIFICATE OF SERVICE

I certify that this document is being served upon counsel of record for Defendant on September 28, 2023 via e-mail.

*/s/ Reza Mirzaie*
Reza Mirzaie