
From: Huntington, Erin <ehuntington@nixonpeabody.com>
Sent: Friday, February 2, 2024 5:05 PM
To: Ravishankar, Karthik; NST; everettupshaw@upshawpllc.com; Craig Uhrich; Bo Davis; Ty Wilson
Cc: #Samsung_NST; *melissa@gillamsmithlaw.com; *travis@gillamsmithlaw.com
Subject: RE: 2:22-cv-00481-JRG: Election of Claim Terms

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Be cautious, particularly with links and attachments.

Counsel,

As you are aware, Judge Schroeder's claim construction order did not find that the '800 patent is invalid. To be clear, the Court found that the phrases "an optimal amount of data to be buffered" and "an optimal moment for sending the data" in Claim 12 of the '800 Patent to be indefinite. NST respectfully disagrees with this particular aspect of the Court's claim construction in that the specification clearly states that the "determination of an optimal burst length" may be performed based on "communication or connection properties" (see '800 Patent at 6:63-7:2) and a list of potential connection properties (see '800 Patent at 5:27-35). Notwithstanding the Court's finding, NST has reserved its right to appeal the Court's determination in the TI proceeding. Accordingly, NST will not be dropping the '800 patent in this matter.

Regarding your request for documents that it produced in the TI case, we reiterate our objection that Qualcomm's request is improper insofar as these are different cases, involving different parties, with different accused products, and governed by a separate protective order. To the extent that Samsung has authority supporting the propriety of such a disclosure, we will review it.

Thank you,



Erin T. Huntington
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From: Ravishankar, Karthik <karthik.ravishankar@kirkland.com>

Sent: Wednesday, January 31, 2024 6:07 PM

To: NST <nst@nixonpeabody.com>; everettupshaw@upshawpllc.com; Craig Uhrich <craiguhrich@upshawpllc.com>; Bo Davis <bdavis@davisfirm.com>; Ty Wilson <twilson@davisfirm.com>

Cc: #Samsung_NST <Samsung_NST@kirkland.com>; *melissa@gillamsmithlaw.com <melissa@gillamsmithlaw.com>; *travis@gillamsmithlaw.com <travis@gillamsmithlaw.com>

Subject: RE: 2:22-cv-00481-JRG: Election of Claim Terms

[EXTERNAL E-MAIL]

Be Aware of Links and Attachments

Counsel,

We have not received a response to this email. Please confirm that NST will drop the '800 patent in this case so the parties do not need to waste time briefing an invalid patent for claim construction and engaging in other unnecessary work related to it.

We also asked—and you have not responded—whether NST is withholding documents that it produced in the TI case. Accordingly, we understand that NST is wrongly withholding documents and deposition transcripts produced in the TI case that have been requested in this case (*see, e.g.*, Aug. 16, 2023 Letter from A. Rabinowitz to D. Stringfield) and are relevant to the issues in this case. Please confirm by Friday, February 2 that you will produce all such documents and transcripts, and will update that production with any additional documents that you produce in the TI case and any future deposition transcripts, or please provide your availability for a meet and confer on Monday, February 5 so NST can identify what documents and transcripts it is withholding and the alleged basis for withholding relevant materials, as Samsung intends to move to compel NST to produce those materials.

Regards,

Karthik

Karthik Ravishankar

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From: Ravishankar, Karthik <karthik.ravishankar@kirkland.com>

Sent: Friday, January 26, 2024 3:13 PM

To: NST <nst@nixonpeabody.com>; everettupshaw@upshawpllc.com; Craig Uhrich <craiguhrich@upshawpllc.com>; Bo Davis <bdavis@davisfirm.com>; Ty Wilson <twilson@davisfirm.com>

Cc: #Samsung_NST <Samsung_NST@kirkland.com>; *melissa@gillamsmithlaw.com <melissa@gillamsmithlaw.com>; *travis@gillamsmithlaw.com <travis@gillamsmithlaw.com>

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Counsel,

We understand from the attached final election of asserted claims that NST has dropped the '800 patent from the TI case. Given Judge Schroeder's finding that asserted claim 12 of the '800 patent is indefinite, please confirm that you will drop the '800 patent in this case as well so the parties do not need to waste time briefing an invalid patent for claim construction and engaging in other unnecessary work related to it.

Additionally, please immediately produce any documents produced by NST to TI that have not yet been produced in this case and any deposition transcripts of NST witnesses.

Regards,
Karthik

Karthik Ravishankar

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