

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

CHIEN-MIN SUNG,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO. LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC., SAMSUNG SEMICONDUCTOR,
INC., and SAMSUNG AUSTIN
SEMICONDUCTOR LLC,

Defendants.

Civil Action No. 4:23-cv-752-SDJ

JURY TRIAL DEMANDED

**PLAINTIFF DR. CHIEN MIN-SUNG'S PRELIMINARY DISCLOSURE
OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS**

Pursuant to Local Patent Rules of the Eastern District of Texas, particularly Patent Rule 3-1, and the Court's Order Governing Proceedings (Patent Case) (Dkt. 23), Plaintiff Dr. Chien-Min Sung ("Dr. Sung" or "Plaintiff"), by and through his attorneys, hereby serves his Preliminary Infringement Contentions on Defendants Samsung Electronics Co. Ltd., Samsung Electronics America, Inc., Samsung Semiconductor, Inc., and Samsung Austin Semiconductor LLC ("Defendants" or "Samsung"), as well as Dr. Sung's accompanying document production. These contentions address Samsung's infringement of U.S. Patent Nos. 9,138,862 ("the '862 patent") and 9,724,802 ("the '802 patent") (collectively, the "Asserted Patents").¹

¹ Plaintiff's Complaint also asserts Defendants' infringement of U.S. Patent No. 8,974,270 via certain pad conditioners designed, developed, manufactured or supplied by, among others, Minnesota Mining and Manufacturing Company ("3M") used by or on behalf of Defendants to manufacture, fabricate, or assemble the Accused Products. Samsung represents in a declaration attached to its Motion for Intra-District Transfer to the Northern District of California (Dkt. 30-1) that Samsung does not use double-sided conditioners from 3M. Relying on Defendants' representation, Plaintiff will no longer pursue infringement based on double-sided pad conditioners designed, developed, manufactured or supplied by 3M. However, Plaintiff reserves the right to amend these

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This disclosure is made solely for the purpose of this action. This disclosure is subject to all objections as to competence, relevance, materiality, propriety, and admissibility, and to any other objections on grounds that would require the exclusion of statements contained herein if such disclosure were asked of, or statement contained herein were made by, a witness present and testifying in court, all of which objections and grounds are expressly reserved and may be interposed at the time of trial.

Discovery in this matter has just begun, and Dr. Sung's investigation of Samsung's infringement is ongoing. Moreover, Samsung has yet to make any production of core technical documents necessary for these contentions despite its ongoing discovery obligations to produce such documents without awaiting a discovery request. This disclosure is, therefore, based upon information that Dr. Sung has been able to obtain publicly, together with Dr. Sung's current good faith beliefs regarding the Accused Products and Accused Instrumentalities. Further, this disclosure is given without prejudice to Dr. Sung's rights, and Dr. Sung hereby expressly reserves his rights under P.R. 3-6 or any other applicable bases, to further supplement or amend his contentions, including, without limitation, to add asserted claims or Accused Instrumentalities as additional facts are ascertained, analyses are made, research is completed, contentions are made, and claims are construed. The following disclosures are made subject to, and without waiving, any of the foregoing.

I. INFRINGEMENT CONTENTIONS

contentions and asserts infringement of the '270 patent pursuant to 35 U.S.C. §§ 271(a), (b), and (g) based on any make, use, sale, offer for sale, or importation of such conditioners from 3M by or on behalf of Defendants should discovery reveal that Defendants' representation is false or incorrect. Additionally, Defendants have not stated nor produced any information on whether they design, develop, manufacture, or supply their own pad conditioners, or whether Defendants use double-sided pad conditioners designed, developed, manufactured or supplied by another third party (e.g., third party other than 3M). Plaintiff therefore reserves the right to assert infringement over such conditioners should discovery later reveal that Defendants do design, develop, manufacture, or supply their own pad conditioners, or such pad conditioners manufactured by other third parties (i.e., other than 3M), and that such conditioners infringe at least one of the asserted claims pursuant to 35 U.S.C. §§ 271(a), (b), and (g).

A. DISCLOSURE OF CLAIMS ASSERTED AGAINST SAMSUNG

Pursuant to P.R. 3-1(a), based on the information presently available to it, and subject to ongoing discovery, Dr. Sung asserts that Samsung infringes each of the following claims under 35 U.S.C. § 271(a) (“the 271(a) Asserted Claims”):

Asserted Patents	Asserted Claims
U.S. Patent No. 9,138,862	Claims 1-13, 15, 17-20
U.S. Patent No. 9,724,802	Claims 1-21

Samsung infringes the 271(a) Asserted Claims, pursuant to § 271(a), by making, using, selling, and/or offering to sell, within the United States, and importing into the United States, products including semiconductor devices and/or integrated circuits (as well as systems, products, and/or devices containing these semiconductor devices and/or integrated circuits including at least the Accused Products) that are/were manufactured, fabricated, and/or assembled using certain infringing chemical mechanical polishing/planarization (“CMP”) pad conditioners, including pad conditioners designed, developed, manufactured, fabricated or supplied by EHWA Diamond Industrial Co. Ltd. (“EHWA”), Shinhan Diamond Ind. Co., Ltd. (“Shinhan”), and Saesol Diamond Ind. Co. (“Saesol”), and/or pad conditioners designed, developed, manufactured, fabricated or supplied by other pad conditioner manufacturers that contain the claimed structural characteristics and features (collectively, “Accused Instrumentalities” or “infringing pad conditioners”) in violation of 35 U.S.C. § 271(a) as indicated in Appendices A1-A6 and disclosed in Dr. Sung’s Complaint (Dkt. 1).² Based on the information presently available

² Although Plaintiff’s Complaint also identifies certain pad conditioners designed, developed, manufactured or supplied by Minnesota Mining and Manufacturing Company (“3M”) and Abrasive Technology, LLC (“AT”) as

to it, Dr. Sung contends that Samsung has directly infringed the 271(a) Asserted Claims.

Further, based on the information presently available to it, Dr. Sung asserts that Samsung infringes each of the following claims under 35 U.S.C. § 271(g) (“the 271(g) Asserted Claims”):

Asserted Patents	Asserted Claims
U.S. Patent No. 9,138,862	Claims 1-13, 15, 17-20

Samsung infringes the 271(g) Asserted Claims, pursuant to § 271(g), by importing into the United States, and/or using, selling, and/or offering to sell within the United States, products that are/were manufactured, fabricated and/or assembled using the infringing pad conditioners and/or pad conditioning methods/processes as claimed in the '862 Patent as indicated in Appendices A1-A3. Based on the information presently available to it, Dr. Sung contends that Samsung has directly infringed the 271(g) Asserted Claims.

Further, based on the information presently available to it, Dr. Sung asserts that Samsung infringes each of the following claims under 35 U.S.C. § 271(b) (“the 271(b) Asserted Claims”):

Asserted Patents	Asserted Claims
U.S. Patent No. 9,138,862	Claims 1-13, 15, 17-20

infringing and being used by or on behalf of Samsung to manufacture, fabricate, or assemble the Accused Products, Samsung represents in a declaration attached to its Motion for Intra-District Transfer to the Northern District of California (Dkt. 30-1) that Samsung does not use such conditioners from 3M and AT. Relying on Samsung’s representation, Plaintiff will no longer pursue infringement based on pad conditioners designed, developed, manufactured or supplied by 3M and AT. However, Plaintiff reserves the right to amend these contentions and asserts infringement pursuant to 35 U.S.C. §§ 271(a), (b), and (g) based on any make, use, sale, offer for sale, or importation of such conditioners from 3M and AT by or on behalf of Samsung should discovery reveal that Samsung’s representation is false or incorrect. Additionally, Defendants have not stated nor produced any information on whether they design, develop, manufacture, or supply their own pad conditioners. Plaintiff therefore reserves the right to assert infringement over such conditioners should discovery later reveal that Defendants do design, develop, manufacture, or supply their own pad conditioners and that such conditioners infringe at least one of the asserted claims pursuant to 35 U.S.C. §§ 271(a), (b), and (g).

U.S. Patent No. 9,724,802	Claims 1-21
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Samsung infringes the 271(b) Asserted Claims pursuant to § 271(b) by inducing infringement of each of the Asserted Claims identified in Appendices A1-A6, for example, by Samsung's users, partners, customers, and/or other third-parties (e.g., third-party suppliers, manufacturers including pad conditioner manufacturers who design, develop manufacture or supply the infringing pad conditioners as well as product manufacturers who design, develop manufacture, fabricate, or assemble the Accused Products using the infringing pad conditioners, and contractors). Based on the information presently available to it, Dr. Sung contends that Samsung has induced, and continues to induce, infringement of the 271(b) Asserted Claims by encouraging such users, partners, customers, and/or third-parties to manufacture, fabricate, assemble, design, develop, or use the infringing pad conditioners, or perform the claimed methods using these infringing pad conditioners for the manufacture, fabrication, or assembly of the Accused Products with knowledge that such conduct constitutes an act of infringement.

As Samsung and relevant third-parties have not produced any technical documents, including disclosing the structural characteristics or components of the infringing pad conditioners and the manufacturing, fabrication, and assembling processes for the Accused Products (including how the infringing pad conditioners and/or pad conditioning methods/processes are used and/or performed during the manufacture, fabrication, or assembly of the Accused Products), Dr. Sung reserves his right to supplement his contentions to assert additional claims against products manufactured, fabricated, assembled, used, tested, sold, offered to sell, or imported by Samsung.

**B. DISCLOSURE OF SAMSUNG'S ACCUSED PRODUCTS
AND PRELIMINARY INFRINGEMENT CLAIM CHARTS**

Pursuant to P.R. 3-1(b) and based on the information presently available to it, Dr. Sung identifies the following infringing pad conditioners used by or on behalf of Samsung to manufacture, fabricate, or assemble the Accused Products. Each of the infringing pad conditioners identified below may itself constitute one feature, part, or step of a completed feature, part, or act of direct infringement, as described in detail in the infringement charts discussed below and attached hereto as Appendices A1-A6 for the '862 and '802 Patents.

1. '862 Patent

All of the Asserted Claims of the '862 Patent are infringed by Samsung, directly or indirectly, via: (i) making or using in the United States, and/or importing into the United States, semiconductor devices and/or integrated circuits that are/were manufactured, fabricated, or assembled using pad conditioners with the claimed structural characteristics, including pad conditioners designed, developed, manufactured, fabricated, or supplied by Shinhan, Saesol, and EHWA, for example (with additional pad conditioner manufacturers and/or suppliers to be identified through discovery), and/or are/were made using the infringing pad conditioning methods/processes; and/or (ii) using in the United States, and/or importing into the United States, pad conditioners with the claimed structural characteristics, including those designed, developed, manufactured, fabricated, or supplied by Shinhan, Saesol, and EHWA, for example (with additional pad conditioner manufacturers and/or suppliers to be identified through discovery), for example, for use in the manufacture, fabrication, or assembly of semiconductor devices and/or integrated circuits in the United States. These include products manufactured, fabricated, or assembled using the '862 patented methods in the United States and are/were imported into the United States, as well as products

manufactured at all facilities owned, controlled, or operated by or on behalf of Samsung using, or otherwise relying upon the use of, infringing pad conditioners with the claimed structural characteristics, including those designed, developed, manufactured, or supplied by Shinhan, Saesol, and EHWA (as well as other pad conditioner manufacturers and/or suppliers supplying pad conditioners with the claimed structural characteristics and features to Samsung). Examples of the Accused Products as can be reasonably identified by Dr. Sung based on public information are listed in the preamble to Appendices A1-A3, which reflect representative infringing pad conditioners currently employed, utilized, or otherwise used by or on behalf of Samsung in the manufacture, fabrication, or assembly of the Accused Products. A complete listing of all infringing pad conditioners being used by or on behalf of Samsung in the manufacture, fabrication, or assembly of the Accused Products will be provided once Samsung has responded to Plaintiff's discovery in this litigation.

2. '802 Patent

All of the Asserted Claims of the '802 Patent are infringed by Samsung, directly or indirectly, via: (i) making or using in the United States, and/or importing into the United States, semiconductor devices and/or integrated circuits that are/were manufactured, fabricated, or assembled using pad conditioners with the claimed structural characteristics, including pad conditioners designed, developed, manufactured, fabricated, or supplied by Shinhan, Saesol, and EHWA, for example (with additional pad conditioner manufacturers and/or suppliers to be identified through discovery); and/or (ii) using in the United States, and/or importing into the United States, pad conditioners with the claimed structural characteristics, including those designed, developed, manufactured, fabricated, or supplied by Shinhan, Saesol, and EHWA, for example (with additional pad conditioner manufacturers and/or suppliers to be identified through discovery), for example, for use in the manufacture,

fabrication, or assembly of semiconductor devices and/or integrated circuits in the United States. These include products manufactured, fabricated, or assembled in the United States and are/were imported into the United States, as well as products manufactured at all facilities owned, controlled, or operated by or on behalf of Samsung using, or otherwise relying upon the use of, infringing pad conditioners with the claimed structural characteristics, including those designed, developed, manufactured, or supplied by Shinhan, Saesol, and EHWA (as well as other pad conditioner manufacturers and/or suppliers supplying pad conditioners with the claimed structural characteristics and features to Samsung). Examples of the Accused Products as can be reasonably identified by Dr. Sung based on publicly available information are listed in the preamble to Appendices A4-A6, which reflect representative infringing pad conditioners currently employed, utilized, or otherwise used by or on behalf of Samsung in the manufacture, fabrication, or assembly of the Accused Products. A complete listing of all infringing pad conditioners being used by or on behalf of Samsung in the manufacture, fabrication, or assembly of the Accused Products will be provided once Samsung has responded to Plaintiff's discovery in this litigation.

C. CLAIM CHARTS

Pursuant to P.R. 3-1(c), attached as Appendices A1-A6 are claim charts identifying where each element of each Asserted Claim from each of the '862 and '802 Patents, respectively, is found within each Accused Instrumentality. Any citations included in the charts are exemplary only and are not limiting. Dr. Sung notes that Samsung has not yet provided discovery in this matter and that Dr. Sung has prepared these charts based on the limited information presently available to it. Dr. Sung has subdivided the Asserted Claims in the charts to explain where the representative Accused Instrumentality meets each claim element. These subdivisions are not to be taken as an indication of the boundaries of claim

elements with respect to the doctrine of equivalents, or any other issue. In addition, the Accused Instrumentalities and Accused Products manufactured, fabricated, or assembled using the Accused Instrumentalities may infringe the Asserted Claims in multiple ways.

Dr. Sung reserves the right to provide alternative claim mapping or infringement contentions for such Accused Instrumentalities or other products. Dr. Sung further reserves the right to rely upon the opinions of one or more experts in support of his infringement contentions and/or modifications and revisions thereof in accordance with the Local Patent Rules. Dr. Sung accordingly reserves his right to amend or supplement these charts upon obtaining additional relevant information during discovery.

D. DIRECT/INDIRECT INFRINGEMENT AND DOCTRINE OF EQUIVALENTS

1. Direct Infringement

Pursuant to P.R. 3-1(d), Dr. Sung contends that Samsung directly infringes each of the 271(a) Asserted Claims under 35 U.S.C. § 271(a) each time that it: (i) uses the infringing pad conditioners and/or pad conditioning methods/processes to manufacture, fabricate, or assemble the Accused Products, and uses, in the United States, the Accused Products manufactured, fabricated, or assembled using the infringing pad conditioners and/or pad conditioning methods/processes in the United States; (ii) makes the Accused Products using the infringing pad conditioners and/or pad conditioning methods/processes in the United States; (iii) sells or offers for sale those Accused Products that are/were manufactured, fabricated, or assembled using the infringing pad conditioners and/or pad conditioning methods/processes, and sells or offers for sale those infringing pad conditioners for manufacturing, fabricating, or assembling the Accused products (e.g., by third-party product manufacturers or Samsung's affiliates or subsidiaries) in the United States; and/or (iv) imports

into the United States the infringing pad conditioners to manufacture, fabricate, or assemble the Accused Products and imports into the United States those Accused Products that are/were manufactured, fabricated, or assembled using the infringing pad conditioners and/or pad conditioning methods/processes and/or those infringing pad conditioners, as described in further detail in Appendices A1-A6.

Similarly, Samsung's users, partners, suppliers, contractors, customers, and/or other third-parties (e.g., suppliers, wholesalers, retailers, product manufacturers (e.g., manufacturers of the Accused Products, including manufacturers of third-party products that incorporate the Accused Products) and/or pad conditioner manufacturers) similarly directly infringe each of the 271(a) Asserted Claims under 35 U.S.C. § 271(a) each time they: (i) use the infringing pad conditioners and/or pad conditioning methods/processes to manufacture, fabricate, or assemble the Accused Products (e.g., third-party product manufacturers) in the United States; (ii) make the infringing pad conditioners and make the Accused Products using the infringing pad conditioners and/or pad conditioning methods/processes in the United States; (iii) sell or offer for sale the infringing pad conditioners for the manufacture, fabrication, or assembly of the Accused Products and sell or offer for sale in the Accused Products that are/were manufactured, fabricated, or assembled using the infringing pad conditioners and/or pad conditioning methods/processes in the United States; and/or (iv) imports into the United States the infringing pad conditioners to manufacture, fabricate, or assemble the Accused Products and imports into the United States the Accused Products that are/were manufactured, fabricated, or assembled using the infringing pad conditioners and/or pad conditioning methods/processes and/or those infringing pad conditioners, as described in further detail in Appendices A1-A6. To the extent that any claimed pad conditioner features are/were made or

any part of the claimed conditioning methods are/were used such that some elements are/were supplied or performed by third parties, Samsung and such third-parties are liable for joint infringement of such claims.

Dr. Sung further contends that Samsung directly infringes each of the 271(g) Asserted Claims under 35 U.S.C. § 271(g) each time that it (or via a third party on Samsung's behalf) imports into the United States, or uses, sells, and/or offers to sell within the United States, any Accused Products that are/were manufactured, fabricated, or assembled using the infringing pad conditioners and/or pad conditioning methods/processes as described in further detail in Appendices A1-A3.

Samsung's users, partners, customers and/or other third-parties similarly directly infringe each of the 271(g) Asserted Claims under 35 U.S.C. § 271(g) each time they import into the United States, or use, sell, and/or offer to sell within the United States the Accused Products that are/were manufactured, fabricated, or assembled using the infringing pad conditioners and/or pad conditioning methods/processes as described in further detail in Appendices A1-A3.

2. Indirect Infringement

Samsung additionally infringes each of the 271(b) Asserted Claims pursuant to § 271(b) by inducing infringement of each of the 271(b) Asserted Claims, such as by users, partners, suppliers, contractors, customers and/or other third-parties (e.g., suppliers, wholesalers, retailers, product manufacturers (e.g., manufacturers of the Accused Products, including manufacturers of third-party products that incorporate the Accused Products) and/or pad conditioner manufacturers). Samsung actively induces infringement of third-parties by: (a) providing the infringing pad conditioners and/or Accused Products to third-parties and

intending them to make, use, to sell, and/or offer to sell in the United States, and/or import into the United States, the infringing pad conditioners and/or Accused Products with hardware, software, and other infrastructure that enable and/or make use, sell, offer to sell, and/or import the Accused Instrumentalities and/or Accused Products; (b) advertising these infringing pad conditioners and/or Accused Products through Samsung's own and through third-party websites; (c) encouraging users, partners, customers and/or other third-parties to communicate directly with Samsung representatives about the infringing pad conditioners and/or Accused Products for purposes of technical assistance and repair as well as sales and marketing; and/or (d) providing instructions as to how to use the infringing pad conditioners and/or Accused Products in an infringing manner, thereby making, selling, offering to sell, importing, and/or using the infringing pad conditioners and/or Accused Products, or performing the claimed methods of the 271(b) Asserted Claims, with knowledge that such conduct constitutes an act of infringement. Samsung has proceeded in this manner despite its actual knowledge of the Asserted Patents and that the specific actions it actively induced and induces on the part of its users, partners, customers and/or other third-parties constitute infringement of the Asserted Patents.

For example, as discussed in Dr. Sung's Complaint (Dkt. 1), which is incorporated by reference herein, Samsung actively encourages others to import into the United States, and/or make, use, sell, and/or offer to sell in the United States, the infringing pad conditioners and/or Accused Products or systems, devices, or products containing the Accused Products, that are/were manufactured, fabricated, and/or assembled using the infringing pad conditioners, including actively inducing others to infringe by: (i) making, using, selling, offering for sale, marketing, advertising, and/or importing the infringing pad conditioners and/or the Accused

Products manufactured, fabricated, or assembled using such conditioners; and/or (ii) using the infringing pad conditioners or pad conditioning methods/processes to manufacture, fabricate, and/or assemble the Accused Products (or third-party products containing the Accused Products).

As another example, Samsung actively encourages third-party pad conditioner manufacturers with the intent that the infringing pad conditioners be designed, developed, used, imported, sold, or offered for sale to Samsung with the claimed structural characteristics, including assisting, and continuing to assist, these third-party pad conditioner manufacturers, directly and/or through intermediaries, in the design, development, manufacture, or fabrication of the infringing pad conditioners, and provides support or supports the sales and importation of the infringing pad conditioners (as well as the Accused Products that are/were manufactured, fabricated, or assembled using the infringing pad conditioners and/or pad conditioning methods/processes).

As yet another example, Samsung has encouraged third-party product manufacturers to infringe the Asserted Patents and intended that they do so. This encouragement includes, without limitation, ordering or seeking the importation of the Accused Products from the third-party product manufacturers, or instructing the third-party product manufacturers to use the infringing pad conditioners and/or pad conditioning methods/processes for the manufacture, fabrication or assembly of the Accused Products.

For example, by providing technical specification and development criteria of the Accused Products to the third-party product manufacturers for manufacturing, fabricating, or assembling such products, including instructing such third-party product manufacturers to use the infringing pad conditioners and/or pad conditioning methods/processes in order to

accomplish or achieve such criteria, Samsung has induced, and continues to induce, such third parties to infringe the Asserted Patents. Specifically, by providing technical specification and/or design/development criteria of the Accused Products to the third-party product manufacturers for manufacturing, fabricating, or assembling such products, Samsung has induced, and continues to induce, such third parties to infringe the Asserted Patents by using the infringing pad conditioners and/or pad conditioning methods/processes (e.g., to ensure that the Accused Products are/were manufactured, fabricated, or assembled without errors or flaws or that the Accused Products meet Samsung's stringent technical/design/development criteria for the Accused Products).

As another example, by providing technical specification and development criteria of the Accused Products to the third-party pad conditioner manufacturers, Samsung has induced, and continues to induce, such third parties to infringe the Asserted Patents by designing, developing, manufacturing, or fabricating pad conditioners that infringe the Asserted Patents in order to accomplish or achieve such technical specification and design/development criteria of the Accused Products. Specifically, by providing technical specification and/or design/development criteria of the Accused Products to the third-party pad conditioner manufacturers for manufacturing, fabricating, or assembling the infringing pad conditioners, Samsung has induced, and continues to induce, such third parties to infringe the Asserted Patents (e.g., to ensure that the infringing pad conditioners are/were manufactured, fabricated, or assembled with the claimed structural characteristics in order to meet Samsung's stringent technical/design/development criteria for the Accused Products).

At the very least, because Samsung has been, and remains, on notice of the Asserted Patents and the accused infringement, it has been, and remains, willfully blind regarding the

infringement that it has induced and continues to induce.

3. Doctrine of Equivalents

Additionally, pursuant to P.R. 3-1(d), Dr. Sung contends based on information available to him at this time that each element of each asserted claim is literally present in the infringing pad conditioners and/or pad conditioning methods/processes used to manufacture, fabricate, or assemble the Accused Products as set forth above and identified in the charts attached as Appendices A1-A6. Based on the information presently available to it, Dr. Sung has also indicated certain elements in Appendices A1-A6 that Dr. Sung believes may be met under the Doctrine of Equivalents should the Court disagree that these elements are met literally. However, Samsung has not yet made its initial production, as described above. Nor has Samsung or related third-parties otherwise made any production relating to the infringing pad conditioners and/or pad conditioning methods/processes as well as the Accused Products made using such infringing pad conditioners and/or pad conditioning methods/processes. Dr. Sung's investigation of Samsung's infringement is ongoing and Dr. Sung reserves the right to amend the contentions to assert additional grounds and/or bases under the Doctrine of Equivalents.

This disclosure is therefore based upon information that Dr. Sung has been able to obtain publicly, together with Dr. Sung's current good faith beliefs regarding the offending systems and Accused Instrumentalities. This disclosure is given without prejudice to Dr. Sung's right to further supplement or amend as additional facts are ascertained, analyses are made, research is completed, contentions are made, and claims are construed, and Dr. Sung hereby expressly reserves his right to seek to amend his contentions regarding infringement under the Doctrine of Equivalents after it obtains, and has been able to analyze, the necessary discovery from Samsung, as well as any relevant third-parties.

E. PRIORITY OF THE ASSERTED CLAIMS

Pursuant to P.R. 3-1(e), Dr. Sung contends that the '862 Patent is entitled to a priority date of at least as early as May 23, 2011 but no later than March 13, 2013. Dr. Sung makes this disclosure without waiving any argument that he is entitled to an earlier date of invention based on activities predating the filing of the application identified above that may be uncovered during discovery. Dr. Sung makes this disclosure, which is not exhaustive, in satisfaction of P.R. 3-1(e)'s requirement identified above.

Pursuant to P.R. 3-1(e), Dr. Sung contends that the '802 Patent is entitled to a priority date of at least as early as May 16, 2005 but no later than October 3, 2014. Dr. Sung makes this disclosure without waiving any argument that it is entitled to an earlier date of invention based on activities predating the filing of the application identified above that may be uncovered during discovery. Dr. Sung makes this disclosure, which is not exhaustive, in satisfaction of P.R. 3-1(e)'s requirement identified above.

Pursuant to P.R. 3-1(e), Dr. Sung contends that the '270 Patent is entitled to a priority date of at least as early as May 23, 2011 but no later than May 23, 2012. Dr. Sung makes this disclosure without waiving any argument that it is entitled to an earlier date of invention based on activities predating the filing of the application identified above that may be uncovered during discovery. Dr. Sung makes this disclosure, which is not exhaustive, in satisfaction of P.R. 3-1(e)'s requirement identified above.

F. DISCLOSURE OF DR. SUNG'S PRODUCTS EMBODYING THE CLAIMED INVENTIONS

Pursuant to P.R. 3-1(f), Dr. Sung discloses that he does not currently intend to assert that any of his own instrumentalities practice the claimed inventions.

II. DOCUMENT PRODUCTION ACCOMPANYING DISCLOSURE

Pursuant to P.R. 3-2, Dr. Sung makes a document production accompanying these disclosures and states that based on Dr. Sung's present information and reasonable search, documents corresponding to P.R. 3-2(a) (documents sufficient to evidence each discussion with, disclosure to, or other manner of providing to a third-party, or sale of or offer to sell, the claimed inventions prior to the date of application for the patent in suit) are produced at SUNG_SAMSUNG001386-SUNG_SAMSUNG003108; Dr. Sung has identified no any documents corresponding to P.R. 3-2(b) (conception, reduction to practice, design and development); documents corresponding to P.R. 3-2(c) (file histories for each Asserted Patent) are produced at the following Bates ranges:

'862 Patent file history: SUNG_SAMSUNG001386-SUNG_SAMSUNG002668

'802 Patent file history: SUNG_SAMSUNG002669-SUNG_SAMSUNG003059

DATED: February 21, 2024

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DR. CHIEN-MIN SUNG

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record are being served with a copy of this document via electronic mail on February 21, 2024.

/s/ Alex Chan
Alex Chan