

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

HANSHOW TECHNOLOGY CO., LTD. AND
SHANGHAI HANSHI INFORMATION
TECHNOLOGY CO., LTD.

Plaintiffs,

v.

SES-IMAGOTAG SA, SES-IMAGOTAG
GMBH AND CAPTANA GMBH

Defendants.

Civil Action No. 2:23-cv-00617

**PLAINTIFFS' DISCLOSURE OF ASSERTED
CLAIMS AND INFRINGEMENT CONTENTIONS**

Pursuant to Local Patent Rule 3-1 and 3-2, Plaintiffs Hanshow Technology Co. Ltd. and Shanghai Hanshi Information Technology Co., Ltd. (together, “Hanshow”) hereby make the following infringement disclosures with respect to United States Patent Nos. 11,087,272 B2 (“the ’272 Patent”) and 10,701,321 B2 (“the ’321 Patent”).

Hanshow’s investigation is ongoing and discovery has not yet begun. Accordingly, these disclosures are based on Hanshow’s good faith evaluation of information available to Hanshow at this time. Hanshow reserves its right to supplement and/or amend these Asserted Claims and Infringement Contentions in view of information and/or documents, as well as physical products and/or accompanying documentation, which Hanshow understands based on its good faith investigation is not available to the general public, that may be obtained during or from further investigation, discovery, any claim construction ruling from the Court, applicable case law and authorities, and/or any other reasons permitted by the Federal Rules of Civil Procedure, by the Local Rules of the Eastern District of Texas, or by order of the Court. Hanshow also reserves the right to assert additional claims of the ’272 and ’321 Patents, accuse different products, or find alternative literal and/or equivalent infringing elements in defendants’ products.

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

A. Each claim of each patent in suit that is allegedly infringed by each opposing party

Based on information currently available to Hanshow, Hanshow alleges that SES-imagotag SA, SES-imagotag GmbH and Captana GmbH (“SES” or “Defendants”) directly and/or indirectly infringe at least claims 1, 3-13, and 15-19 of the ’272 Patent (“272 Asserted Claims”)¹ and claims 1-6, 8, and 11-19 of the ’321 Patent (“321 Asserted Claims”)² (together, the “Asserted Claims”).

¹ See also Exhibit(s) A, incorporated herein by reference.

² See also Exhibit(s) B, incorporated herein by reference.

Hanshow reserves the right to add, delete, substitute, or otherwise amend this list of Asserted Claims should further discovery, investigation, any orders by the Court regarding claim construction, or other circumstances so merit.

To the extent that this disclosure requirement implicates the software, firmware, and/or source code executable by a processor of the Accused Products, Plaintiff reserves the right to supplement and/or amend these contentions after Defendants (or third-parties where appropriate) provide the source code for each of the Accused Products in accordance with Paragraph 3(a) of the Court's Sample Discovery Order for Patent Cases.

- B. Separately for each asserted claim, each accused apparatus, product, device, process, method, act, or other instrumentality (“Accused Instrumentality” or “Accused Product”) of each opposing party of which the party is aware. This identification shall be as specific as possible. Each product, device, and apparatus must be identified by name or model number, if known. Each method or process must be identified by name, if known, or by any product, device, or apparatus which, when used, allegedly results in the practice of the claimed method or process**

The Accused Instrumentalities/Products of which Hanshow is aware are identified below. Hanshow reserves the right, in response to discovery or as otherwise permitted, to supplement its identification of Accused Instrumentalities/Products.

The Accused Instrumentalities/Products for the Asserted Patents include the VUSION digital shelf platform and components thereof, which includes, the Captana camera products such as the Captana ShelfEye camera and the Captana StoreEye 360 camera, access points, Captana-related software products, and/or VUSION Electronic Shelf Labels (“ESLs”), which include, but are not limited to: VUSION 1.6 (EDG2-0160-A), VUSION 2.2 and 2.2F (EDG2-0220-A), VUSION 2.6 and 2.2F (EDG2-0260- A), VUSION 2.7 (EDG2-0270-A), VUSION 2.9, VUSION 3.7 (EDG2-0370-A), VUSION 4.2 (EDG2-0420- A), VUSION 4.5 (EDG2-0450-A), VUSION 5.9 (EDG2-0590-A), VUSION 6.0, VUSION 7.4 (EDG2-0740- A), VUSION 9.7 (EDG2-0970-A),

and VUSION 12.2 (EDG2-1220-A), and any other similar platforms and/or products that include the elements of the asserted claims identified in the accompanying Exhibits A and B.

On information and belief, infringing elements of the above-identified products may be implemented through software. Therefore, production by Defendants of software source code pursuant to Discovery Order 3(a) is required to identify more specifically the infringing elements of the Accused Instrumentalities/Products.

Hanshow reserves the right to seek leave of Court to supplement, modify, or amend these Accused Instrumentalities/Products, as well as other information contained in this document and the exhibits hereto, after discovery from Defendants, or as otherwise permitted under the Court's Patent Rules. Such supplementation, modification, and/or amendment may include, but is not limited to, the incorporation of 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, of which Hanshow was not aware at the time these contentions were prepared, as well as the incorporation of source code, documentation, and/or physical products, and accompanying documentation, which Hanshow understands based on its good faith investigation is not available to the general public,.

- C. A chart identifying specifically where each element of each asserted claim is found within each Accused Instrumentality, including for each element that such party contends is governed by 35 U.S.C. §112 (¶ 6), the identity of the structure(s), act(s), or material(s) in the Accused Instrumentality that performs the claimed function(s).**

Claim charts identifying where each element of the each of the asserted claims of the Asserted Patents is found within each Accused Instrumentality/Product are included as Exhibits A and B. Based on publicly available information, Plaintiffs' research, and information and belief, Hanshow believes that the Instrumentalities/Products cited in the claim charts are representative of Defendants' infringing VUSION digital shelf platform, and any components thereof. Thus,

Plaintiffs assert that the Accused Instrumentalities/Products each infringe the asserted claims of each asserted patent, as identified in the charts found in Exhibits A and B in the same or substantially same manner. Therefore, the claim charts should not be deemed to limit the Accused Instrumentalities/Products to the extent the claim charts identify, chart, or discuss particular products.

The attached claim charts are based on publicly available information currently accessible to Hanshow. At this time, Discovery has not yet begun. Hanshow believes that evidence of infringement will be found in Defendants' source code, technical documents, specifications, testing documents, testing logs, usage logs, or other proprietary information, which has not yet been produced. Hanshow 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, source code provided by Defendants and information that is not publicly available or readily discernible without discovery. Hanshow further reserves the right to amend these claim charts, as well as other information contained in this document and the exhibits attached hereto, pursuant to Paragraph 3(a) of the Court's Discovery Order, Patent Rule 3-6, and/or as otherwise permitted by the Court, the Patent Rules, and/or the Federal Rules of Civil Procedure.

D. Whether each element of each asserted claim is claimed to be literally present or present under the doctrine of equivalents in the Accused Instrumentality

Based on Hanshow's current understanding of the claim language and publicly available information pertaining to the Accused Instrumentalities/Products, and without notice of any claim construction or non-infringement position from Defendants, except as identified in Exhibits A and B, Hanshow currently contends that all of the limitations of the Asserted Claims are met literally by each of the Accused Instrumentalities/Products. Additionally, claim construction has not yet

occurred and the Court has not yet construed any claim terms. Thus, it is not yet clear whether Hanshow will rely on the doctrine of equivalents for the remaining patent claims. Accordingly, Hanshow reserves the right to amend its infringement contentions as necessary. At this time, however, Hanshow asserts that any claim element not literally present in the Accused Instrumentalities/Products is satisfied under the doctrine of equivalents because any of the differences between the accused elements and the claim limitations would be insubstantial, and the accused elements perform substantially the same function, in substantially the same way, to achieve substantially the same result as to each claim limitation not literally satisfied.

Plaintiff reserves the right to augment and supplement its disclosures concerning the doctrine of equivalents based upon additional information obtained through discovery or based upon the Court's claim construction, and/or as otherwise permitted by the Court, the Patent Rules, and/or the Federal Rules of Civil Procedure.

E. For any patent that claims priority to an earlier application, the priority date to which each asserted claim allegedly is entitled

Each of the asserted claims of the Asserted Patents is at least entitled to a priority date no later than the filing date of the earliest application to which it claims priority. Plaintiffs submit that each of the asserted claims of the '272 Patent is entitled to a priority date at least as early as March 29, 2016. Plaintiffs submit that each of the asserted claims of the '321 Patent is entitled to a priority date at least as early as February 27, 2015.

Plaintiffs reserve the right to amend the above-identified priority date as additional information becomes available.

F. If a party claiming patent infringement wishes to preserve the right to rely, for any purpose, on the assertion that its own apparatus, product, device, process, method, act, or other instrumentality practices the claimed invention, the party must identify, separately for each asserted claim, each such apparatus, product, device, process, method, act, or other instrumentality that incorporates or reflects that particular claim.

Hanshow does not assert that its own apparatus, product, device, process, method, act, or other instrumentality practices the claimed inventions.

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

- A. Documents (e.g., contracts, purchase orders, invoices, advertisements, marketing materials, offer letters, beta site testing agreements, and third party or joint development agreements) 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 invention prior to the date of application for the patent in suit.**

Hanshow is not presently aware of any non-privileged documents that are sufficient to evidence discussions with, disclosures to, or other manners of providing to a third party, or sale or offer to sell, the claimed inventions prior to the date of application for the patents-in-suit.

- B. All documents evidencing the conception, reduction to practice, design, and development of each claimed invention, which were created on or before the date of application for the patent in suit or the priority date identified pursuant to P. R. 3-1(e), whichever is earlier**

Hanshow is not presently aware of any non-privileged documents evidencing the conception, reduction to practice, design, and development of each claimed invention, which were created on or before the date of application for the patents-in-suit. Hanshow asserts, however, that documents responsive to Patent Rule 3-2(b) may be in the possession, custody, or control of the named inventors for the Asserted Patents, and/or prior assignees of the Asserted Patents. If discovery from any such parties leads to the production of documents subject to Patent Rule 3-2(b), Plaintiffs reserve the right to rely on such documents with respect to establishing the claimed priority date.

- C. A copy of the file history for each patent in suit**

A copy of each of the Asserted Patents is located at HANSTX-0000001 to HANSTX-0000033. A copy of the file histories for the Asserted Patents is located at HANSTX-0000034 to HANSTX-0000909.

Dated on this 20th day of March, 2024.

Respectfully submitted,

/s/ Boyd Cloern

Boyd Cloern (DC Bar No. 471829)

STEPTOE LLP

1330 Connecticut Avenue, NW

Washington, DC 20036

Phone: 202-429-6230

Email: bcloern@steptoe.com

Hao Tan (IL Bar No. 6314119)

Shen Wang (IL Bar No. 6314224)

Peter J. Curtin (IL Bar No. 6332596)

ARCH & LAKE LLP

203 N. LaSalle St., Ste. 2100

Chicago, IL 60601

Phone: 312-558-1369

Fax: 312-614-1873

HaoTan@archlakelaw.com

ShenWang@archlakelaw.com

pete_curtin@archlakelaw.com

*Attorneys for Plaintiff HANSHOW
TECHNOLOGY CO., LTD.*

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this March 20, 2024, with a copy of this document via email.

/s/ Boyd Cloern
Boyd Cloern