

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

CERENCE OPERATING CO.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.; and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:23-cv-00482-JRG-RSP

JURY TRIAL DEMANDED

DEFENDANTS' FIRST AMENDED INVALIDITY CONTENTIONS

Pursuant to the Local Patent Rules and the Court's Scheduling Order, Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, "Samsung" or "Defendants") provide these First Amended Invalidity Contentions with respect to the Asserted Claims of U.S. Patent Nos. 7,395,078 ("078 patent), 8,081,993 ("993 patent"), 11,393,461 ("461 patent"), 11,087,750 ("750 patent"), and 9,026,428 ("428 patent"), (collectively, the "Asserted Patents") identified by Cerence Operating Co., ("Cerence" or "Plaintiff") in its Infringement Contentions.¹

The Asserted Claims, as reflected in Plaintiff's Infringement Contentions, are as follows:

U.S. Patent No.	Asserted Claims
7,395,078	1-3, 8-10, 12, 15-17
8,081,993	1-2, 6-8, 10-11, 15-17
11,393,461	1-18

¹ Plaintiff served infringement contentions on March 11, 2024. Plaintiff also served what it purports are amended infringement contentions on July 24, 2024. However, Plaintiff has failed to either seek leave to amend its contentions or obtain Samsung's consent to substitute its amended infringement contentions. Plaintiff's original March 11, 2024 infringement contentions remain operative and are referred to as the "Infringement Contentions."

Number	Filing Date	Published/Issued Date	Short Name	Exhibit Numbers
US20130289994A1	2012-04-26	2013-10-31	Newman	D-7
US9552037B2	2012-04-23	2017-01-24	Ooi	D-8
US20150106089A1	2010-12-30	2015-04-16	Parker	D-9
US9031847B2	2011-11-15	2015-05-12	Sarin	D-10
US9818407B1	2013-02-07	2017-11-14	Secker-Walker	D-11
US20090043580A1	2008-07-24	2009-02-12	Mozer '580	D-12
US2011/0166855	2010-07-06	2011-07-07	Vermeulen	D-13
US8713119B2	2012-09-13	2014-04-29	Lindahl	D-17
US8359020B2	2010-08-06	2013-01-22	Lebeau	D-18
US20110314185A1	2011-08-31	2011-12-22	Conroy	D-19

e) The '428 Patent

Number	Filing Date	Published/Issued Date	Short Name	Exhibit Numbers
JP2006323502	2005-05-17	2006-11-30	Arai	E-1
US2013/0298073	2013-07-09	2013-11-07	Kim '073	E-2
U.S. 5,161,245	1991-05-01	1992-11-03	Fenwick	E-3
U.S. 6,661,409	2001-08-22	2003-12-09	Demartines '409	E-4
U.S. 8,094,942	2011-09-30	2012-01-10	Rowley	E-5
US2006/0088216	2005-12-08	2006-04-27	Kawamura '216	E-6

Number	Filing Date	Published/Issued Date	Short Name	Exhibit Numbers
US2006/0265648	2005-10-21	2006-11-23	Rainisto	E-7
US2012/0086638	2010-12-14	2012-04-12	Chiu	E-8
U.S. 7,158,678	2001-07-19	2007-01-02	Nagel '678	E-9

2. Prior Art Systems

On information and belief, the systems identified below were in public use, on sale, or otherwise available to the public before the priority dates of the Asserted Patents. Defendants' further investigation and/or subsequent discovery from Plaintiff or third parties with knowledge regarding prior art systems may reveal additional relevant prior art systems and/or further information regarding the systems identified below, or other relevant prior art systems. Defendants reserve the right to supplement these Invalidity Contentions, based on subsequent investigation and discovery, including from third parties.

a) The '078 Patent

System	Public Availability Date	Short Name	Exhibit Numbers
Sony Ericsson T68i	No later than 03/20/2002	T68i	A-17
Sony Ericsson T300	No later than 11/07/2002	T300	A-18
Sony Ericsson T616	No later than 09/07/2003	T616	A-19
LG VX6000	No later than 07/31/2003	VX6000	A-20
Motorola V400	No later than 01/16/2004	V400	A-21

- Mozer '167 alone or in view of one or more of Vermeulen and Basye.
- Mozer '580 alone or in view of one or more of Vermeulen and Basye.
- S Voice alone or in view of one or more of Basye and Shenhav.
- Siri alone or in view of one or more of Basye and Shenhav.

e) The '428 Patent

(1) Independent Claim 1

- Arai alone or in view of Fenwick
- Demartines '409 alone or in view of one or more of Kim '073, Rowley, Fenwick, Kawamura'216, and Chiu
- Rowley alone or in view of one or more of Arai, Fenwick, Demartines '409, Kawamura'216, Rainisto, Chiu, Nagel '678, Gesture Search, and Japanese Input
- Nagel '678 alone or in view of one or more of Arai, Kim '073, Fenwick, Rowley, Kawamura'216, Rainisto, Chiu, Gesture Search, and Japanese Input
- Kawamura'216 alone or in view of one or more of Rowley, Chiu, Demartines '409, and Nagel '678, Gesture Search, and Japanese Input
- Fenwick in view of one or more of Demartines '409, Rowley, and Nagel '678
- Gesture Search alone or in view of one or more of Arai, Fenwick, Rowley, Demartines '409, Nagel '678, and Japanese Input
- Japanese Input alone or in view of one or more of Arai, Fenwick, Rowley, Demartines '409, Nagel '678, and Gesture Search

2. The limitations of the claimed invention were well-known

As mentioned in the preceding section, this section identifies exemplary limitations and motivations to combine.

Number	Filing Date	Published/Issued Date	Short Name
US 8,797,293	2013-07-09	2014-08-05	Kim '293
US 8,892,435	2009-02-13	2014-11-18	Kitade
US 8,908,973	2008-03-04	2014-12-09	Goldsmith '973
US 9,323,345	2009-04-20	2016-04-26	Huang '345

2. Prior Art Publications

Author or Publisher	Title	Publication/Use Date
Blackberry	"A short history of the BlackBerry"	2013-10-03
Nadeau	https://classictech.wordpress.com/2021/09/30/microsoft-multi-tool-word/	2021-09-30
Napper	Computer 50: The University of Manchester Celebrates the Birth of the Modern Computer	2010-07-26
Datamath	Datamath Calculator Museum, http://www.datamath.org/Related/Casio/fx-7000G.htm	2004-02-28
World Economic Forum	IBM Created the world's first smartphone 25 years ago, https://www.weforum.org/agenda/2018/03/remembering-first-smartphone-simon-ibm/	2018-03-13

Dated: September 24, 2024

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