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

| | |
|---|---|
| CERENCE OPERATING CO.,<br><br>Plaintiff,<br><br>v.<br><br>SAMSUNG ELECTRONICS CO., LTD.; and SAMSUNG ELECTRONICS AMERICA, INC.,<br><br>Defendants. | Case No. 2:23-cv-00482-JRG-RSP<br><br>**JURY TRIAL DEMANDED** |

# DEFENDANTS' SECOND 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 Second 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 August 7, 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 |
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**c) The ’461 Patent**

| Number | Filing Date | Published/Issued Date | Short Name | Exhibit Numbers |
|---|---|---|---|---|
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| US20120265528A1 | 2011-09-30 | 2012-10-18 | Gruber | C-2 |
| US20130110521A1 | 2012-05-30 | 2013-05-02 | Hwang | C-3 |
| US9031847B2 | 2011-11-15 | 2015-05-12 | Sarin | C-4 |
| US20140012573A1 | 2012-09-13 | 2014-01-09 | Hung | C-5 |

| Number | Filing Date | Published/Issued Date | Short Name | Exhibit Numbers |
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| US20150162002A1 | 2011-12-07 | 2015-06-11 | Liu | C-7 |
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| US20130289994A1 | 2012-04-26 | 2013-10-31 | Newman | C-9 |
| US20100009719A1 | 2009-05-21 | 2010-01-14 | Oh | C-10 |
| US20150106089A1 | 2010-12-30 | 2015-04-16 | Parker | C-11 |
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| US20100312547A1 | 2009-06-05 | 2010-12-09 | Van Os | C-15 |
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| US8359020B2 | 2010-08-06 | 2013-01-22 | Lebeau | C-20 |
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**d) The ’750 Patent**

| Number | Filing Date | Published/Issued Date | Short Name | Exhibit Numbers |
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| US20140006825A1 | 2012-06-30 | 2014-01-02 | Shenhav | D-5 |
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| US2011/0166855 | 2010-07-06 | 2011-07-07 | Vermeulen | D-13 |
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| US8359020B2 | 2010-08-06 | 2013-01-22 | Lebeau | D-18 |
| US20110314185A1 | 2011-08-31 | 2011-12-22 | Conroy | D-19 |

## VI. OTHER RELEVANT REFERENCES

Defendants hereby cite the following additional references as being relevant to the subject matter claimed in the Asserted Patents. ***In addition to those references cited in the sections below, Defendants incorporate by reference all those references found on the face of the Asserted Patents and/or in the prosecution history.*** Defendants reserve the right to rely on one or more of the following references as anticipatory references under 35 U.S.C. §102, as further evidence of obviousness under 35 U.S.C. §103, as background references demonstrating the state of the art, as a limitation upon the doctrine of equivalents, or for any other purpose. Based on further investigation and discovery, based on positions that Plaintiff may take regarding the scope of the asserted claims, and/or based on the Court's claim construction, Defendants reserve the right to revise these contentions and to rely on these references to prove the invalidity of the Asserted Patents in a manner consistent with this Court's Rules and with the Federal Rules of Civil Procedure.

### A. The '078 and '993 Patents

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| Pagarkar et al. | “Language Independent Speech Compression Using Devanagari Phonetics" | December 1, 2003 |
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| GSM-SMS | Universal Mobile Telecommunications System (UMTS); Technical realization of the Short Message Service (SMS) (3G TS 23.040 version 3.4.1 Release 1999) | 2001 |
| GSM-SMS | 3rd Generation Partnership Project; Technical Specification Group Terminals; Technical realization of the Short Message Service (SMS); (Release 6) | 2002 |
| GSM-SMS | Digital cellular telecommunications system (Phase 2+); General description of a GSM Public Land Mobile Network (PLMN) (GSM 01.02) | March 1996 |
| GSM-SMS | Digital cellular telecommunications system (Phase 2+); Point-to-Point (PP) Short Message Service (SMS) support on mobile radio interface (GSM 04.11 version 7.0.0 Release 1998) | 1999 |
| GSM-SMS | Digital cellular telecommunications system (Phase 2+); Compression algorithm for text messaging | 1999 |

| Author or Publisher | Title | Publication/Use Date |
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| GSM-SMS | Digital cellular telecommunications system (Phase 2+); Mobile Station - Base Station System (MS - BSS) interface; Channel structures and access capabilities (GSM 04.03 version 7.0.0 Release 1998) | 1999 |
| GSM-SMS | Digital cellular telecommunications system (Phase 2+); Mobile radio interface layer 3 specification (GSM 04.08 version 7.2.0 Release 1998) | 1999 |
| GSM-SMS | Digital cellular telecommunications system (Phase 2+); Point-to-Point (PP) Short Message Service (SMS) support on mobile radio interface (GSM 04.11 version 7.0.0 Release 1998)= | 1999 |
| MMS | Open Mobile Alliance (OMA) Enabler Release Definition for MMS Version 1.1 Version 4-Nov-2002 | 2002 |
| MMS | Open Mobile Alliance (OMA) MMS Conformance Document Version 2.0.0 Version 6-Feb-2002 | 2002 |
| MMS | Open Mobile Alliance (OMA) Multimedia Messaging Service Architecture Overview Version 1.1 Version 01-Nov-2002 | 2002 |
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| Roth | International Application Status Report, WO 2005/104092 (Roth); PCT/US2005/013478 | November 30, 2005 |

### B. The ’461 and ’750 Patents

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## C. The ’428 Patent

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