1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE EASTERN DISTRICT OF TEXAS

3 MARSHALL DIVISION

4 SINOTECHNIX LLC,)
)
5 Plaintiff,) Civil Action No.
) 2:24-cv-544-JRG-RSP
6 vs.)
)
7 SAMSUNG ELECTRONICS CO., LTD.;)
SAMSUNG ELECTRONICS)
8 AMERICA, INC.; and SAMSUNG)
DISPLAY CO., LTD.,)
9)
Defendants.)
10 _____

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12 OFFICIAL TRANSCRIPT OF PROCEEDINGS
DEFENDANTS' MOTION TO STRIKE CERTAIN PRODUCTS FROM PLAINTIFF'S
13 INFRINGEMENT CONTENTIONS
---
14 PLAINTIFF'S MOTION TO COMPEL DEFENDANTS TO PRODUCE COMPLETE
INTERROGATORY RESPONSES AND PRODUCE DOCUMENTS
15 BEFORE THE HONORABLE ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE
16 April 15, 2025 - 1:00 p.m.
MARSHALL, TEXAS
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Samsung Electronics Co., Ltd. v. Sinotechnix, LLC.
Samsung's Exhibit 1039
EX1039, Page 1

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APRIL 15, 2025

AFTERNOON SESSION

WHEREUPON. . .

the following proceedings were had:

THE COURT: Good afternoon. Thank you. Please be seated.

All right. I understand we have various motions on the docket today in Sinotechnix versus Samsung, et al, which is our Case Number 2:24:544.

Would Counsel state their appearances for the record.

MR. KENNEDY: Bill Kennedy and Pat Conroy for Plaintiff, Sinotechnix.

THE COURT: All right. Thank you Mr. Kennedy.

MR. UNDERWOOD: Good afternoon, Your Honor. Travis Underwood, here for all three of the defendants. With me is Paul Bondor and Jennifer Przybylski.

MS. PRZYBYLSKI: Przybylski.

MR. UNDERWOOD: Przybylski. I was so close. They are here on behalf of Samsung Electronics and Samsung Electronics America, and we're ready to proceed.

THE COURT: All right. Thank you, Mr. Underwood.

I know that when we set this there were three motions that were designed to be taken up. Those are at Docket Numbers 65, 70, and 82.

If Counsel have a preference as to where they think we

should begin, I'll be happy to proceed in that fashion.

MR. KENNEDY: Thank you, Your Honor. Mr. Bondor and I spoke before the hearing started, and I think it makes sense to begin with the motion to strike infringement contentions. I would like to start by outlining what Plaintiff has done to amend its contentions since the prior hearing. And Mr. Bondor prefers to go first as well.

So we were looking from some guidance from the Court on that order to start.

THE COURT: Well, when in doubt, I'll let the movant proceed first. And -- but I promise you, Mr. Kennedy, we'll get to you.

MR. KENNEDY: Thank you very much.

THE COURT: All right.

MR. BONDER: Thank you very much, Your Honor. Paul Bondor. I'm pleased to be back in front of you. As Your Honor may or may not recall -- I'm sure you have much to keep you busy -- but where we left you back on March 10th was with a -- with the Court granting leave to the plaintiff to take another stab at their infringement contentions and see if they couldn't resolve some of the complaints that we had with our motion to strike.

Your Honor scheduled this hearing so that we could advise you of any remaining issues. And I'm -- I'm sorry to report for Your Honor that there are still some remaining issues. I

1 guess I can say that I think that I'm pleased to report that I
2 believe that the scope of the dispute is narrowing.
3 And with your permission I'll just go through a little
4 bit of a snapshot with where I think we are after the
5 amendment.
6 Your Honor, I passed up a binder with some slides in it.
7 I will go ahead and put the slides -- not all of them and not
8 all in order, but I'm going to go through hopefully some slides
9 so that you can at least better understand where we're coming
10 from for Samsung.
11 THE COURT: All right.
12 MR. BONDOR: I'm going to start with the proposition
13 of what happened and what didn't happen.
14 And Your Honor may recall from the briefing that part of
15 the issue is -- in fact, the entire issue really is about
16 whether or not Plaintiff's claims of representativeness are
17 valid and/or comply with the local rules for infringement
18 contentions. And so I just wanted to orient the Court with
19 respect to what the plaintiff did and what the plaintiff didn't
20 do.
21 And, again, to set the table, Appendix A was what we
22 moved to strike. Because in the original invocation of the
23 infringement contentions, the plaintiffs had torn down 14
24 products and had charted 14 products, and then had attached to
25 their infringement contentions an Appendix A with an

1 additional, depending on how you count, 1,234 more products
2 that didn't have any known connection to either the -- any
3 particular patent nor to any particular chart.
4 We're still in that world primarily, because there's
5 still, in the amended infringement contentions, there is no
6 patent-by-patent analysis of Appendix A. They didn't say these
7 are the models that infringe the '162; these are the models
8 that infringe the '913, et cetera, et cetera. Instead,
9 Appendix A is now introduced by language that says all of these
10 things infringe one or more, but they do not distinguish
11 Appendix A in any meaningful way.
12 The plaintiffs chose not to do any additional teardowns
13 at all. So we're still at the same 14 products that they had
14 torn down in advance of their original set of contentions.
15 They still have not discussed laptops at all. There was no
16 teardown of a laptop. There is no connection between any of
17 Defendants' laptops, in any chart, or any thing that they have
18 identified with particularity in their claims.
19 And then, finally, there have been no links drawn between
20 any chart and hundreds of the products that are in Appendix A.
21 So I'm going to skip the next two slides and move to
22 where I think we are on our motion to strike.
23 With the amended infringement contentions -- this is
24 Slide Number 6, Your Honor -- Plaintiff still purports to
25 accuse Appendix A, but the amended infringing contentions don't

say anything about hundreds of those products. And so the high level position that we have on behalf of Samsung is that the appendix as it is should be struck and, instead, there should be a shorter list of products, which we have identified and which I can also hand up to Your Honor, that we now feel, if not perfect, at least it is a reasonable accommodation to what Plaintiff says it is trying to accuse.

And I'm going to start with what some of the changes were with respect to the -- to the amended infringement contentions.

So for the first time in the amended infringement contentions, at least Plaintiffs have now identified, by number, LED assemblies. And just so Your Honor can follow along, essentially all of the patents relate to either LEDs or LED lenses or circuitry associated with LEDs, let's say.

And so in their amended infringement contentions they did identify here the LED assembly part numbers. And they link them to products.

So that is actually an improvement, because, now, instead of having no link between what they charted and what they say is accused, at least now we have some handhold to try to determine the full universe of what should be in the case.

What they didn't do is with respect to hundreds of other products in the case, there are still hundreds of chart -- hundreds of products in Appendix A that remain unconnected to anything. And so I'm going to -- I'm going to build from

there.

So we think that the amended infringement contentions improved the situation but did not entirely rectify Appendix A. And so to go through where we believe the motion is and where the -- where we recommend the Court comes out is that Appendix A itself should be struck in favor of a definable list of products, and because they point to 14 products we can identify, using the identified LED assemblies, some 500 additional related products based on things that at least have some rational relationship to what they did put in their infringement contentions.

And so -- and I'm going to tell you what those categories are, but the bottom line is that, in our view, instead of the 1,200-plus products in Appendix A, we believe Appendix A should be struck in favor of the 514 products that at least contain the LED assemblies that the plaintiffs are accusing. And we think that to the degree that Appendix A includes hundreds of additional products for which the contentions have no relationship with anything that's charted, we think that those products ought to be struck.

And the way that we went through -- well, actually, I want to go forward with where the current dispute is.

So in their amended infringement contentions, what Plaintiff tried to do is substitute for any actual patent language based analysis they chose to try to use shorthands to

1 describe the geometries that they're trying to grab.
2 So, for instance, for the '162 patent, they say that they
3 accuse all LEDs with bubble-shaped lenses. Now, conceptually,
4 we may understand roughly what bubble-shaped lenses could
5 conceivably look like. Their patent claims don't actually
6 claim bubble-shaped lenses. In fact, their patent claims are
7 directed to a very specific set.
8 And, Your Honor, I'm sorry, I have to ask, can we
9 consider the courtroom sealed, because -- I think because of
10 both Plaintiff's and Defendants' materials, I'm about to show
11 you something that is claimed to be confidential.
12 THE COURT: There is no one present in the courtroom,
13 but I don't want to seal the transcript unless you're going to
14 be actually speaking about --
15 MR. BONDER: No, Your Honor. I just want to make
16 sure that the slides themselves don't become part of the public
17 record.
18 THE COURT: All right. Then the slides will not be.
19 MR. BONDER: So just by way of example, while
20 Plaintiff would want to substitute the generic language
21 "bubble-shaped" for an LED lens that looks like this, their
22 actual patent claim turns on uniform irradiance and actually
23 has a specific curve here and a specific curve here. And so
24 you could call that crescent-shaped; you could call that a lot
25 of different words.

But one of the things that we are trying to avoid is a situation where we have to come back to Your Honor over dispute after dispute as to whether their expert says that this shape is bubble-shaped or not. And another example is what they call the candle-shaped lenses, and, to this moment, I still don't understand why they call this a candle shape.

We've had a couple of different discussions over why they might be saying is it a votive candle; does it look like the bottom of of a taper candle; is it meant to say, oh, this is how the wax burns down. We have no idea what candle-shape means. But what the claim covers is something that looks like this. And that doesn't look like a candle at all.

So what we're trying to avoid is a situation where we get all the way -- either in five weeks we're here arguing over something else that they want to call candle-shaped that we don't understand encompasses candle-shaped or, worse, that we get to expert discovery and they want to claim something, again, that is candle-shaped that doesn't resemble any shape that we've seen so far and that we wouldn't ever consider candle-shaped.

So their short form arguments about what could be used as a rough cut for the infringement contentions are not practical.

And I'm going to give you yet one more taste of some of the issues.

So here, again, this is a piece of prior art. This is

1 the profile of the prior art lens -- or one of the prior art
2 lenses. Is Plaintiff -- would Plaintiff assert that that's a
3 bubble-shaped lens because it has sort of a curve to it? Would
4 it assert that that's a candle-shaped lens because it has some
5 of the attributes of what they're calling candle shape. And
6 the answer is, we don't know, or could it be both bubble-shaped
7 and candle-shaped.
8 And so we think that the tack that Plaintiff has taken to
9 try to move away from what the rules, the local infringement
10 contention rules require, which is an element-by-element,
11 patent-by-patent, product-by-product comparison that is
12 tailored to the language of the claim, can't be jettisoned
13 fairly in favor of slang terms that Plaintiff comes up with
14 because, if we go down that road, we're all going to be back
15 here arguing about what exactly those paraphrases mean.
16 So, in our view, the better way to go forward is a
17 proposal that we made to Plaintiffs to try to short circuit
18 this. They needed more time to evaluate it. So we aren't --
19 we didn't get to there on agreement, but our position on the
20 current motion is that Appendix A should be struck with respect
21 to all products except 514 products.
22 And the way that we get to those 514 products is we have
23 Category 1, which is all the products that Plaintiff actually
24 charted. That seems fair -- again, Your Honor took me to task
25 a little bit last time we were together. I'm not arguing about

1 non-infringement. We don't believe we infringed them. We
2 don't think that their infringing contentions are what they're
3 supposed to be, but we're standing here in front of you on the
4 motion to strike simply to get to the practical point of saying
5 what should be in the case and what should be out of the case.
6 And so our proposal for resolution in light of their
7 amended contentions is that we would give them the products
8 that they actually charted, the products that use all of the
9 same LED assemblies as in the products they charted. At least
10 there's a commonality there.
11 We don't have to agree with their infringement
12 contentions, we don't have to agree that the element-by-element
13 would extrapolate to those products, but at least there's
14 commonality.
15 Then we would give them additionally all products that
16 use any of the additional LED assemblies that are now
17 identified in their charts. So we have the stuff that they
18 broke down and then now we also have stuff that they've never
19 charted but at least they mentioned it. At least they
20 identified it as an accused LED assembly in their charts. And
21 we'll give them that too.
22 And then, finally, again, recognizing that the law of the
23 Eastern District of Texas expects Defendants to accommodate
24 discovery requests on things that are reasonably similar to
25 that which is accused, we would expand discovery to category of

1 all products in the same family as any product in 1, 2, or 3.
2 So these are additional items, additional products, that
3 do not use an accused LED assembly, they do not use any LED
4 assembly that Plaintiff actually did any work on, but we would
5 lump those in because at least they're part of a family, maybe
6 they share performance specifications that make it somehow
7 reasonable to assert that whatever they say about the subset of
8 LED assemblies might be passingly similar for these.
9 We don't agree that these are actually representative but
10 we, again, looking to Your Honor's and the Court's problem and
11 our problem of how are we going to practically litigate this
12 case going forward, we need to all come together on what's the
13 list of nominally accused products, what is discovery going to
14 extend to, and we think that this is a workable approach that
15 gives respect to what they've said and then also respect to
16 reasonably similar, and that the Court should strike Appendix A
17 and substitute instead the list of 514 products that's derived
18 this way.
19 The thing I will note, Your Honor, is that this list of
20 514 products does include, first, hundreds of products that are
21 outside of anything they tore down and also hundreds of
22 products that don't use any of the LED assemblies.
23 So we are not squinting and giving them something
24 absurdly narrow. We are actually giving them a great deal of
25 wiggle room in terms of how to interpret their contentions, but

what we need is a bright line to avoid future disputes down the road, and in an effort to get to a bright line to avoid those disputes we have come to these hundreds of products.

The last thing that I wanted to point out is that within these 514 products are actually products that are outside of Appendix A.

So I've been appearing in cases in the Eastern District of Texas for years, both as a plaintiff and as a defendant. I understand what I believe as a professional the local rules are trying to accomplish, and so we are including products that nominally aren't even in the universe of things that Plaintiff says that they accused in Appendix A, but we're doing so because at least there is a rational line to draw between what they say is accused and what these products are.

And so, Your Honor, our revised position based on the amended infringement contentions is that Your Honor should strike everything in Appendix A, substitute the 514 products, and then we can go forward with discovery in an orderly fashion, knowing what's in and what's out.

THE COURT: All right. Thank you, Mr. Bondor.

MR. KENNEDY: Good afternoon, Your Honor. Bill Kennedy again for Plaintiff.

THE COURT: Good afternoon, Mr. Kennedy.

MR. KENNEDY: The way I'd like to do this is to walk through how Plaintiff amended its contentions in the two weeks

following the March hearing. And then once I have explained that process, I think it will become clear why Mr. Bondor's proposal leaves out certain products that should still be accused in this case.

So as a general summary, and I provided the Court with binders that have the amended contentions so you can see everything that we've done.

Generally, what we've done is we've removed entire categories of products and limited the accused products to those that are charted, those with identical operative components, and reasonably similar products.

When we were here in March, the Court provided the suggestion the contentions should be able to say if it has candle LEDs, here's our theory; if it has bubble LEDs, here's our theory; and to the extent the information is not publicly available at the pre-discovery stage, you have the obligation of doing the best you can. And that's what Plaintiff has done in its amended contentions.

The first patent is the '162 patent. This is these -- the category that Mr. Bondor was discussing it: the bubble LEDs patent. And in our prior contentions, this patent relates to lenses, so we said the accused products are those that are direct lit via LED, such as bubble LEDs, candle LEDs, and/or mini LEDs, and then those products include but are not limited to the models identified as direct lit in Appendix A. So every

1 product in Appendix A is direct lit and that's what our
2 original representative statement said.
3 We move on to our amended representative statement, and
4 it's much more detailed. So it starts off that it only accuses
5 bubble LEDs for the '162 patent. We removed candle LEDs and we
6 removed the mini LEDs.
7 THE COURT: Mr. Kennedy, let me just interrupt early.
8 Obviously, there -- the defendant is contending that they
9 cannot easily know what is a bubble LED and what is some other
10 kind of LED.
11 MR. KENNEDY: Uh-huh.
12 THE COURT: What is your answer to that?
13 MR. KENNEDY: So my answer to that, and it will
14 become clear when we walk through the charts, is that
15 Plaintiff, using the discovery that Defendant provided,
16 identified the specific examples of the lenses by model number
17 that are bubble LEDs. So Defendants can use that information
18 and go see, are there any similar lenses, reasonably similar
19 lenses, to those that are specifically identified by model
20 number. And then Plaintiff identified the LED assemblies that
21 those lenses come in and then the products that Defendant
22 provided us discovery on in which those lenses occur.
23 So it's not just that it's called a shorthand bubble LED.
24 We have a teardown that shows exactly what it looks like. Then
25 we have an identifier of five to ten different model numbers

that they can go see and look up and say, do we have similar LEDs to this. And I actually have -- I have some examples of some LEDs that we tore down that I'd like to show Your Honor, and you can see how easy it is to tell which one is a bubble versus which one is a candle.

THE COURT: Where the term "bubble LED" come from?

MR. KENNEDY: We just -- we use that as just a descriptor of what it looks like. I do not think it's a term of art. And, again, that's just a starting point for how we describe this. We've got a lot of examples of the specific description of what it is, not to mention the teardown showing it.

THE COURT: All right.

MR. KENNEDY: May I approach with these?

THE COURT: All right.

MR. KENNEDY: I know it's a lot. I can make it easy. The first one I'm handing is one of the bubble LEDs we tore down. Second one I'm handing is an example of a candle LED, and you can see why it looks like a candle. We describe it that way because it looks like a burned down candle from the top. Here's another example of a candle LED we tore down. And you can easily tell the difference between those two kinds.

And then we have two examples of neither. And those look completely different than the bubble or candle.

So with that in mind, I think that, if we walk through

1 what we did in the representativeness, you'll see that it would
2 be pretty easy for Defendants to follow the reasonably similar
3 products we're accusing here.
4 So this is the beginning of our -- this is the beginning
5 of our representativeness analysis for this particular patent,
6 the '162 patent, and it just starts out with the products that
7 are direct lit via LEDs with bubble-shaped lenses that are the
8 same or reasonably similar to those shown in the charting
9 below.
10 So all we're accusing here are the ones that are the same
11 or reasonably similar to those charted below. And then the
12 identification for Appendix A is just, if there's anything in
13 Appendix A that's the same or reasonably similar to what we
14 charted below, then that should be in the case as well. So
15 we're not relying on the entire list of Appendix A and saying
16 that all of those are accused here.
17 So then, after that, we're not just saying let's go look
18 for bubble-shaped lenses, we're not asking them to do that
19 alone. We provide the examples of the names of those lenses
20 that Defendant has provided to us. This is not public
21 information. It's not something we can go out and find. So we
22 don't have it for every one of them, but for at least the ones
23 that the 131 products that Defendants have provided discovery
24 on, we know that there's lenses have these names: Light
25 Enhance Cap T5, LM67, M611, CAO4, Molex 611, Molex 711. So

1 Defendants have that that they can go on to find reasonably
2 similar products.
3 If you move on further in our representativeness
4 analysis, we then know -- and, again, this is not from public
5 information; this is from the limited discovery that we have --
6 that those lenses are found in certain LED assemblies. And you
7 heard Mr. Bondor talking about LED assemblies because that
8 plays in pretty heavily into their proposal.
9 And what an LED assembly is, is it is some kind of
10 assembly that includes other parts besides just the LED. It
11 can have the LED image itself, a printed circuit board that's
12 used to turn on the LED, it can have a lens, and it can have a
13 connector. So those things all go together to make an LED
14 assembly.
15 And we know from discovery in this case that these
16 different model numbers for LED assemblies have the lenses that
17 we charted: BN96-56745, BN96-50374A, and so forth and so on.
18 So we identified those.
19 Then we also know from, again, non-public information
20 that all these different end-user products, the QN98, QADC,
21 QA98Q, also include these LED assemblies and, therefore,
22 include the same lenses. So we have given Defendants a roadmap
23 to go out and look and see, hey, these are the bubble-shaped
24 lenses they're accusing. Is there anything that's reasonably
25 similar to those that we haven't identified? And Defendants

1 won't do that. They won't go out and find those reasonably
2 similar products.
3 So getting toward the end of this representativeness
4 analysis, we generally state that the lenses at issue are only
5 used for direct backlit televisions; however, the
6 identification of what lenses are used and what Samsung
7 direct-lit display product is not public.
8 So if we want to go out and find what lenses are being
9 used in these products, we have to tear them down and figure
10 out what the lenses are. Sometimes you find a lens that looks
11 bubble-shaped; sometimes you find one that looks candle-shaped;
12 sometimes you find one like I showed Your Honor that's a
13 rectangle, that's much smaller, and it doesn't look like any of
14 them. But, for us, it's very easy to determine what's
15 bubble-shaped or candle-shaped. We just have to tear it down.
16 They have this information in documents. They can go look and
17 find it, they just don't want to.
18 THE COURT: And so are you -- have you seen documents
19 that they have that describe the LED lenses in a way that
20 converts to candle-shaped or bubble-shaped?
21 MR. KENNEDY: Not that specific language, but you can
22 see the shape from the -- from some of the, like, requests for
23 approval, you can see that it has that same shape in the
24 drawing. That language, bubble-shaped and candle-shaped, is
25 just a placeholder to describe what it looks like.

We provided specific examples of what that shape looks like via the actual lens identifiers. We're not saying go look for everything that is bubble-shaped. We're saying go look for everything that looks like this specific lens that we've identified by model number.

THE COURT: How do the terms "bubble-shaped" and "candle-shaped" relate to your claims?

MR. KENNEDY: I'll have to show you the contentions. It's just -- it's the way that the --

THE COURT: In other words, do the patents describe the accused lenses in terms of their shape?

MR. KENNEDY: They do, Your Honor. If you can see this limitation here, this is from the '162 patent as well. There's a transparent dielectric solid of revolution with external surface area predominantly comprised of an entry surface that receives light of a nonuniform irradiant surface from a nearby compact light source and of an opposing exit surface that forms from said received light a prespecified diverging output beam.

So it's our contention that that very complex limitation, we are not going to see infringement of that in the candle-shaped lenses. We only see it in the ones that are what we call bubble-shaped but what we provided the specific examples of what that looks like here. And also named them by model number. So there's another -- I mean, the limitations

for this claim are about the shape of the lens. You can see the next limitation: Said entry surface given a specific profile that refractively deflects said received light into a different solid angle.

So that's talking about the inside part of the shape. Said exit surface spatially distributed said exit surface receives said deflected light with predominantly uniform irradiance. So the exit surface would be the top, which we're contending is the bubble. Said exit surface given a specific shape that refractively deflects said uniform irradiance of the said output beam.

So if we just told Defendants go look for lenses that meet that claim limitation, they would say none of them meet that claim limitation. We don't think it infringes. We have to give it some kind of name for what it looks like, and that's what we did. But we didn't just do that. We didn't just say go look for everything that you think is bubble-shaped. We said we know that this lens here has a specific model number, Molex 711, or something like that that's written in our contentions. So go look for the ones that are similarly shaped to that Molex 711 and give us those. They haven't done that.

You can see the sentiment I'm trying to convey in our last statement with our conclusion paragraph in the '162 patent. They say Plaintiff accuses each direct backlit model that includes the same or reasonably similar lenses as the

1 lenses used in representative product QN65Q80CAF, so that's the
2 charted product, or otherwise identified as -- and so these
3 lenses with model numbers, Light Enhance Cap T5, LM67, M611,
4 CAO4, CSPH06, Molex 611, Molex 711 by Samsung or its suppliers.
5 So we're not saying in this statement we just want
6 everything that's bubble-shaped. We're giving them the
7 specific examples of the kind of lenses we're looking for and
8 reasonably similar lenses to that. And then we just conclude
9 that this is representative because the claims of the '162
10 patent are directed to a lens in each such television includes
11 the same lenses as the lens as identified and described in
12 representative charting below.
13 That's our conclusion on what we're accusing.
14 Now, the '873 patent, and I think if Your Honor followed
15 how we outlined the previous patent, I think that this one
16 follows in almost the exact same fashion as the one before it,
17 except for the '873 patent has a candle shape instead of a
18 bubble shape.
19 So for our contentions here, we abandoned the bubble and
20 the mini LEDs and we just accuse those that are direct lit via
21 LEDs with candle-shaped lenses the same or reasonably similar
22 to those shown in the charting below.
23 So we have, again, an identifier of all of the -- of all
24 of the lens model numbers that we're accusing, and we want
25 those and the reasonably similar lens models to that, and then

1 we again go through what LED assemblies we believe, based on
2 Samsung's limited document production thus far, include those
3 lenses, and then, again, based on Samsung's limited document
4 production, we identify the products that have those lenses.
5 And then we conclude again with Plaintiff accuses each direct
6 backlit model includes the same or reasonably similar lenses as
7 the lenses used in the representative products -- these are
8 end-user products that we charted, UN58, UN65, and UN75, or
9 otherwise identified as, and then these are the lenses that we
10 know are in those products based on the limited discovery
11 Samsung has given us thus far.
12 So the '873 patent follows almost the same pattern as
13 before, just for a different kind of lens.
14 The '113 patent is the same as the '873 patent. The same
15 kind of lens; same kind of claims.
16 Now, the '626 patent, this one is much more complicated
17 because it is the method-of-manufacture claim. And Mr. Bondor
18 didn't discuss the method of manufacture at all. Didn't
19 recognize the specific issues that relate to the method of
20 manufacture as they go to the plaintiff's burden of proving
21 infringement.
22 So here, in the prior representative statement, we just
23 accused everything in Appendix A because we think that all of
24 the -- I'll show why -- reasonably believe that all of
25 Samsung's products are likely to have LEDs that are

1 manufactured according to that method.
2 THE COURT: And is it your understanding that Samsung
3 manufactures the LEDs that are in the products you are
4 accusing?
5 MR. KENNEDY: Yes. Samsung does manufacture LEDs in
6 the products we're accusing. They do not manufacture all of
7 them.
8 THE COURT: And do you contend that the documents,
9 the technical documents, that Samsung has would identify the
10 shape of the LEDs that they don't manufacture but that are
11 included in accused products?
12 MR. KENNEDY: Yes, Your Honor. The -- for the prior
13 patents on the shape of the lenses, they -- Samsung has
14 documents that are requests for approval that they send out to
15 their suppliers that show, and where their suppliers show, the
16 shape of the lenses that they're going to be using in the
17 product.
18 So at least in those documents you would see the shape.
19 And we have seen that before. We've seen requests for approval
20 with many different suppliers that are sent up to Samsung
21 showing the shape. I may have an example of one of those in my
22 box over here if Your Honor would like to see it.
23 THE COURT: That's all right. Mr. Kennedy, it seems
24 like we've got two different issues that are being addressed
25 together, and one is what products are properly accused in the

1 infringement contentions and the other is what is the scope of
2 discovery that is proper for this case.
3 MR. KENNEDY: I think that's correct, Your Honor.
4 And that's -- we have the two opposing motions: the motion to
5 strike and then the motion to compel.
6 So I think the discovery that's proper in this case
7 relates to that motion to compel portion.
8 THE COURT: I'm having trouble concluding that the
9 way you have identified the accused products, even in the
10 amended contentions, complies with the local rules which
11 require that you identify the products as specifically as
12 possible, including model numbers, et cetera.
13 MR. KENNEDY: Okay.
14 THE COURT: All of the language that you're referring
15 to that talks about reasonably similar, I think that goes to
16 the question of what is the proper scope of discovery that
17 you're allowed. It's the accused products and those that are
18 reasonably similar to the accused products.
19 MR. KENNEDY: And I agree with that, Your Honor, and
20 I think that's what we were going for here was we -- we cannot
21 do what Defendants are asking us to do without tearing down
22 products. They want us to do a one-by-one analysis of
23 Appendix A, and in order to do that we need to tear down the
24 products. We need to get discovery from them.
25 So that's why we now have this "reasonably similar"

1 language. We've identified the specific products in our
2 contentions to the best of our knowledge that include what
3 we've torn down, and then we've said and also reasonably
4 similar products.
5 So, at minimum, we believe we should have discovery on
6 those products so that we can determine whether or not they
7 infringe. And that's -- that's the position that I'm trying to
8 make here.
9 THE COURT: Well, I -- you know, you may be entitled
10 to the discovery that you're talking about. I think we'll have
11 to take that up in a minute, but I do think that the defendant
12 is correct that the infringement contentions are required to
13 identify the accused products with more specificity than you
14 can do with the all-products-reasonably-similar language.
15 MR. KENNEDY: And just to be clear, Your Honor, I
16 think that we have -- so we have, if you look at the '873
17 patent, we have identified as many of the end-user products
18 that we know include those lenses.
19 THE COURT: Well, and that -- that may well be
20 sufficient to identify the accused products, and I think that,
21 as I understand Mr. Bondor's presentation, Samsung is, at least
22 for purposes of this hearing, conceding that you have properly
23 or sufficiently identified a lot of products.
24 But I -- I guess on this motion to strike, the real issue
25 is have you gone beyond that in your current appendix to the

1 amended infringement contentions and, if so, how can it be cut
2 back to what is a proper level of identification to comply with
3 the patent local rules.
4 MR. KENNEDY: So the answer to that, Your Honor, is I
5 think that for the products in Appendix A, the only solution
6 that we have, other than saying we have torn down these various
7 products, what we found infringes. We also know that the
8 products in Appendix A are likely to include similar LEDs, but
9 we haven't torn those down.
10 If Defendants want us just to go out and tear down more
11 and more products, and I think that would be the only solution
12 to what they ask for.
13 THE COURT: Well, in terms of identifying them, you
14 can certainly identify the products with the numbers that
15 you've got. I guess the -- you're going another step ahead,
16 and that is do you have -- or can you provide a sufficient
17 charting of those products to your patent claims?
18 MR. KENNEDY: Yeah. So the Appendix A definitely
19 does identify the actual products by number. They know that.
20 And what Defendants want us to do is to go out to Appendix A
21 and tear down all of those products. They say no
22 patent-by-patent analysis of Appendix A. That requires
23 teardowns.
24 THE COURT: Well, I think that one of the things we
25 were talking about at the last hearing was the sufficiency of

1 the plaintiff's allegation of representativeness and, I mean,
2 how are you going to prove infringement without tearing down if
3 you have no other way of doing it?
4 MR. KENNEDY: Well, if they give us documents, we
5 certainly can do it. They have documents showing, for example,
6 the shape of the lenses. They get them from their suppliers.
7 They sometimes make LEDs themselves.
8 So the documents will certainly show that.
9 THE COURT: Okay. So that -- that kind of gets us
10 back to discovery.
11 MR. KENNEDY: But --
12 THE COURT: Go ahead.
13 MR. KENNEDY: But the other alternative is just more
14 teardowns. No patent-by-patent analysis in Appendix A. That
15 requires us to tear down the products in Appendix A. No
16 additional teardowns. That's more teardowns. No links drawn
17 to any chart in hundreds of products arbitrarily listed in
18 Appendix A. That is more teardowns.
19 The information they need, that they want from us, is
20 non-public. We can't just go to Best Buy and say, I want a
21 television that includes that lens. We have to tear it down
22 and see if it actually does include that lens.
23 THE COURT: Well, so how is it that you would contend
24 that you have a sufficient charting of these products as
25 required by the infringement contentions at this stage?

1 MR. KENNEDY: Because we have torn down a product --
2 products that have those specific features and shown that we
3 believe that those products infringe under that theory. And we
4 think that while the information on the remaining products in
5 Appendix A is non-public, that those products will also include
6 that -- those features.
7 THE COURT: And what I'm hearing, that is an argument
8 about representativeness, and --
9 MR. KENNEDY: Sure.
10 THE COURT: -- if you have a sufficient basis for
11 that so that you can say here's Product A that we've charted
12 and here's a list of products that we believe are subject to
13 the same analysis and here's why we believe that, I think that
14 can satisfy your obligation as far as infringement contentions
15 go; but --
16 MR. KENNEDY: And so for --
17 THE COURT: Go ahead.
18 MR. KENNEDY: So for our current contentions right
19 now, we have a list of -- we have the product we tore down. We
20 know from Samsung now that that product has these kind of
21 lenses it. So we've identified that lens. We know from
22 Samsung that those lenses, and just from their discovery, are
23 included in those specific products.
24 But to get from what we tore down to those next steps, we
25 have to have discovery from Samsung.

1 THE COURT: Well, and I think that's fine. That is
2 an issue that can be raised in your discovery requests and, if
3 necessary, in motion to compel the discovery. But that doesn't
4 justify putting those things into your contentions currently if
5 you don't have the basis yet to make that accusation.
6 MR. KENNEDY: I think those things aren't in our
7 contentions currently. It's that we say that Appendix A can be
8 mined if anything in Appendix A is reasonably similar to the
9 specific things that we identified in our contentions.
10 THE COURT: Well, all right. So your understanding
11 of your own contentions is that you're not accusing all of the
12 products listed in your Appendix A.
13 MR. KENNEDY: It depends on the patent. But for the
14 lens patents, that is correct, for the first three we just
15 discussed. For the '626 patent, which I'm about to get into,
16 we believe we have sufficiently provided representative
17 analysis for all of those products in Appendix A.
18 THE COURT: So how many of these a little over a
19 thousand products that are apparently listed in Appendix A fall
20 into this category and relate to the '162 patent?
21 MR. KENNEDY: Excuse me. Can you repeat the
22 question? Sorry, I didn't follow.
23 THE COURT: Well, I'm just trying to keep up and
24 understand. I understand that your Appendix A lists or and
25 covers another more than a thousand products; is that right?

1 MR. KENNEDY: That's correct, Your Honor. And so for
2 Appendix A, we know that for the lens patents it only relates
3 to direct lit. We can determine based on public information
4 that certain of Samsung's products are direct lit. So then we
5 can limit those down to the direct lit ones.
6 But without information from Samsung or without doing
7 teardowns, we cannot determine the actual specific lens. We
8 can't -- we have to open up the TV and see the lens, like I
9 showed Your Honor of the examples earlier today.
10 But at least the direct lit portion cuts that
11 substantially. There's many -- I don't know the exact number,
12 but there are many, many just edge-lit products in Appendix A.
13 THE COURT: All right. So I have the notebook that
14 you handed up, which I think contains your amended contentions;
15 is that right?
16 MR. KENNEDY: That's correct, Your Honor.
17 THE COURT: And so I see the Appendix A on the back
18 of that.
19 MR. KENNEDY: Correct. So the first page, I mean,
20 has a few direct -- a few direct-lit. So we know that the
21 remaining are not accused for the first three patents we just
22 discussed. But that's the -- that's based on the public
23 information that we have. We know that those kind of lenses
24 come from direct-lit televisions based on what we've torn down.
25 Torn down a variety of edge- and direct-lit, and we only found

1 infringing lenses in the direct-lit.
2 THE COURT: So is it the intention of these
3 contentions that only a certain set of the products listed in
4 Appendix A are currently accused?
5 MR. KENNEDY: That's correct, Your Honor. The
6 intention of the contentions is to only accuse the reasonably
7 similar products in Appendix A to those that we tore down and
8 charted.
9 THE COURT: Well, but do you say which ones those
10 are?
11 MR. KENNEDY: That's something that we need
12 information from Defendants on or we have to tear down products
13 to provide that information. I think that Appendix A might be
14 more palatable in the context of the '626 patent where we have
15 a lot of detailed representativeness analysis that goes to why
16 we believe all of Samsung's accused products have LEDs that are
17 manufactured according to the method.
18 THE COURT: And where are those listed? Is that also
19 in Appendix A?
20 MR. KENNEDY: No, Your Honor. That is in Exhibit D,
21 Tab D, in the binder. And in Tab D there's a similar
22 representativeness analysis that identifies the products and
23 the LEDs, but then there's also a limitation-by-limitation
24 representativeness analysis. And I can maybe walk that through
25 and show how that affects Appendix A.

1 THE COURT: And I'm just trying to understand now.
2 Are -- is this representativeness analysis here just referring
3 to products that you have identified by model number or the
4 equivalent but that you have not separately charted?
5 MR. KENNEDY: That is correct. So there's portions
6 of this representativeness analysis that that relates, and
7 that's primarily the first three pages of it that relate
8 specifically to products that we have torn down or that we have
9 torn down and subsequently gotten discovery from Defendants.
10 And then starting on the third page, it says at the
11 bottom -- let me show you here. We begin discussing every
12 claim limitation and why we think that every claim limitation
13 would be met by all of the products in Appendix A.
14 And, again, this is caviated with -- this is a method of
15 manufacture. So we don't have the information on the process.
16 But for the information that we do have -- and that's for many
17 of the limitations, we believe that the public information
18 shows infringement.
19 So here, for the '626 patent, we start with Claim 9.
20 Claim 9 has a preamble that recites a method of manufacturing a
21 light emitting device.
22 Nobody, not even Defendant, is going to dispute that all
23 the products in Appendix A, because they're edge lit or direct
24 lit via LEDs, are manufactured -- or have a light emitting
25 device. That's a limitation of the preamble.

1 So then limitation 9(a) goes into kind of more of the
2 nitty-gritty of manufacturing an LED. It says Claim 9 then
3 recites sequentially forming an N-type semiconductor layer,
4 active layer, and P-type semiconductor layer on a substrate,
5 limitation 9(a).
6 And we explain that this is a typical arrangement of LEDs
7 being manufactured by Samsung. See the image below from
8 Samsung semiconductor's website shows, and then it shows its
9 limitations.
10 We went out to Samsung's website, got this image. Shows
11 a sequentially formed N-type semiconductor layer formed below
12 the P-type semiconductor layer. So you have the P and N there.
13 We explain the P-type and N-type semiconductor layers are
14 labeled in both the left and right images. And then for
15 another part of the claim limitation we talk about the active
16 layer, and the active layer occurs in the area near the
17 junction between the P- and N-type layers where the electron
18 and electron holes recombine resulting in the emission of light
19 as shown in the image below, so you can see the combination of
20 electron, electron holes there.
21 THE COURT: All right.
22 MR. KENNEDY: The remainder -- so we do this for all
23 the claim limitations of 9(a). And so I think if we go through
24 that we can see that we have --
25 THE COURT: And that's fine. You don't need to read

1 that on the record that. I understand the approach.
2 MR. KENNEDY: So what we've done is we've gone out
3 and found public information for a lot of the -- most of the
4 steps are performed by Samsung for all of its LED, for all of
5 its LEDs. But then there are certain parts of the -- of the
6 limitations that we just can't know because it's a proprietary
7 method of manufacture.
8 So that would be something like -- this is more of
9 this -- Samsung's document showing why we think all the LEDs
10 and all the products in Appendix A should still be in the case
11 for the '626. I'm trying to get to an example where -- okay.
12 Okay. So here, so we've done all of the limitations of
13 9(b). We've discussed why we think they're in everything. But
14 we say this underlying part of which a side surface is not
15 perpendicular to but inclined at a slope from a horizontal
16 plane, that physical detail of the etching mask pattern is not
17 public information, and the etching mask pattern is not part
18 the finished LED but is removed during the manufacturing
19 process.
20 So Plaintiff reverse engineered 14 LEDs, and we found
21 that their layers include a side surface that's not
22 perpendicular to but inclined at a slope from a horizontal
23 plane indicative of the claimed etching mask pattern.
24 So our teardowns helped fill our understanding of what we
25 think the manufacturing process is; but, again, this is

1 proprietary to Samsung. This is a 270(g) -- 271(g) situation
2 where we don't believe that we need to tear down every product
3 to confirm that they all have that sloped layer.
4 We tore down 14 of them from a wide variety. You can see
5 the different kinds of LEDs we tore down as examples that I
6 brought to Your Honor, and each one of those confirm that
7 sloped layer.
8 So based on that -- if we tore down 14 of them, it's
9 exceedingly rare that all of them would confirm our theory, but
10 then there's going to be -- we think that we can extrapolate
11 that to the many that we've listed in Appendix A.
12 So we believe at least -- we believe the '626 patent,
13 that we have gone through and shown why we think for each LED
14 that each of those is likely manufactured according to the
15 method of manufacture for the '626. Given that it's a 271(g),
16 we think we should be afforded the latitude to include those
17 products in Appendix A for at least the '626 patent.
18 THE COURT: Mr. Bondor was talking about this
19 proposal regarding the 514 products.
20 What is your response to that proposal?
21 MR. KENNEDY: Okay. So I think that proposal is a
22 good floor for the products that are accused in the case. We
23 haven't -- we got it yesterday. We haven't had time to look at
24 it. And I'll give you some examples of where there may be some
25 holes in Mr. Bondor's proposal.

1 So we've already talked about there's no reasonably
2 similar products. They haven't agreed to give us discovery on
3 any of those reasonably similar products. We asked them did
4 you go out to see if there are any other products that have the
5 same lenses in them as the ones we've torn down. They haven't
6 done that.
7 So that's our -- that's a primary problem we have with
8 the proposal. The second problem we have with the proposal is
9 that because it's based on what -- on the products that
10 Plaintiff was able to purchase, they skew away from older
11 products. So we're likely not getting the products from the
12 earlier damages period, and so that is also related to Samsung
13 Display. Because, if you recall, Samsung Display purports to
14 have exited the market in 2022. And so it's much more
15 difficult to find Samsung Display components.
16 And so if we go with what Mr. Bondor proposed, we're
17 going to be excluding -- it's likely designed to exclude
18 Samsung Display.
19 And then the last example is hard -- it may be harder to
20 follow than the previous ones, but it -- it's pretty
21 illustrative of what Samsung is trying to leave on the table
22 here.
23 So, if you notice, we talked -- Mr. Bondor talked a lot
24 about LED assemblies. I mentioned it a bit in my slides. An
25 LED assembly is something that contains an LED, a printed

1 circuit board, a lens, and a connector. Maybe some other
2 parts.
3 So we have a few instances of discovery from Samsung that
4 relate to these -- to these LED assemblies. This one has a
5 Model Number BN96-50311A. All right. And we know on the next
6 page what kind of makes up that LED assembly, the things that I
7 just described: the LED, the printed circuit board, connector,
8 the lens. And if you recall from the walk-through on the
9 representativeness, Plaintiff went in and actually identified
10 the specific models, like the LM670041A lens. That's a
11 specific lens that's in an LED assembly.
12 And the problem with Mr. Bondor's proposal is he's only
13 willing to give -- he's only willing to allow the case to
14 continue on products that have the LED assemblies that Samsung
15 has curated thus far. There are other LED assemblies out there
16 for other products, and those other products could include this
17 exact same -- those LED assemblies could include this exact
18 same lens. And Mr. Bondor hasn't gone out to confirm that.
19 So we've -- this is an instance where we explicitly
20 accuse the model and said, hey, here it is, and they're not
21 going to out to find that same model.
22 Same for the LEDs. We name specific LEDs. We think that
23 those specific LEDs should still be in the case, but because
24 Samsung's curated the LED assemblies that they're willing to
25 give discovery on, we don't know what other LED assemblies that

1 are out there that have those same exact LEDs that we've
2 charted -- or same exact lenses that we've charted.
3 This is -- this is kind of a graphic that tries to
4 illustrate that point.
5 So we know that there's an LED assembly that Samsung has
6 graciously disclosed thus far in the case, this one, BN96-50311
7 and that product has LED Model A and Lens Model B and Package
8 Model C, and the lens, the package, and the LED are all
9 relevant to our different patents.
10 But then there are all these other LED assembly models
11 that are in other products, and we don't know if those LE- --
12 if those assemblies have the same exact LED that we tore down
13 or the same exact package model.
14 So that's -- that's the -- one of the other issues we
15 have with Mr. Bondor's proposal.
16 THE COURT: Well, Mr. Kennedy, what I'm going to do
17 with respect to the motion to strike is to limit your
18 contentions to the products that you can identify properly by
19 model number or the like and others that you have also
20 identified in the same fashion that you can contend are covered
21 by the representative products that you have charted, and what
22 I've seen of the allegations of representativeness that you
23 have pointed out in here appear to me, at least on the surface,
24 to be sufficient.
25 But the problem is that I think you're looking at these

contentions as a discovery vehicle also. And I don't think that you can say that all of the products that you may end up accusing are currently accused. And we can take up whether Samsung has yet complied or should be ordered to comply with discovery that is on reasonably similar products, but I don't think that you can accomplish as much as you're trying to accomplish through these contentions by trying to keep them open-ended to include products that you don't yet have a sufficient basis to accuse.

MR. KENNEDY: Thank you, Your Honor. So would you like us to take up -- so we have the motion to compel pending on the documents that --

THE COURT: And we'll move to that. I don't intend to leave here today without addressing that as well, but what I'm trying to figure out is what is the way to have these contentions narrowed to the scope that I've been trying to describe.

And if you have a suggestion, I would hear it, but I'll also hear from Mr. Bondor on that.

MR. KENNEDY: Your Honor, do you think -- could we take a brief break to collect our thoughts on that and then --

THE COURT: Yes. I would encourage you to confer and to see whether you have some suggestion as to how we can accomplish --

MR. KENNEDY: Okay.

THE COURT: -- what I think needs to be accomplished, and I'm not assuming that the defendant agrees with what I just said, but if you disagree, you'll have to move me off that. And that's something I'll be happy to hear when we come back as well.

MR. KENNEDY: Thank you, Your Honor.

MR. BONDOR: Thank you, Your Honor.

(Recess taken from 2:20 p.m. to 2:58 p.m.)

THE COURT: Mr. Bondor.

MR. BONDER: Hello, Your Honor. So the parties had a series of discussions, and I think that we reached an agreed view of the world that will take care of the motion to strike and the motion to compel, and I'll let Mr. Underwood address any of the other outstanding motion. I'm not sure what the situation is with that. I apologize.

Okay. So based on Your Honor's observations with respect to the distinction between what is accused in the current amended infringement contentions versus what is encompassed by discovery by virtue of the amended infringement contentions, the parties, I believe, have agreed as follows.

The universe of accused product in the -- products in the case will be the products listed by number in the amended infringement contentions, excluding Appendix A. So that's the accused products will be the TVs and monitors listed by product number in the cover pleading plus Exhibits A through F,

1 ignoring Appendix A.
2 The second part is that the universe of discovery going
3 forward, that is to say things that are claimed by Plaintiffs
4 to be reasonably similar -- we continue, of course, to disagree
5 that they're reasonably similar; we disagree with their
6 representativeness under any circumstances, but the universe of
7 discovery going forward will be the 514 products identified in
8 Samsung's proposal.
9 And I have for Your Honor a list of those, and Plaintiff
10 already has the list as well.
11 THE COURT: All right. Is this already anywhere in
12 the record?
13 MR. BONDER: No, Your Honor, it's not.
14 THE COURT: Okay.
15 MR. BONDER: And then the last part of the agreement
16 is if Plaintiff later seeks discovery on any additional
17 products, it will do so by agreement or motion under the
18 applicable rules, case law, et cetera.
19 THE COURT: All right.
20 MR. BONDER: Did I get that right?
21 THE COURT: How would you propose, Mr. Bondor, that
22 this list of 514 be represented in the record?
23 MR. BONDER: Why don't we just agree to file -- make
24 a filing that says this is the agreed list of 514 products
25 referred to at the hearing. We can, I think, do that easily

enough by consent.

THE COURT: And I guess the contentions themselves are not in the record. So I don't know that we need this in the record. I just want to have a way to --

MR. BONDER: -- memorialize --

THE COURT: Yeah.

MR. BONDER: -- what we're talking about. I agree. I think, to me, it sounds sensible, and I'm sure that we can -- we can work it out to get it somehow to the Court. It should be straightforward, I would think.

THE COURT: Well, and as long, frankly, as it's documented between the two sides, I'm -- I'm satisfied with that. So if you want to exchange it by email and --

MR. BONDER: It's already been exchanged by email, Your Honor. So at least we do have that, but I wouldn't mind a little bit more formality associated with that too.

THE COURT: Well, I will leave it to you to accomplish the formality in the way you think is the best. I'm satisfied that there is an agreement that can be relied upon by the Court; so.

All right. And let me hear -- Mr. Kennedy, do you want to indicate whether you're in agreement with that or have any further elaboration on it?

MR. KENNEDY: We're in agreement, Your Honor.

THE COURT: Okay.

MR. KENNEDY: And then for the remaining motion, I think it's maybe --

THE COURT: The motion for protective order by Samsung Display?

MR. KENNEDY: Correct. I think that the agreement here today probably -- we can work out the protective order motion, but we need to figure out the mechanism by which we're going to work that out. It might be an interrogatory or declaration from Samsung Display. But I think we'll be able to resolve that motion based on some further discussions.

THE COURT: So we can just carry that motion for now is what you're suggesting?

MR. KENNEDY: Yes, Your Honor.

THE COURT: And is Samsung Display agreeable to that, Mr. Underwood?

MR. UNDERWOOD: Yes, Your Honor, we are. And just to put a little meat on those bones. What Mr. Kennedy was referring to is that in light of the parties' agreement on the scope of discovery being the 514 documents, our preliminary investigation has determined that Samsung Display does not provide any of the accused features for those 514 products, and I've made that representation to Mr. Kennedy and Mr. Conroy.

Naturally, they want some verification of that, Your Honor. And so that is what Mr. Kennedy was referring to. We don't -- I don't think the logistics of it we have to

1 precisely nail down, whether it's a declaration or an
2 interrogatory response, but the fact is they just want some
3 verification, and we will provide that to them.
4 THE COURT: All right. Then what I would ask is that
5 after you have accomplished what you need to to have
6 assurances, that the -- Samsung Display, then, file a motion to
7 withdraw their motion for protective order, indicate that it's
8 moot or whatever. But I guess it would be appropriate to put
9 that on the movant, Samsung Display.
10 MR. UNDERWOOD: Certainly, Your Honor.
11 THE COURT: So I will just expect to see that as soon
12 as the parties are able to resolve that.
13 MR. UNDERWOOD: Thank you.
14 THE COURT: All right. Well, it seems like that
15 agreement resolve the issues we had for today.
16 Is there anything else? I understand there are other
17 motions yet to be heard; but.
18 MR. BONDER: Your Honor, just one issue. When Your
19 Honor granted leave for Plaintiff to amend their infringement
20 contentions, we, yesterday evening, served a set of amended
21 invalidity contentions commensurate with the new infringement
22 contentions. I honestly don't know whether there's an
23 objection, but I would ask Your Honor to bless that course of
24 action, given that the amended infringement contentions were
25 permitted.

THE COURT: All right.

MR. CONROY: Your Honor, Pat Conroy for Plaintiff. We had those amended invalidity contentions served last night. We haven't looked at them. I don't think that we agree that they are proper, but if we think they're not proper, we will meet and confer with the other side under the rules and move to strike them if necessary.

THE COURT: All right. Then I'll consider that there is leave granted to serve them and that obviously reserves to you the right to move to strike them if you think they're improper in any way.

MR. CONROY: Okay. Yes. Thank you.

THE COURT: Because I'm -- that's what I'm hearing is that, other than any serious substantive objection you might have, they can be allowed to be served.

MR. CONROY: Well, they did not seek leave to serve them. So I guess we would have that objection, which, to me, is part of the meet-and-confer process, the motion to strike; but --

THE COURT: I think that's what they're doing now, if I understand right, is moving for leave to serve them, and if, in fact, they are responsive to the amended contentions, then I would think that leave to serve them would be appropriate. If you determine that they're not, then certainly we can address that.

MR. CONROY: We'll reserve that right. Thank you, Your Honor.

THE COURT: All right. What else?

MR. BONDER: I don't believe there's anything else from Samsung SEC and SEA, Your Honor.

MR. KENNEDY: Nothing else from Plaintiff.

THE COURT: I won't ask twice. Then thank you.

(Whereupon, the proceedings were concluded at 3:07 p.m.)

Certificate

I hereby certify this 17th day of April, 2025, that the foregoing is, to the best of my ability and understanding, a true and correct transcript from the record of proceedings in the above-entitled matter.

/s/ Karen L. Tyler
CCR(LA), CSR(TX), TCRR, CRR, CRC
Registered Diplomate Reporter

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