Exhibit E

KROUB SILBERSHER & KOLMYKOV LLP

Zachary Silbersher <zsilbersher@kskiplaw.com>

Fwd: Four Batons, LLC - Patents Notice

1 message

Sergey Kolmykov <info@fourbatonswireless.com> Tue, Jan 31, 2023 at 11:02 AM
To: Zachary Silbersher <zsilbersher@kskiplaw.com>

---------- Forwarded message ---------
From: **Sergey Kolmykov** <info@fourbatonswireless.com>
Date: Thu, Nov 11, 2021, 8:31 AM
Subject: Four Batons, LLC - Patents Notice
To: <ym90.koo@samsung.com>, <hyukj.choi@samsung.com>, <byungun.min@samsung.com>, <jamal.haughton@samsung.com>

Dear Youngmoo Koo:

We write on behalf of Four Batons Wireless, LLC ("Four Batons"). Four Batons is the owner of the patents listed below. If Samsung is interested at any time in discussing a license, please contact Four Batons at the following address: info@fourbatonswireless.com.

US 6,999,434
US 7,031,278
US 7,035,236
US 7,039,028
US 7,072,340
US 7,075,910
US 7,139,285
US 7,369,576
US 7,463,892
US 7,502,348
US 7,505,433
US 7,508,788
US 7,576,694
US 7,587,598
US 7,606,602
US 7,720,581
US 7,729,325
US 7,738,882
US 7,768,982
US 7,778,773

US 7,826,424
US 7,843,867
US 7,848,312
US 7,860,019
US 7,860,978
US 7,885,185
US 7,899,592
US 7,936,719
US 7,948,918
US 7,974,602
US 7,975,300
US 8,006,089
US 8,036,176
US 8,036,192
US 8,046,829
US 8,073,436
US 8,107,960
US 8,160,021
US 8,165,088
US 8,218,512
US 8,239,671
US 8,270,948
US 8,306,026
US 8,332,923
US 8,341,395
US 8,385,937
US 8,463,308
US 8,505,076
US 8,514,808
US 8,554,915
US 8,565,185
US 8,688,834
US 8,717,931
US 8,781,473
US 8,798,006
US 8,817,990
US 8,908,540
US 8,929,330
US 8,971,239
US 9,046,595
US 9,526,040

Sincerely,

Four Batons, LLC
14 Wall St., 20th Fl.
New York, NY 10005
info@fourbatonswireless.com

Gaston Kroub, Esq.
Zachary Silbersher, Esq.
Sergey Kolmykov, Esq.

KSK

KROUB, SILBERSHER & KOLMYKOV PLLC

305 Broadway, 7th Fl.
New York, NY 10007
212.323.7442
www.kskiplaw.com
zsilbersher@kskiplaw.com

Via Email July 5, 2022

Hyeog Jae Choi
Licensing, Principal Engineer
Licensing Group 1
Samsung Electronics
hyukj.chol@samsung.com

Re: Four Batons Wireless, LLC – Notice of Patents

Dear Hyeog Jae Choi:

I represent Four Batons Wireless, LLC ("Four Batons") in connection with certain patent matters. Four Batons owns a portfolio of approximately fifty patents that were aquired from Toshiba Corp. and Toshiba Research America, Inc. ("TARI"), which is an affiliate of Toshiba Corp.

Four Batons' patents were jointly developed and originally assigned to both TARI and Telcordia, which is an affiliate of Ericsson. A list of Four Batons' U.S. patents is enclosed. The patents cover several different technologies, including handover between cellular and Wi-Fi, authentication, key derivation, beamforming as well as radio interference selection and utilization, among others.

At least one of Four Batons' patents is a foundational patent related to WiFi-6 (802.11ax). The patent, U.S. Patent No. 8,239,671, reads directly upon the new WPA3 authentication protocol that is required for a device to receive certification from the Wi-Fi Alliance. A claim chart showing how the '671 patent reads upon WPA3 is available at the link below. Accordingly, we have reason to believe that Samsung's WiFi products that support WPA3 infringe the '671 patent.

In addition to the '671 patent, we have reason to believe that Samsung's products may be infringing additional patents owned by Four Batons. For example, a claim chart available at the link below shows how Samsung Intelligent Wi-Fi reads upon U.S. Patent No. 7,798,006.

Link: https://kskiplaw.box.com/s/4x1m7pkj1yg584msw07lgyt8y925z16a
Password: YoshihiroOba2006

Four Batons is amenable to discussions regarding a license or sale of any of its patents. Four Batons is not aware that any prior owners of its patents made any applicable FRAND commitments in connection with 802.11ax, or any other applicable standards, but to the extent that Samsung can show otherwise for any patents in connection with any standards, Four Batons is amenable to exploring a license upon FRAND terms.

If you are interested in discussing further, please contact me directly (zsilbersher@kskiplaw.com / 917.609.2296). I look forward to hearing from you.

Sincerely,



Zachary D. Silbersher

U.S. Patents

US 6,999,434
US 7,031,278
US 7,035,236
US 7,039,028
US 7,072,340
US 7,075,910
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US 7,848,312
US 7,860,019
US 7,860,978
US 7,885,185
US 7,899,592
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Zachary Silbersher, Esq.
Sergey Kolmykov, Esq.

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305 Broadway, 7th Fl.
New York, NY 10007
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www.kskiplaw.com
zsilbersher@kskiplaw.com

Via Email July 5, 2022

Youngmo Koo
Samsung Electronics
ym90.koo@samsung.com

Re: Four Batons Wireless, LLC – Notice of Patents

Dear Youngmo Koo:

I represent Four Batons Wireless, LLC ("Four Batons") in connection with certain patent matters. Four Batons owns a portfolio of approximately fifty patents that were aquired from Toshiba Corp. and Toshiba Research America, Inc. ("TARI"), which is an affiliate of Toshiba Corp.

Four Batons' patents were jointly developed and originally assigned to both TARI and Telcordia, which is an affiliate of Ericsson. A list of Four Batons' U.S. patents is enclosed. The patents cover several different technologies, including handover between cellular and Wi-Fi, authentication, key derivation, beamforming as well as radio interference selection and utilization, among others.

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In addition to the '671 patent, we have reason to believe that Samsung's products may be infringing additional patents owned by Four Batons. For example, a claim chart available at the link below shows how Samsung Intelligent Wi-Fi reads upon U.S. Patent No. 7,798,006.

Link: https://kskiplaw.box.com/s/4x1m7pkj1yg584msw07lgyt8y925z16a
Password: YoshihiroOba2006

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If you are interested in discussing further, please contact me directly (zsilbersher@kskiplaw.com / 917.609.2296). I look forward to hearing from you.

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Zachary D. Silbersher

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Gaston Kroub, Esq.
Zachary Silbersher, Esq.
Sergey Kolmykov, Esq.

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New York, NY 10007
212.323.7442
www.kskiplaw.com
zsilbersher@kskiplaw.com

KROUB, SILBERSHER & KOLMYKOV PLLC

Via Email July 12, 2022

Goutham Kondapalli
Sr. IP Counsel
85 Challenger Rd.
Ridgefield Park, NJ 03710
Samsung Electronics
goutham.kondapalli@samsung.com

Re: Four Batons Wireless, LLC – Notice of Patents

Dear Goutham Kondapalli:

I represent Four Batons Wireless, LLC ("Four Batons") in connection with certain patent matters. Four Batons owns a portfolio of approximately fifty patents that were aquired from Toshiba Corp. and Toshiba Research America, Inc. ("TARI"), which is an affiliate of Toshiba Corp.

Four Batons' patents were jointly developed and originally assigned to both TARI and Telcordia, which is an affiliate of Ericsson. A list of Four Batons' U.S. patents is enclosed. The patents cover several different technologies, including handover between cellular and Wi-Fi, authentication, key derivation, beamforming as well as radio interference selection and utilization, among others.

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In addition to the '671 patent, we have reason to believe that Samsung's products may be infringing additional patents owned by Four Batons. For example, a claim chart available at the link below shows how Samsung Intelligent Wi-Fi reads upon U.S. Patent No. 7,798,006.

Link: https://kskiplaw.box.com/s/4x1m7pkj1yg584msw07lgyt8y925z16a
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otherwise for any patents in connection with any standards, Four Batons is amenable to exploring a license upon FRAND terms.

If you are interested in discussing further, please contact me directly (zsilbersher@kskiplaw.com / 917.609.2296). I look forward to hearing from you.

Sincerely,



Zachary D. Silbersher

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Zachary Silbersher, Esq.
Sergey Kolmykov, Esq.

KSK

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305 Broadway, 7th Fl.
New York, NY 10007
212.323.7442
www.kskiplaw.com
zsilbersher@kskiplaw.com

Via Email July 12, 2022

Anthony Kahng
Samsung Electronics America, Inc.
1200 New Hampshire Ave., N.W., Suite 550
Washington, D.C. 20036
Anthony.k@samsung.com

Re: Four Batons Wireless, LLC – Notice of Patents

Dear Mr. Kahng:

I represent Four Batons Wireless, LLC ("Four Batons") in connection with certain patent matters. Four Batons owns a portfolio of approximately fifty patents that were aquired from Toshiba Corp. and Toshiba Research America, Inc. ("TARI"), which is an affiliate of Toshiba Corp.

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Sincerely,



Zachary D. Silbersher

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US 9,526,040

KROUB SILBERSHER & KOLMYKOV LLP

Zachary Silbersher <zsilbersher@kskiplaw.com>

RE: Re: FW: Re: FW: RE: FW: Four Batons Wireless - Notice of Patents

1 message

강봉준 <bj710.kang@samsung.com> Tue, Nov 15, 2022 at 11:06 PM
To: Zachary Silbersher <zsilbersher@kskiplaw.com>
Cc: 정경화 <kh.chong@samsung.com>

Dear Zach,

I've reached out to Ericsson and Toshiba regarding this matter. It took some time to find the right person at each company.

I'm waiting for answers and confirmation in relation to your patent portfolio and license scopes based on existing license agreements.

In the meantime, we've started to review the 5 claim charts you provided. I'll contact you for the discussion when I receive answers and finalize the evaluation of the claim charts. Thanks,

Sincerely,

Bongjune

From: Zachary Silbersher <zsilbersher@kskiplaw.com>
Sent: Monday, October 24, 2022 11:02 PM
To: bj710.kang@samsung.com
Cc: 정경화 <kh.chong@samsung.com>
Subject: Re: Re: FW: Re: FW: RE: FW: Four Batons Wireless - Notice of Patents

Dear Bongjune:

As I previously stated, in the event this matter proceeds to litigation, the burden will be upon Samsung to provide affirmative evidence to demonstrate that it has a license defense to the asserted patents. You have not yet provided that evidence. Despite that, we have provided Samsung a way for Four Batons to show you some of the evidence that it has which undermines Samsung's proposed license defense. There is no interest at this time in setting up a call with Four Batons, Samsung, Toshiba and Ericssson to discuss this matter. The applicable documents will speak for themselves, and you are otherwise free to contact those parties on your own. If you would like to discuss the prospect of negotiating a license, please let me know. Otherwise, I will assume these conversations have reached an impasse.

Regards,

Zach

On Tue, Oct 4, 2022 at 2:12 AM 강봉준 <bj710.kang@samsung.com> wrote:

> Dear Zach,
>
> It'd be more preferable for me if you could set up calls with your respective contacts for Toshiba and Ericsson.
>
> Otherwise, please just let me have your respective contacts for both companies to break this deadlock.
>
> Some of the contacts we have seemed to be retired.
>
> Or, you can give them my contact below so that we can discuss regarding existing license scopes. Look forward to hearing soon.
>
> ---
>
> Mr. Bongjune Kang (Licensing Manager, Samsung IP Center)
>
> email: bj710.kang@samsung.com
>
> cellphone : +8210.9530.7152
>
> ---
>
> Sincerely,
>
> Bongjune
>
> --------- **Original Message** ---------
>
> **Sender** : Zachary Silbersher <zsilbersher@kskiplaw.com>
>
> **Date** : 2022-10-01 04:07 (GMT+9)
>
> **Title** : Re: FW: Re: FW: RE: FW: Four Batons Wireless - Notice of Patents
>
> Dear Bongjune:
>
> If this matter proceeds to litigation, the burden will be upon Samsung to prove that it has a license defense. Accordingly, the burden will be upon Samsung to produce evidence that it has a license to the asserted patents.

The burden will not be upon Four Batons to prove that Samsung is not licensed. Therefore, there is nothing unusual about Four Batons asking Samsung to provide evidence that it has a license defense given that Samsung has raised the defense and Samsung will have the burden of proving that defense at trial.

I have repeatedly offered to review redacted versions of the purported agreements that you claim show that Samsung is allegedly licensed to the asserted patents. You have not produced those agreements. Rather, you have claimed that the agreements are confidential. Yet, you have also apparently not sought consent from either Toshiba/TARI or Ericsson/Telcordia to produce redacted versions of the agreements. Rather, you have simply reiterated that Samsung is allegedly licensed, but without providing any evidence to support that allegation, which is a fact that Samsung will have the burden to prove at trial.

By contrast, I have told you that I have received confirmation from both Toshiba and Ericsson that the patents currently identified within Four Batons' preliminary infringement claim charts are not licensed to Samsung. Since my first email to you dated August 1, 2022, I have made additional inquiries. Both Toshiba and Ericsson have once again confirmed that the patents currently identified within Four Batons' preliminary infringement claim charts are not licensed to Samsung, and Four Batons is free to assert those patents in litigation against Samsung.

In particular, the patents currently identified within Four Batons' preliminary infringement claim charts against Samsung were previously owned by TARI, and not by Toshiba. Toshiba has told me that you are misunderstanding the applicable agreement between Samsung and Toshiba, and in particular, Toshiba gave no license to Samsung regarding any TARI patents. The patents previously asserted by 2BCom were not previously owned by TARI, and therefore, your suggestion that Four Batons is acting in bad faith is false.

To further prove this point, Four Batons is prepared to provide Samsung with an abridged and redacted version of the patent-transfer agreement between Four Batons and TARI that shows that TARI has confirmed, in writing, that the patents identified in Four Batons' preliminary infringement claim charts against Samsung are not currently licensed to Samsung. This will be written evidence that directly undermines your contention that Samsung is licensed to the patents by Toshiba. To share this document, we will require entering an NDA. Four Batons will not, however, sign any NDA that forces it to waive rights with respect to a future litigation.

Attached is a draft NDA. If you are willing to sign it, then I will send you the redacted/abridged agreement. Otherwise, we will potentially be at an impasse, and this matter will potentially advance to litigation where the burden will be upon Samsung to prove that it has a pre-existing license to the asserted patents.

Regards,

Zach

On Wed, Sep 28, 2022 at 4:13 AM 강봉준 <bj710.kang@samsung.com> wrote:

> Dear Zach,
>
> It's frustrating that you simply reiterates Samsung products aren't licensed without providing supporting evidence.
>
> You made similar allegation to us with Toshiba patents in 2BCOM case, as attached.
>
> According to the attached email, you recognized that Samsung at least has the license of Toshiba patents for mobile products, and then sent different claim charts for Samsung non-mobile products such as TV.
>
> Shortly thereafter, you signed a license with RPX all of sudden.
>
> You sent us claim charts against Samsung mobile phone again with Toshiba patents, and I believe that's not a good-faith approach.
>
> Again, I'm reiterating that Samsung has full license for all Samsung products with respect to Ericsson patents (including sold ones).
>
> Frankly, it's unusual and confusing for a patent buyer to ask potential licensees to confirm whether they hold license right for the purchased patents.
>
> If you think conversation with Ericsson and Toshiba would help resolve the issues, I'm open to join the discussion.
>
> Please set-up a call or videoconference anytime.
>
> cf) For clarity, the "Privileged & Confidential" designation on my earlier messages below were sent in error. Thank you.
>
> Sincerely,
>
> Bongjune
>
> --------- **Original Message** ---------
>
> **Sender** : Zachary Silbersher <zsilbersher@kskiplaw.com>
>
> **Date** : 2022-09-16 02:10 (GMT+9)
>
> **Title** : Re: Re: Re: FW: RE: FW: Four Batons Wireless - Notice of Patents
>
> Dear Bongjune:

In response to your email below, I have already identified the particular Samsung products that we believe are infringed by the five specific patents owned by Four Batons Wireless. Specifically, I have already provided you with preliminary infringement claim charts for five different patents. The charts are available at the secure link in my email dated September 12, 2022 and my letter dated July 12, 2022.

Regards,

Zach

On Mon, Sep 12, 2022 at 10:41 PM 강봉준 <bj710.kang@samsung.com> wrote:

> ***** Privileged & Confidential *****
>
> Dear Zach,
>
> Samsung's position is clear that its products are licensed under the patents Four Batons Wireless acquired from Toshiba and/or Ericsson.
>
> If you think otherwise, please identify what particular patents you think Samsung products are not licensed with supporting evidences so that we can review. I can't help you if you reiterate mere allegations that Samsung is not licensed without proper supporting evidences.
>
> I believe you can check and provide those evidences because you must have carried out the due diligence process thoroughly during the alleged patent acquisitions, and it seems that you still have communications with Toshiba and Ericsson.
>
> Please note that Samsung can't provide contents of the license agreements with Toshiba and/or Ericsson due to the confidentiality provisions in them.
>
> Sincerely,
> Bongjune
>
> --------- **Original Message** ---------
>
> **Sender** : Zachary Silbersher <zsilbersher@kskiplaw.com>
>
> **Date** : 2022-09-13 05:02 (GMT+9)

Title : Re: Re: FW: RE: FW: Four Batons Wireless - Notice of Patents

Dear Bongjune:

We have again checked with Toshiba, which has again confirmed that Samsung is not licensed to the particular patents within Four Batons Wireless' portfolio. We believe you may be misconstruing the applicable license agreements. We have also checked Ericsson, who has also confirmed that it does not believe that Samsung is licensed to the particular patents within Four Batons Wireless' portfolio. I reiterate our offer to review a redacted version of what you believe is the applicable agreement with Ericsson. Otherwise, our position remains that Samsung is not licensed to the patents within Four Batons Wireless' portfolio, and it cannot withdraw the claims at this time.

In the meantime, Four Batons has prepared three more claim charts against products sold by Samsung for the following patents: U.S. Patent Nos. 7,502,348; 7,768,982; and 8,073,436. The charts are available through the same link set forth in my letter to Samsung dated July 12, 2022. For your convenience, I have copied the link below:

Link: https://kskiplaw.box.com/s/4x1m7pkj1yg584msw07lgyt8y925z16a

Password: YoshihiroOba2006

Regards,

Zach

On Tue, Aug 2, 2022 at 3:29 AM 강봉준 <bj710.kang@samsung.com> wrote:

> **** Privileged & Confidential *****
>
> Dear Zach,
>
> Regarding Toshiba Agreement, Samsung executed comprehensive patent licenses with Toshiba Corporation including its subsidiaries. (which even includes acquired patents from 3rd parties)
>
> TARI is definitely Toshiba US Subsidiary (https://www.toshiba.com/tai/about_us_companies.jsp), but even if TARI is a 3rd party company, the fact that Samsung has license under the Toshiba Agreement remains unchanged.
>
> As to Ericsson agreement, Samsung has been licensed from much earlier than that of

the announcement date mentioned below.

Ericsson agreement covers Affiliates' patents as well.

Due to the confidentiality obligation, I'm not sure I can disclose a copy of the agreement. I would suggest you contact/ask Telcordia to confirm.

Sincerely,

Bongjune

From: Zachary Silbersher <zsilbersher@kskiplaw.com>
Sent: Monday, August 1, 2022 9:50 PM
To: bj710.kang@samsung.com
Cc: 정경화 <kh.chong@samsung.com>
Subject: Re: Re: FW: RE: FW: Four Batons Wireless - Notice of Patents

Dear Bongjune:

Thank you for your email. We have already previously checked whether Samsung is licensed to the patents owned by Four Batons Wireless. We have checked with Toshiba, and we have checked with Ericsson. Based on those checks, our investigation shows that Samsung is not licensed, especially to U.S. Patent Nos. 8,239,671 and 8,798,006. Almost all of Four Batons patents—including U.S. Patent Nos. 8,239,671 and 8,798,006—were previously owned by TARI (Toshiba America Research, Inc.) and not by Toshiba Corp. To the extent that Toshiba and Samsung have a license, we understand that that license does not cover patents previously owned by TARI. In May 2021, Ericsson and Samsung publicly announced a global patent license agreement, but that was after Four Batons acquired its patent portfolio. Your email references an agreement between Samsung and Ericsson. If you believe this license covers any of Four Batons' patents, we are happy to review a (redacted, if necessary) copy of the license.

Best regards,

Zach

On Fri, Jul 29, 2022 at 2:50 AM 강봉준 <bj710.kang@samsung.com> wrote:

**** Privileged & Confidential *****

Dear Zach,

According to my investigation, Samsung has licenses for all 61 patents that you've acquired from Toshiba and Telcordia.

(based on Samsung-Toshiba or Samsung-Ericsson License agreement)

Please check it again and withdraw the patent infringement claim against Samsung.

Sincerely,

Bongjune

--------- **Original Message** ---------

Sender : Zachary Silbersher <zsilbersher@kskiplaw.com>

Date : 2022-07-21 01:49 (GMT+9)

Title : Re: FW: RE: FW: Four Batons Wireless - Notice of Patents

Dear Bongjune:

Thank you for your email. Please enjoy your summer vacation. I look forward to hearing from you next week.

Best regards,

Zach

On Wed, Jul 20, 2022 at 2:49 AM 강봉준 <bj710.kang@samsung.com> wrote:

PRIVILEGED AND CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

Dear Mr. Silbersher,

I've been forwarded the attached letter addressed to Mr. Kahng. By way of introduction, my name is Bongjune Kang as a licensing manager working for Samsung in Korea. Now that I'm on summer vacation, so I think I can get back to you as early as next week after reviewing the basics regarding your letter. Thank you for your patience.

Sincerely,

Bongjune

--------- **Original Message** ---------

Sender : Zachary Silbersher <zsilbersher@kskiplaw.com>

Date : 2022-07-12 13:38 (GMT-4)

Title : Four Batons Wireless - Notice of Patents

Dear Mr. Kahng:

Please see attached letter regarding notice of patents and potential infringement.

Regards,

--

Zachary D. Silbersher

Kroub Silbersher & Kolmykov, PLLC

305 Broadway, 7th Fl.

New York, NY 10007

Tel: 212.323.7442

Dir: 917.609.2296

www.kskiplaw.com

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2 attachments



noname
14K



image001.gif
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