

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

CM HK LIMITED,

Plaintiff,

V.

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

Defendants.

Case No. 2:24-cv-00880-JRG

JURY TRIAL DEMANDED

**DEFENDANTS SAMSUNG ELECTRONICS CO, LTD.'S AND SAMSUNG
ELECTRONICS AMERICA, INC.'S RENEWED MOTION TO STAY PENDING
RESOLUTION OF ANY MOTION TO DISMISS THE NDCA ACTION**

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. BACKGROUND	2
III. LEGAL STANDARD.....	5
IV. ARGUMENT.....	6
A. CM HK Cannot Claim Undue Prejudice	6
B. This Case is in Its Infancy, and a Stay Will Likely Conserve Judicial and Party Resources.....	9
C. The NDCA Proceeding Will Simplify or Eliminate Issues Thus Streamlining Litigation and Reducing Burdens on the Court and the Parties.....	10
V. CONCLUSION.....	12

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Adaptix, Inc. v. Pantech Wireless, Inc.</i> , No. 6:13-cv-778, 2016 WL 7364674 (E.D. Tex. Jan. 12, 2016)	5
<i>Aylus Networks, Inc. v. Apple Inc.</i> , 856 F.3d 1353 (Fed. Cir. 2017).....	10, 12
<i>Cadle Co. v. Whataburger of Alice, Inc.</i> , 174 F.3d 599 (5th Cir. 1999)	6
<i>Cellular Commc'ns Equip., LLC v. Samsung Elecs. Co.</i> , No. 6:14-cv-759, 2015 WL 11143485 (E.D. Tex. Dec. 16, 2015)	8
<i>Customedia Techs., LLC v. Dish Network Corp.</i> , No. 2:16-CV-129, 2017 WL 3836123 (E.D. Tex. Aug. 9, 2017)	5
<i>CyWee Group Ltd. v. Samsung Elecs. Co.</i> , No. 2:17-cv-00140-WCB-RSP, Dkt. 1 (E.D. Tex. Feb. 17, 2017)	2, 3
<i>E-Watch, Inc. v. Lorex Can., Inc.</i> , No. CIV.A. H-12-3314, 2013 WL 5425298 (S.D. Tex. Sept. 26, 2013)	8
<i>Ericsson Inc. v. TCL Commc'n Tech. Holdings, Ltd.</i> , No. 2:15-CV-00011, 2016 WL 1162162 (E.D. Tex. Mar. 23, 2016)	5
<i>Excentus Corp. v. Kroger Co.</i> , No. 3:10-CV-0483-B, 2010 WL 3606016 (N.D. Tex. Sept. 16, 2010)	11
<i>Landis v. N. Am. Co.</i> , 299 U.S. 248 (1936).....	5
<i>Landmark Tech., LLC v. iRobot Corp.</i> , No. 6:13-cv-411-JDL, 2014 WL 486836 (E.D. Tex. Jan. 24, 2014)	9
<i>Motorola Mobility, Inc. v. TiVo, Inc.</i> , No. 5:11CV53, 2011 WL 13196554 (E.D. Tex. July 6, 2011)	9
<i>NFC Techs. LLC v. HTC Am., Inc.</i> , No. 2:13-cv-1058-WCB, 2015 WL 1069111 (E.D. Tex. Mar. 11, 2015) (Bryson, J.).....	5, 6, 9, 12
<i>Norman IP Holdings, LLC v. TP-Link Techs., Co.</i> , No. 6:13-cv-384-JDL, 2014 WL 5035718 (E.D. Tex. Oct. 8, 2014).....	9

<i>Parallel Networks, LLC v. Microsoft Corp.</i> , No. 2:09-CV-172, 2009 WL 10708739 (E.D. Tex. Aug. 3, 2009)	6, 11
<i>Ramot at Tel Aviv Univ. Ltd. v. Cisco Sys., Inc.</i> , No. 2:22-cv-00168-JRG, 2022 WL 17417972 (E.D. Tex. Dec. 5, 2022) (Gilstrap, J.)	6
<i>RPost Holdings, Inc. v. Sophos, Inc.</i> , No. 2:13-cv-959, 2014 WL 10209205 (E.D. Tex. Aug. 20, 2014)	6
<i>Samsung Elecs. Co., Ltd. v. CM HK Ltd.</i> , No. 4:24-cv-6567 (N.D. Cal. Sept. 18, 2024)	3
<i>Samsung Elecs. Co. v. CM HK Ltd.</i> , IPR2025-01023 (PTAB May 20, 2025)	4
<i>Samsung Elecs. Co. v. CM HK Ltd.</i> , IPR2025-01071 (PTAB May 30, 2025)	4
<i>Samsung Elecs. Co. v. CM HK Ltd.</i> , No. 4:24-cv-6567 (N.D. Cal. Feb. 20, 2025)	10
<i>Samsung Elecs. Co. v. CM HK Ltd.</i> , No. 4:24-cv-6567 (N.D. Cal. Jan. 28, 2025)	3
<i>Samsung Electronics Co. v. CM HK Ltd.</i> , No. 4:24-cv-6567 (N.D. Cal.)	<i>passim</i>
<i>Tex. Instruments, Inc. v. Micron Semiconductor, Inc.</i> , 815 F. Supp. 994 (E.D. Tex. 1993)	7
<i>Versata Software, Inc. v. Callidus Software, Inc.</i> , 771 F.3d 1368 (Fed. Cir. 2014)	9
<i>VirtualAgility Inc. v. Salesforce.com, Inc.</i> , 759 F.3d 1307 (Fed. Cir. 2014)	8
<i>Wapp Tech Ltd. P'ship v. Hewlett-Packard Enter. Co.</i> , No. 4:18-CV-00468, 2019 WL 3818761 (E.D. Tex. Aug. 14, 2019)	6

TABLE OF EXHIBITS

Exhibit	Description
1	Relevant Excerpts from U.S. Patent No. 10,852,846
2	Relevant Excerpts from U.S. Patent No. 11,698,687
3	Joint Claim Construction and Prehearing Statement, Dkt. 73, No. 4:24-cv-06567-JST (N.D. Cal. May 13, 2025)
4	Relevant Excerpts from the Redacted Order Granting CM HK's Motion to Dismiss, Dkt. 76-1, No. 4:24-cv-06567-JST (N.D. Cal. May 29, 2025)
5	E-mail from Michael Shore to Ariell Bratton, dated June 6, 2025
6	Relevant Excerpts from CM HK's Notice of Motion and Motion to Transfer Venue, Dkt. 81, No. 4:24-cv-06567-JST (N.D. Cal. June 18, 2025)
7	Relevant Excerpts from CMHK's P.R. 3-1 and 3-2 Disclosures, dated January 7, 2025
8	E-mail from Ariell Bratton to Chris Evans with proposed schedule, dated June 17, 2025
9	CM HK's Second Set of Discovery Requests in N.D. Cal., dated March 31, 2025
10	CM HK's Second Set of Discovery Requests in E.D. Tex., dated April 23, 2025

I. INTRODUCTION

Plaintiff CM HK, Ltd. and Defendants Samsung Electronics Co., Ltd. (“SEC”) and Samsung Electronics America, Inc. (“SEA”) (collectively, “Samsung” or “Defendants”) are currently engaged in litigation in three fora: this Court, the Northern District of California (the “NDCA”), and the Patent Trial and Appeal Board (the “PTAB”). All proceedings involve the same two patents at issue here. All will address claim construction issues. And resolution of CM HK’s jurisdictional challenge in NDCA will simplify or resolve the issues in this case: if Samsung’s case in the NDCA goes forward despite CM HK’s jurisdictional challenge, this Court will not need to expend any further resources on this case. To avoid this duplication and needless activity, Samsung respectfully seeks a stay of this case pending resolution of any motion to dismiss the related action *Samsung Electronics Co. v. CM HK Ltd.*, No. 4:24-cv-6567 (N.D. Cal.) (“NDCA Action”) seeking declaratory judgment of non-infringement of U.S. Patent Nos. 10,852,846 (“the ’846 Patent”) and 11,698,687 (“the ’687 Patent”) (collectively, “the Asserted Patents”).¹

The three factors governing requests to stay pending resolution of issues in related cases decisions favor granting the motion. First, CM HK will not suffer undue prejudice from a stay because the NDCA and CM HK have already acknowledged that the NDCA Action is the first-filed action and takes precedence. Therefore, CM HK should understand that a stay is appropriate. CM HK also will suffer no prejudice because it does not sell any products and

¹ Samsung also believes that a stay pending the issuance of *inter partes* review (“IPR”) institution decisions by the PTAB concerning the Asserted Patents would be appropriate. The petitions in these IPR proceedings challenge every asserted claim of every patent asserted in this litigation by CM HK. Samsung timely filed this motion shortly after Samsung’s IPR petitions challenging the Asserted Patents were filed. Such a stay would not prejudice CM HK; the approximately six-month stay is just half of the time CM HK delayed in suing Samsung for infringement of the Asserted Patents.

waited more than a year after the issuance of the asserted patents to file suit against Samsung. Exs. 1, 2. Indeed, the requested stay would likely last under four months, less than a third of the time CM HK delayed in filing suit.

Second, this case is not in an advanced state. Discovery has not yet been completed, and the trial date for this case is more than a year away. Dkt. 36.

Third, because there is virtually complete overlap between the cases, including the same parties, asserted claims, and technology, staying this case pending resolution of CM HK's jurisdictional challenge in the NDCA Action would be particularly sensible and would likely simplify the issues in this case. Indeed, it would likely streamline the case by avoiding the risk of duplicating discovery and claim construction proceedings that have already taken place in the NDCA Action and will necessarily resume there once the NDCA Action proceeds. Specifically, during the expected period of the requested stay, this Court would engage in claim construction proceedings and rule on any discovery disputes between the parties. But if the NDCA Action proceeds, that court will also preside over claim construction proceedings and address discovery disputes. In other words, this Court's efforts during the period of the requested stay may ultimately be for nought, and, worse, may lead to conflicting decisions. A stay will conserve judicial resources by avoiding the need to relitigate the same legal and factual questions at issue in the NDCA Action. Therefore, Samsung requests that the Court stay this case pending the resolution of any motion to dismiss the NDCA Action.

II. BACKGROUND

In 2017, CyWee Group Ltd. ("CyWee") filed a complaint against Samsung in this District, claiming that Samsung infringed U.S. Patent No. 8,441,438 ("the '438 Patent") and U.S. Patent No. 8,552,978 ("the '978 Patent"). *CyWee Group Ltd. v. Samsung Elecs. Co.*, No. 2:17-cv-00140-WCB-RSP, Dkt. 1 (E.D. Tex. Feb. 17, 2017) ("the 2017 CyWee Action"). The Court

stayed that suit on February 14, 2019, pending *inter partes* review by the PTAB of the '438 and '978 Patents. *Id.*, Dkt. 331. The PTAB thereafter found the '438 and '978 Patents invalid. The Federal Circuit affirmed the PTAB's invalidity finding. *Id.*, Dkt. 344 at 1. On August 14, 2024, the Court granted Samsung's motion to dismiss CyWee's claims in the 2017 CyWee Action with prejudice. *Id.*, Dkt. 346.

On September 18, 2024, over one month after the 2017 CyWee Action was dismissed, and in the face of CM HK and CyWee threatening to sue for patent infringement, Samsung filed a complaint against CM HK and CyWee in the Northern District of California (the NDCA Action). *Samsung Elecs. Co. v. CM HK Ltd.*, No. 4:24-cv-6567, Dkt. 1 (N.D. Cal. Sept. 18, 2024). In that action, Samsung seeks a declaratory judgment against CM HK of non-infringement of the '846 and '687 Patents, and two other patents not at issue in this case. *Id.* at 1.

On October 31, 2024, more than six weeks after Samsung filed the NDCA Action, CM HK filed the instant suit against Samsung in this District. Dkt. 2 ("Compl."). CM HK alleges that Samsung directly, indirectly, and willfully infringed, and continues to infringe, the '846 and '687 Patents (two of the same patents at issue in the NDCA Action). *Id.* ¶¶ 91, 92, 98, 99, 115.

On January 28, 2025, CM HK moved to dismiss the NDCA Action for lack of subject matter jurisdiction on the grounds that there was no case or controversy and that the NDCA Action was purportedly an anticipatory suit. CM HK also moved to dismiss for lack of personal jurisdiction and failure to state a claim. *Samsung Elecs. Co. v. CM HK Ltd.*, No. 4:24-cv-6567, Dkt. 51 at 19:17–23 (N.D. Cal. Jan. 28, 2025).

On February 11, 2025, Samsung moved to dismiss, transfer, or stay the instant case pursuant to the first-to-file rule. Dkt. 28. On February 25, 2025, CM HK opposed Samsung's motion. Dkt. 35. In its opposition, CM HK requested that this Court stay Samsung's motion to

allow the NDCA Court to rule on CM HK's motion to dismiss the NDCA Action, conceding that "[i]t is undisputed that Samsung's declaratory judgment action was filed first and presents substantially overlapping issues." *Id.* at 4. Samsung's motion has been fully briefed since March 11, 2025.

Meanwhile, claim construction proceedings commenced in the NDCA Action. On May 13, 2025, the parties filed their Joint Claim Construction and Prehearing Statement in the NDCA Action. Ex. 3.

On May 15, 2025, the NDCA court ruled on CM HK's motion to dismiss. Ex. 4. In that ruling, the court found, *inter alia*, that the NDCA Action was the first-filed action and that the anticipatory suit exception to the first-to-file rule did not apply, because CM HK's threats did not indicate that a lawsuit was imminent. *Id.* at 9:24–10:14. The court also found that the "threatening language used in CM HK's communications" and other evidence was sufficient to confer subject matter jurisdiction over Samsung's declaratory judgment claims for non-infringement of the Asserted Patents. *Id.* at 8:14–25. The NDCA also found that Samsung is entitled to jurisdictional discovery there. Ex. 4 at 10:13–11:5, 20:2–3. The court expressed "particular[]" concern about "possible manipulation of assets between CyWee and CM HK." *Id.* at 19:13–14.

On May 20, 2025, Samsung filed an IPR challenging the validity of the '846 Patent. *Samsung Elecs. Co. v. CM HK Ltd.*, IPR2025-01023, Paper 1 (PTAB May 20, 2025). On May 30, 2025, Samsung filed an IPR challenging the validity of the '687 Patent. *Samsung Elecs. Co. v. CM HK Ltd.*, IPR2025-01071, Paper 1 (PTAB May 30, 2025).

On June 6, 2025, CM HK's counsel acknowledged that this later-filed action is likely to advance ahead of the first-filed NDCA Action due to jurisdictional discovery. Ex. 5. CM HK

objected that Samsung’s proposed jurisdictional schedule in the NDCA Action “makes no sense.” CM HK further complained that “[t]he Eastern District of Texas case will be halfway to trial by the end of your alter ego discovery schedule.”

On June 18, 2025, CM HK moved to transfer the NDCA Action to the Eastern District of Texas. Ex. 6. CM HK argued that the NDCA Action could have been brought in this District because CM HK and its previous co-defendant in the NDCA Action, CyWee, “are foreign corporations that are not residents in the United States and may be sued in any judicial district.” Ex. 6 at 4.

III. LEGAL STANDARD

The Court “has the inherent power to control its own docket, including the power to stay proceedings before it.” *Ericsson Inc. v. TCL Commc’n Tech. Holdings, Ltd.*, No. 2:15-CV-00011, 2016 WL 1162162, at *1 (E.D. Tex. Mar. 23, 2016); *see also Adaptix, Inc. v. Pantech Wireless, Inc.*, No. 6:13-cv-778, 2016 WL 7364674, at *2 (E.D. Tex. Jan. 12, 2016) (staying action pending resolution of appeals in related cases). In determining how to manage its docket, a district court “must weigh competing interests and maintain an even balance.” *Customedia Techs., LLC v. Dish Network Corp.*, No. 2:16-CV-129, 2017 WL 3836123, at *1 (E.D. Tex. Aug. 9, 2017) (citing *Landis v. N. Am. Co.*, 299 U.S. 248, 254–55 (1936)). “District courts typically consider three factors when determining whether to grant a stay[]: (1) whether the stay will unduly prejudice the nonmoving party, (2) whether the proceedings before the court have reached an advanced stage, including whether discovery is complete and a trial date has been set, and (3) whether the stay will likely result in simplifying the case before the court.” *NFC Techs. LLC v. HTC Am., Inc.*, No. 2:13-cv-1058-WCB, 2015 WL 1069111, at *2 (E.D. Tex. Mar. 11, 2015) (Bryson, J.). “Based on those factors, courts determine whether the benefits of a stay outweigh the inherent costs of postponing resolution of the litigation.” *Id.*

The same standard described in *NFC Techs.* is applied whether the moving party seeks to stay pending an IPR proceeding or a co-pending proceeding in another Federal district court. *Wapp Tech Ltd. P'ship v. Hewlett-Packard Enter. Co.*, No. 4:18-CV-00468, 2019 WL 3818761, at *2 (E.D. Tex. Aug. 14, 2019) (using the same *NFC Techs.* factors to determine whether a stay pending the resolution of a related case “will result in ‘substantial savings of litigation resources’” (citation omitted)).

Cases subject to the first-to-file rule get special consideration. “In determining whether to apply the first-to-file rule to an action, a court must resolve two questions: (1) are the two pending actions so duplicative or involve substantially similar issues that one court should decide the subject matter of both actions; and (2) which of the two courts should take the case?” *Ramot at Tel Aviv Univ. Ltd. v. Cisco Sys., Inc.*, No. 2:22-cv-00168-JRG, 2022 WL 17417972, at *2 (E.D. Tex. Dec. 5, 2022) (Gilstrap, J.) (citing *RPost Holdings, Inc. v. Sophos, Inc.*, No. 2:13-cv-959, 2014 WL 10209205, at *1 (E.D. Tex. Aug. 20, 2014)). “The proper course of action [is] for the [second-filed] court to transfer the case” to the first-filed court.” *Cadle Co. v. Whataburger of Alice, Inc.*, 174 F.3d 599, 605–06 (5th Cir. 1999). “In some cases, however, a stay may be appropriate to permit the court of first filing to rule on a motion to transfer” or jurisdictional challenge. *Parallel Networks, LLC v. Microsoft Corp.*, No. 2:09-CV-172, 2009 WL 10708739, at *2 (E.D. Tex. Aug. 3, 2009) (cleaned up).

IV. ARGUMENT

All three factors considered by this Court when determining whether to grant a stay favor staying this case until resolution of jurisdictional challenge in the NDCA Action.

A. CM HK Cannot Claim Undue Prejudice

CM HK will not suffer undue prejudice, which favors a stay. CM HK’s actions confirm this fact. Specifically, the court in the NDCA Action has already ruled and CM HK has already

acknowledged that Samsung's NDCA Action was first filed. In addition, CM HK has never commercialized a product that practices the Asserted Patents, and CM HK waited more than a year after its patents issued to file this suit against Samsung.

First, the NDCA has found that the NDCA Action is first-filed, rejecting CM HK's attempt to invoke the anticipatory suit exception to the first-filed rule. Ex. 4 at 10:13–11:5. The NDCA Action should therefore take the lead and precedence in view of federal comity and judicial economy. *Tex. Instruments, Inc. v. Micron Semiconductor, Inc.*, 815 F. Supp. 994, 999 (E.D. Tex. 1993) (“This Court simply may not, consistent with the principles of comity and conservation of judicial resources, usurp the first-filed court's role.”).

Even CM HK has acknowledged that the NDCA Action should take precedence, underscoring the need for a stay. Dkt. 35 at 4. CM HK acknowledged that “[i]t is undisputed that Samsung's declaratory judgment action was filed first and presents substantially overlapping issues” and accordingly sought for this Court to stay resolution of Samsung's motion to allow CM HK's motion in the NDCA to be resolved first. Dkt. 35 at 4. The same concerns underlying CM HK's request to stay the motion—the NDCA action's first-filed status, overlapping issues, and avoidance of duplicative litigation—justify staying the instant action. Additionally, in objecting to Samsung's proposed jurisdictional schedule, CM HK complained that extended jurisdictional discovery would result in this case proceeding before the NDCA Action, recognizing that the NDCA Action should be in the lead because it is the first-filed action. Ex. 5. Therefore, the NDCA, CM HK, and Samsung all agree that the NDCA Action should take precedence over this case, and CM HK cannot in good faith claim prejudice from a stay that would serve that goal.

Second, CM HK does not make products that practice its patents and thus will not be harmed by a stay. “[T]he mere fact of a delay alone does not constitute prejudice sufficient to deny a request for stay.” *E-Watch, Inc. v. Lorex Can., Inc.*, No. CIV.A. H-12-3314, 2013 WL 5425298, at *2 (S.D. Tex. Sept. 26, 2013). Instead, the Federal Circuit has held that the question of “whether the patentee will be unduly prejudiced by a stay . . . focuses on the patentee’s need for an expeditious resolution of its claim.” *VirtualAgility Inc. v. Salesforce.com, Inc.*, 759 F.3d 1307, 1318 (Fed. Cir. 2014). CM HK confirmed via its infringement contentions that it has not commercialized a product for sale that practices any claim of the Asserted Patent. Ex. 7 at 5 (disclosing “[n]ot presently applicable” in response to the L.P.R. 3-1(f) requirement to “identify” CM HK’s “own apparatus, product, device, process, method, act, or other instrumentality practices the claimed invention”). Thus, should CM HK ultimately prove infringement, it will not be unduly prejudiced because monetary relief will be sufficient to compensate CM HK. Indeed, a “stay will not diminish the monetary damages to which [CM HK] will be entitled if it succeeds in its infringement suit—it only delays realization of those damages” *VirtualAgility Inc.*, 759 F.3d at 1318; *Cellular Commc’ns Equip., LLC v. Samsung Elecs. Co.*, No. 6:14-cv-759, 2015 WL 11143485, at *2 (E.D. Tex. Dec. 16, 2015) (“[M]ere delay in collecting . . . damages does not constitute undue prejudice.” (citation omitted)).

Third, CM HK waited to file this suit for more than a year after the last asserted patent (a child of a patent previously asserted against Samsung) issued. That delay was approximately three times as long as the anticipated time to resolution of jurisdictional discovery and personal jurisdiction issues in CM HK’s anticipated motion to dismiss the forthcoming amended complaint in the NDCA Action. The parties have agreed to a jurisdictional discovery schedule in NDCA that would result in a hearing on any motion to dismiss on October 7, 2025, less than four

months from the filing of this motion and a mere third of the time CM HK delayed in filing this case after the issuance of its second Asserted Patent. Ex. 8. Therefore, a stay pending the resolution of any motion to dismiss the NDCA will not cause CM HK any undue prejudice.

B. This Case is in Its Infancy, and a Stay Will Likely Conserve Judicial and Party Resources

This case is in its early stages, and “there remains a significant amount of work ahead for the parties and the court,” which also favors a stay. *Norman IP Holdings, LLC v. TP-Link Techs., Co.*, No. 6:13-cv-384-JDL, 2014 WL 5035718, at *3 (E.D. Tex. Oct. 8, 2014); *see also Landmark Tech., LLC v. iRobot Corp.*, No. 6:13-cv-411-JDL, 2014 WL 486836, at *3 (E.D. Tex. Jan. 24, 2014) (“Staying a case at an early juncture can ‘advance judicial efficiency and maximize the likelihood that neither the court nor the parties expend their assets addressing invalid claims.’” (citation omitted)). This factor favors a stay “even when the parties and/or the court have already devoted *substantial* resources to the litigation,” which has not yet occurred here. *Norman IP Holdings*, 2014 WL 5035718 at *3 (emphasis added) (citation omitted). Here, the claim construction proceedings do not begin until September 11, 2025, claim construction briefing does not start until December 2, 2025, and the Markman Hearing does not occur until January 15, 2026. Dkt. 36. Additionally, discovery is at a very early stage. All of these events impose “significant expenses on the parties that might be avoided if the stay results in the simplification (or obviation) of further court proceedings.” *NFC Tech.*, 2015 WL 1069111, at *3; *see also Versata Software, Inc. v. Callidus Software, Inc.*, 771 F.3d 1368, 1374 (Fed. Cir. 2014) (opinion vacated because the parties settled the case the day before the opinion issued).

In light of this case not being at an advanced stage, a stay would conserve judicial resources by avoiding the need to duplicate the efforts already taken in the NDCA Action. *Motorola Mobility, Inc. v. TiVo, Inc.*, No. 5:11CV53, 2011 WL 13196554, at *3, 5 (E.D. Tex.

July 6, 2011) (the fact that the other lawsuit is “well-ahead of this case procedurally,” “this action is in its earlier stages,” and “no significant resources have been expended [here] . . . lends additional support for a limited stay”). Much of the claim construction proceedings and significant fact discovery have already occurred in the NDCA Action and have yet to occur here. Ex. 3. The NDCA Action will continue to progress towards trial if CM HK’s jurisdictional challenge fails because the NDCA has rejected all of CM HK’s other attempts to dispose of Samsung’s complaint. Specifically, the NDCA recognized that Samsung’s case was first-filed, that the NDCA has subject matter jurisdiction, and that Samsung has properly stated a claim for non-infringement.² In other words, any activity to be done in this case during the period of the requested stay has either already been done in NDCA or will have to be redone in NDCA if CM HK’s jurisdictional challenge fails. Thus, the early stage of proceedings in this case favors a stay.

C. The NDCA Proceeding Will Simplify or Eliminate Issues Thus Streamlining Litigation and Reducing Burdens on the Court and the Parties

The resolution or narrowing of legal and factual issues in the NDCA Action will likely simplify the issues in the instant case. First, as discussed in Samsung’s previous motion to dismiss, transfer, or stay, both suits include Samsung and CM HK as parties, involve the ’846 and ’687 Patents, address the same mobile sensor technology, and seek the same remedies. Dkt. 28 at 6–9. Both suits involve the same witnesses and will likely have the same claim construction issues. *Id.* In fact, after Samsung filed its previous motion in this action, Samsung voluntarily dismissed CyWee from the NDCA Action, meaning that the parties in the two suits are identical. *Samsung Elecs. Co. v. CM HK Ltd.*, No. 4:24-cv-6567, Dkt. 64 (N.D. Cal. Feb. 20, 2025). And

² Judicial resources would also be conserved by avoiding any need to revisit claim construction or orders in view of positions or arguments advanced before the PTAB. *See Aylus Networks, Inc. v. Apple Inc.*, 856 F.3d 1353, 1364 (Fed. Cir. 2017) (“[S]tatements made by a patent owner during an IPR proceeding, whether before or after an institution decision, can be relied upon to support a finding of prosecution disclaimer.”).

CM HK has acknowledged that the two cases have “substantially overlapping issues.” Dkt. 35 at 4. Thus, there is virtually complete overlap between the two cases.

Second, the NDCA Action has advanced ahead of the instant case. As discussed in the previous section, the instant case is in its infancy, with just infringement and invalidity contentions having been served. In contrast, in the NDCA Action, claim construction proceedings have begun, and the parties have engaged in significant fact discovery. Additionally, the NDCA Action is in the middle of jurisdictional discovery in response to CM HK’s challenge to personal jurisdiction there, due in part to the NDCA’s concern about “possible manipulation of assets between CyWee and CM HK.” Ex. 4 at 19:13–14.

In view of the foregoing, permitting this case to proceed in this Court would risk the occurrence of claim construction proceedings, such as briefing and potentially the hearing, here before they occur in the judicially-acknowledged first-filed NDCA Action. Those activities would need to be redone if the NDCA Action proceeds, risking duplicative efforts that waste court and party resources. Staying this case would therefore serve “to avoid the waste of duplication, to avoid rulings which may trench upon the authority of sister courts, and to avoid piecemeal resolution of issues that call for a uniform result.” *Parallel*, 2009 WL 10708739 at *2–3 (citation omitted) (staying Texas action pending a decision on the motion to dismiss or transfer the first-filed Delaware action); *Excentus Corp. v. Kroger Co.*, No. 3:10-CV-0483-B, 2010 WL 3606016, at *1, 4 (N.D. Tex. Sept. 16, 2010) (staying action pending decision in first-filed Ohio case because “this result best serves the interests of judicial economy, avoids rulings which may trench on the Ohio court’s authority, and avoids piecemeal resolution of issues between the parties.”).

Additionally, the parties are very likely to repeat much of the fact discovery from the NDCA Action in this Court if it proceeds with the current schedule. Indeed, CM HK has already served, in this Court, interrogatory requests that were nearly identical to interrogatories previously served in the NDCA Action. Exs. 9 and 10. The Court that will try this case should also resolve the parties' discovery disputes, further showing why a stay is appropriate.³

Thus, the third factor also favors a stay, and Samsung's request for a stay pending the latter of resolution of any motion to dismiss the NDCA Action should be granted.

V. CONCLUSION

Litigating this dispute simultaneously in three fora is by definition wasteful. This problem is of CM HK's making; it decided to sue here six weeks after Samsung sued in the NDCA. And that court has found that the NDCA Action was first filed, meaning that the NDCA ultimately will elect which case should proceed. Therefore, Samsung respectfully requests the Court grant its motion to stay this case until any motion to dismiss the NDCA Action is resolved. Samsung proposes that the parties provide a status report within thirty days of the resolution of a renewed motion to dismiss that CM HK may file (or thirty days within the expiration of the period in which CM HK has the opportunity to file such a motion).

³ Likewise, the IPR petition institution decisions, regardless of their outcome, will simplify the claim construction and invalidity issues in this case. *See NFC Tech.*, 2015 WL 1069111, at *7 (determining that even where all claims were not reviewed during IPR proceedings "any disposition by the PTAB is likely to simplify the proceedings before this Court"); *see also Aylus Networks, Inc. v. Apple Inc.*, 856 F.3d 1353, 1364 (Fed. Cir. 2017) ("[S]tatements made by a patent owner during an IPR proceeding, whether before or after an institution decision, can be relied upon to support a finding of prosecution disclaimer.").

DATED: June 26, 2025

Respectfully submitted,

By: /s/ Elizabeth L. Brann

Elizabeth L. Brann
elizabethbrann@paulhastings.com
Ariell N. Bratton
ariellbratton@paulhastings.com
Sasha Vujcic (*Pro Hac Vice*)
sashavujcic@paulhastings.com
PAUL HASTINGS LLP
4655 Executive Dr., Suite 350
San Diego, CA 92121
Telephone: (858) 458-3000
Facsimile: (858) 458-3005

Robert Laurenzi
robertlaurenzi@paulhastings.com
PAUL HASTINGS LLP
200 Park Avenue, 26th Floor
New York, NY 10166
Telephone: (212) 318-6000
Facsimile: (212) 318-6100

Melissa R. Smith (TX Bar No. 24001351)
melissa@gillamsmithlaw.com
GILLAM & SMITH, LLP
303 S. Washington Ave.
Marshall, TX 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

*Attorneys for Defendants
Samsung Electronics Co., Ltd. and
Samsung Electronics America, Inc.*

CERTIFICATE OF CONFERENCE

Pursuant to Local Rules CV-7(h) and (i), counsel for the Defendants met and conferred with counsel for the Plaintiff on June 17, 2025 in a good faith attempt to resolve the matters raised by this motion. No agreement could be reached. Plaintiff indicated it opposes the relief requested by this motion. Thus, these discussions have conclusively ended in an impasse and leave an open issue for the Court to resolve.

/s/ Elizabeth L. Brann

Elizabeth L. Brann

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on June 26, 2025. As of this date, all counsel of record had consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Elizabeth L. Brann

Elizabeth L. Brann

Exhibit 1

(12) **United States Patent**
Liou et al.

(10) **Patent No.:** **US 10,852,846 B2**
(45) **Date of Patent:** **Dec. 1, 2020**

(54) **ELECTRONIC DEVICE FOR USE IN MOTION DETECTION AND METHOD FOR OBTAINING RESULTANT DEVIATION THEREOF**

(71) Applicant: **CM HK LIMITED**, Fortress Hill (HK)

(72) Inventors: **Shun-Nan Liou**, Taipei (TW); **Zhou Ye**, Taipei (TW); **Chin-Lung Li**, Taipei (TW)

(73) Assignee: **CM HK LIMITED**, Fortress Hill (HK)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **15/611,970**

(22) Filed: **Jun. 2, 2017**

(65) **Prior Publication Data**

US 2017/0269714 A1 Sep. 21, 2017

Related U.S. Application Data

(63) Continuation of application No. 13/072,794, filed on Mar. 28, 2011, now Pat. No. 9,760,186, which is a (Continued)

(51) **Int. Cl.**
G06F 3/0346 (2013.01)
G06F 3/038 (2013.01)
G01C 21/16 (2006.01)

(52) **U.S. Cl.**
CPC **G06F 3/0346** (2013.01); **G01C 21/165** (2013.01); **G06F 3/0383** (2013.01)

(58) **Field of Classification Search**
CPC G01C 21/165; G06F 1/1694; G06F 3/0346 (Continued)

(56) **References Cited**

U.S. PATENT DOCUMENTS

5,138,154 A 8/1992 Hotelling
5,181,181 A 1/1993 Glynn
(Continued)

FOREIGN PATENT DOCUMENTS

CN 1573672 A 2/2005
CN 1971310 A 5/2007
(Continued)

OTHER PUBLICATIONS

Azuma, Ronald et al. Improving Static and Dynamic Registration in an Optical See-Through HMO. Proceedings of SIGGRAPH '94 (Orlando, Fla., Jul. 24-29, 1994), Computer Graphics, Annual Conference Series, 1994, 197-204.

(Continued)

Primary Examiner — Bryan Earles

(74) *Attorney, Agent, or Firm* — McClure, Qualey & Rodack, LLP

(57) **ABSTRACT**

An electronic device utilizing a nine-axis motion sensor module, capable of accurately outputting a resultant deviation including deviation angles in a 3D reference frame is provided. The present invention provides a novel comparison and compensation to accurately obtain a resultant deviation including deviation angles of the electronic device under the presence of external and/or internal interferences including the ones caused by undesirable electromagnetic fields and the ones associated with undesirable external forces and axial accelerations. The output of the nine-axis motion sensor module of the present invention including a rotation sensor, an accelerometer and a magnetometer can be advantageously obtained and compensated with a comparison comparing different states of the motion sensor module such that an updated state associated with the output and the resultant deviation angles of the nine-axis motion sensor module are preferably obtained in an absolute manner with

(Continued)

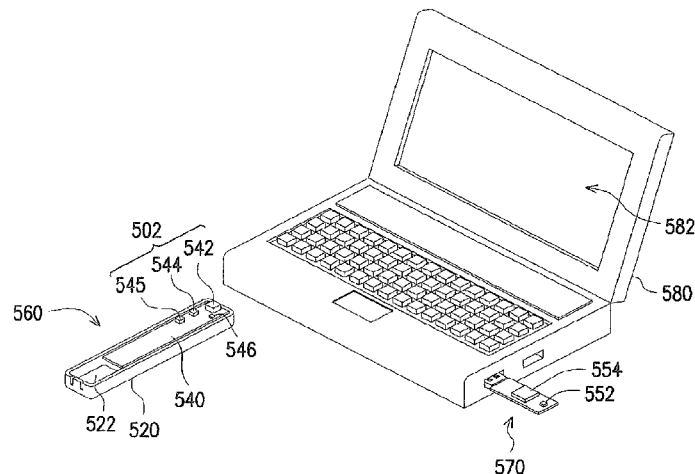


Exhibit 2

(12) **United States Patent**
Liou et al.

(10) **Patent No.:** **US 11,698,687 B2**
(45) **Date of Patent:** **Jul. 11, 2023**

(54) **ELECTRONIC DEVICE FOR USE IN MOTION DETECTION AND METHOD FOR OBTAINING RESULTANT DEVIATION THEREOF**

(56) **References Cited**

U.S. PATENT DOCUMENTS

5,138,154 A 8/1992 Hotelling
5,181,181 A 1/1993 Glynn
(Continued)

FOREIGN PATENT DOCUMENTS

CN 1573672 A 2/2005
CN 1971310 A 5/2007
(Continued)

OTHER PUBLICATIONS

Chinese language office action dated May 15, 2019, issued in application No. CN 201210084834.6.
(Continued)

(71) Applicant: **CM HK LIMITED**, Fortress Hill (HK)

(72) Inventors: **Shun-Nan Liou**, Taipei (TW); **Zhou Ye**, Taipei (TW); **Chin-Lung Li**, Taipei (TW)

(73) Assignee: **CM HK LIMITED**, Fortress Hill (HK)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **16/953,771**

(22) Filed: **Nov. 20, 2020**

Prior Publication Data

US 2021/0089142 A1 Mar. 25, 2021

Related U.S. Application Data

(63) Continuation of application No. 15/611,970, filed on Jun. 2, 2017, now Pat. No. 10,852,846, which is a
(Continued)

(51) **Int. Cl.**
G06F 3/0346 (2013.01)
G06F 3/038 (2013.01)
G01C 21/16 (2006.01)

(52) **U.S. Cl.**
CPC **G06F 3/0346** (2013.01); **G01C 21/1654** (2020.08); **G06F 3/0383** (2013.01)

(58) **Field of Classification Search**
CPC G06F 3/0346; G06F 3/0383; G01C 21/165
See application file for complete search history.

Primary Examiner — Bryan Earles

(74) *Attorney, Agent, or Firm* — McClure, Qualey & Rodack, LLP

(57) **ABSTRACT**

A representative method involves: generating measured angular velocities and measured axial accelerations; calculating a resulting deviation associated with movements and rotations in a spatial reference frame by: providing a previous quaternion corresponding to time T-1 based on the measured axial accelerations corresponding to time T-1 and the measured angular velocities corresponding to time T-1; converting the measured angular velocities corresponding to time T based on the previous quaternion into a current quaternion and predicted axial accelerations; comparing the predicted axial accelerations with the measured axial accelerations corresponding to time T to obtain a first comparison result; obtaining an updated quaternion associated with time T based on the current quaternion and the first comparison result, and using the updated quaternion as a next occurrence of the previous quaternion; and providing the resulting deviation based on the updated quaternion; and, providing content based on the resulting deviation in the spatial reference frame.

28 Claims, 10 Drawing Sheets

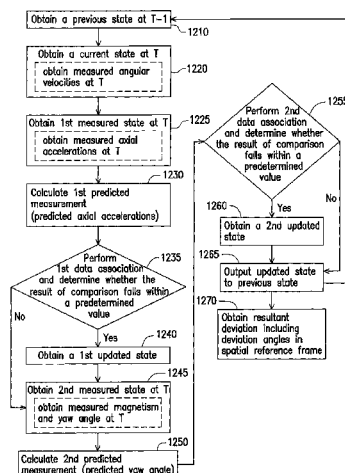


Exhibit 3

ELIZABETH L. BRANN (SB# 222873)
elizabethbrann@paulhastings.com
ARIELL N. BRATTON (SB# 317587)
ariellbratton@paulhastings.com
SASHA VUJCIC (SB# 332766)
sashavujcic@paulhastings.com
PAUL HASTINGS LLP
4655 Executive Dr., Suite 350
San Diego, CA 92121
Telephone: 1(858) 458-3000
Facsimile: 1(858) 458-3005

[ADDITIONAL COUNSEL LISTED
ON SIGNATURE PAGE]

Attorneys for Plaintiffs
Samsung Electronics Co., Ltd. and
Samsung Electronics America, Inc.

CHRISTOPHER L. EVANS
(TX Bar No. 24058901)
(Admitted *Pro Hac Vice*)
chris@offorevans.com
OFFOR EVANS PLLC
1122 Jackson Street, Ste 901
Dallas, TX 75202
Telephone: 1(214) 394-6779

MICHAEL W SHORE
(TX Bar No. 18294915)
(Admitted *Pro Hac Vice*)
mshore@shorefirm.com
THE SHORE FIRM LLP
5646 Milton Street, Ste 423
Dallas, TX 75206
Telephone: 1(214) 593-9140
Facsimile: 1(214) 593-9111

[ADDITIONAL COUNSEL LISTED ON
SIGNATURE PAGE]

Attorneys for Defendant
CM HK, Ltd.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SAMSUNG ELECTRONICS CO., LTD.
AND SAMSUNG ELECTRONICS
AMERICA, INC.,

Plaintiffs,

vs.

CM HK, LTD. AND CYWEE GROUP
LTD.,

Defendants.

CASE NO. 4:24-CV-06567-JST

**JOINT CLAIM CONSTRUCTION AND
PREHEARING STATEMENT**

Date: August 4, 2025
Time: 1:30 p.m.
Place: 6, 2nd Floor
Judge: Hon. Jon S. Tigar

Pursuant to N.D. Cal. Patent Local Rule 4-3 and the Scheduling Order (ECF No. 47), Plaintiffs Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. and Defendant CM HK, LTD.¹ hereby provide their Joint Claim Construction and Prehearing Statement.

LOCAL PATENT RULE 4-3(A) – AGREED CONSTRUCTIONS

There are no agreed constructions.

LOCAL PATENT RULE 4-3(B) – DISPUTED CONSTRUCTIONS

The table below provides a full list of all disputed terms and the parties’ proposed constructions. A table providing the citations to the evidence relied upon by the parties is attached as Exhibit A.

Patent Claims	Term	Plaintiffs’ Proposed Construction	Defendant’s Proposed Construction
’846 Patent, claims 1 and 7 ’687 Patent, claims 1 and 14	Spatial reference frame	frame of reference associated with a 3D pointing device, which always has its origin at the same point in the device and in which the axes are always fixed with respect to the device	frame of reference associated with the electronic device, which always has its origin at the same point in the device and in which the axes are always fixed with respect to the device
’846 Patent, claims 1 and 7 ’687 Patent, claims 1 and 14	Display reference frame	the coordinate system in which the display device is defined, with an origin located on the display device and a set of three coordinate axes fixed with respect to the display device	frame of reference associated with the display device, which always has its origin at the same point in the device and in which the axes are always fixed with respect to the device
’846 Patent, claims 1 and 7 ’687 Patent, claims 1 and 14	Deviation / resultant deviation	angles in a spatial reference frame of the electronic device	Information representing the device’s orientation change
’846 Patent, Claims 1, 7	Resultant angles	angles in a spatial reference frame of the electronic device	Angles that describe the device’s rotation around one or more axes

¹ Plaintiffs filed a notice voluntarily dismissing CyWee Group Ltd. from this case. ECF No. 64.

Patent Claims	Term	Plaintiffs' Proposed Construction	Defendant's Proposed Construction
'846 Patent, Claims 1, 7 '687 Patent, Claims 1, 4, 14	Predicted axial acceleration	plain and ordinary meaning	Acceleration along the device's axes derived from the current quaternion
'846 Patent, Claims 1, 3, 7, 9 '687 Patent, Claims 1, 2, 3, 4, 5, 12, 14, 25	Measured axial acceleration	plain and ordinary meaning	Acceleration along the device's axes derived from accelerometer data
'846 Patent, Claims 3, 9 '687 Patent, Claims 12, 25	First data association model	plain and ordinary meaning	logic or algorithm that compares the measured axial accelerations with predicted axial accelerations

LOCAL PATENT RULE 4-3(C) – MOST SIGNIFICANT TERMS

Pursuant to Local Patent Rule 4-3(c), the parties identify all seven of the above-identified disputed terms for construction by the Court. None of the disputed terms are case or claim dispositive. There are no terms that either side contends are case dispositive.

LOCAL PATENT RULE 4-3(D) – ANTICIPATED HEARING LENGTH

The claim construction hearing is scheduled on August 4, 2025 at 1:30 p.m. ECF No. 47. Both parties anticipate that the claim construction hearing will take approximately 3 hours, with the time split equally between Plaintiffs and Defendant.

LOCAL PATENT RULE 4-3(E) – WITNESSES

The parties do not expect to present live testimony of witnesses at the claim construction hearing.

LOCAL PATENT RULE 4-3(F) – FACTUAL FINDINGS

The parties do not presently believe that there are any issues that need to be taken up at a prehearing conference prior to the claim construction hearing. However, please note that a tutorial is scheduled on July 21, 2025 at 1:30 p.m.

1 DATED: May 13, 2025

Respectfully submitted,

2 By: /s/ Elizabeth L. Brann

3 ELIZABETH L. BRANN (SB# 222873)
4 elizabethbrann@paulhastings.com
5 ARIELL N. BRATTON (SB# 317587)
6 ariellbratton@paulhastings.com
7 SASHA VUJCIC (SB# 332766)
8 sashavujcic@paulhastings.com
9 PAUL HASTINGS LLP
10 4655 Executive Dr., Suite 350
11 San Diego, CA 92121
12 Telephone: 1(858) 458-3000
13 Facsimile: 1(858) 458-3005

14 Robert Laurenzi (*Pro Hac Vice*)
15 robertlaurenzi@paulhastings.com
16 PAUL HASTINGS LLP
17 200 Park Avenue, 26th Floor
18 New York, NY 10166
19 Telephone: (212) 318-6000
20 Facsimile: (212) 318-6100

21 Attorneys for Plaintiffs
22 Samsung Electronics Co., Ltd. and
23 Samsung Electronics America, Inc.

24 CHRISTOPHER L. EVANS
25 (TX Bar No. 24058901)
26 (Admitted *Pro Hac Vice*)
27 chris@offorevans.com
28 OFFOR EVANS PLLC
1122 Jackson Street, Ste 901
Dallas, TX 75202
Telephone: 1(214) 394-6779

MICHAEL W SHORE
(TX Bar No. 18294915)
(Admitted *Pro Hac Vice*)
mshore@shorefirm.com
THE SHORE FIRM LLP
5646 Milton Street, Ste 423
Dallas, TX 75206
Telephone: 1(214) 593-9140
Facsimile: 1(214) 593-9111

JAMES L. JACOBS
(CA Bar No. 158277)
jjacobs@gcalaw.com
VALERIE MARGO WAGNER
(CA Bar No. 173146)
vwagner@gcalaw.com
GCA LAW PARTNERS LLP
2570 W. El Camino Real, Suite 400
Mountain View, CA 94040
Telephone: 1(650) 428-3900
Facsimile: 1(650) 428-3901

Attorneys for Defendant
CM HK, Ltd.

ATTESTATION

Pursuant to Local Rule 5-1(i)(3), the undersigned hereby attests that concurrence in the filing of this document has been obtained from all other signatories.

/s/ Elizabeth L. Brann
Elizabeth L. Brann

Exhibit 4

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAMSUNG ELECTRONICS CO, LTD., et
al.,

Plaintiffs,

v.

CM HK, LTD.,

Defendant.

Case No. 24-cv-06567-JST

**ORDER GRANTING DEFENDANT CM
HK, LTD.'S MOTION TO DISMISS**

Re: ECF No. 51

Pending before the Court is Defendant's motion to dismiss. ECF No. 51. The Court will grant the motion.

I. BACKGROUND

This case is one of many patent infringement disputes between Plaintiffs Samsung Electronics Co., Ltd. ("SEC") and Samsung Electronics America, Inc. ("SEA") (collectively, "Samsung"), Defendant CM HK, Ltd. ("CM HK"), and non-party CyWee Group Ltd. ("CyWee").¹ SEC is a Korean corporation with its principal place of business in Korea; SEA is a New York corporation with its principal place of business in New Jersey; CM HK is a Chinese corporation with its principal place of business in Hong Kong; and CyWee is a British Virgin Islands corporation with its principal place of business in Taipei. ECF No. 24 ("Compl") ¶¶ 5–8.

In February 2017, CyWee filed suit against Samsung in the Eastern District of Texas, Case No. 2:17-cv-00140-RSW-RSP (the "2017 CyWee Action"), accusing Samsung of infringing U.S. Patent Nos. 8,441,438 (the "'438 Patent") and 8,552,978 (the "'978 Patent"). Compl. ¶ 21. CyWee also asserted the '438 and '978 Patents against Apple in this District, Case No. 4:14-cv-

¹ CyWee was initially named as a defendant in this case, ECF Nos. 1, 24, but was voluntarily dismissed on February 20, 2025, ECF No. 64.

1 that either Defendants or its affiliates own worldwide.” Compl. ¶ 28. In June 2024, counsel for
2 CM HK and CyWee “referred to amending the complaint in the [2017 CyWee Action] to add
3 additional patents.” *Id.* ¶ 29. In July 2024, “Defendants’ counsel informed Samsung via email
4 that CyWee had identified two patents they believed to be infringed by Samsung” and “noted an
5 intention to ask the court in the [2017 CyWee Action] to grant a motion to amend the complaint to
6 add those two patents.” *Id.* ¶ 32. Later that month, “Defendants’ counsel . . . proposed a meeting
7 in Korea to go over new patents to be asserted” and “stated that if Samsung refused to meet, that
8 CyWee would file suit on these patents or seek to amend the current suit in the Eastern District of
9 Texas.” *Id.* ¶ 33. No such meeting was held, and despite the passing of this deadline, CM HK did
10 not file suit. CM HK instead continued threatening Samsung with litigation but without providing
11 a deadline on which it would file suit. *See id.* ¶¶ 37, 41. In fact, CM HK did not file its lawsuit
12 until October 31, 2024—more than six weeks after Samsung filed this lawsuit. ECF No. 50 ¶ 1.

13 The Court finds that “[t]hese facts are not specific and concrete indications of an imminent
14 suit by [CM HK].” *Easton-Bell Sports, Inc.*, 2013 WL 1283463, at *3. Courts considering
15 comparable facts have found similarly. *See Sony Computer Ent. Am. Inc. v. Am. Med. Response,*
16 *Inc.*, No. C06 06603 CW, 2007 WL 781969, at *3 (N.D. Cal. Mar. 13, 2007) (“Furthermore,
17 because [d]efendant’s deadline in the April letter passed with no action by [d]efendant, [p]laintiff
18 could not be certain whether [d]efendant’s threat of suit in the October letter was idle, real, or a
19 negotiating tactic.”); *Intersearch Worldwide, Ltd. v. Intersearch Grp., Inc.*, 544 F. Supp. 2d 949,
20 960 (N.D. Cal. 2008) (“[A] reasonable apprehension that a controversy exists sufficient to satisfy
21 the constitutional requirements for a declaratory judgment action [] is not equivalent to an
22 imminent threat of litigation.”). *Cf. Commc’ns Test Design, Inc. v. Contec, LLC*, 952 F.3d 1356,
23 1363 (Fed. Cir. 2020) (finding plaintiff’s lawsuit anticipatory where defendant “sent [plaintiff] a
24 draft complaint and told [plaintiff] that it would file suit if [plaintiff] did not confirm by [deadline]
25 that it was willing to discuss the terms of a potential license[,]” plaintiff confirmed it was willing
26 to engage in licensing conversations on the day of the deadline, but plaintiff filed a declaratory
27 judgment action two days later); *Zoho Corp. Pvt. Ltd. v. HubSpot, Inc.*, No. 20-CV-01573-RS,
28 2020 WL 7133770, at *4 (N.D. Cal. Apr. 24, 2020) (“[Plaintiff’s] counsel lulled [defendant] into

believing that it needed time to review [defendant's] letter, consult with its client, and respond [Plaintiff] indicated that it would need more than a week to do so, and it was reasonable for [defendant] to await a response and hold off from filing its suit However, instead of, for example, opening a settlement dialogue, [plaintiff] sued [defendant].") (quotations and citations omitted). Accordingly, the Court denies CM HK's motion to dismiss on this ground.

B. Personal Jurisdiction

"Personal jurisdiction must exist for each claim asserted against a defendant." *Action Embroidery Corp. v. Atl. Embroidery, Inc.*, 368 F.3d 1174, 1180 (9th Cir. 2004) (citation omitted). Since the Supreme Court's "seminal decision in *International Shoe*," courts "have recognized two types of personal jurisdiction: 'general' (sometimes called 'all-purpose') jurisdiction and 'specific' (sometimes called 'case-linked') jurisdiction." *Bristol-Myers Squibb Co. v. Super. Ct.*, 582 U.S. 255, 261–62 (2017) (citation omitted). CM HK argues that the Court lacks both general and specific jurisdiction over CM HK. Samsung makes two counterarguments: (1) CM HK's threats to sue Samsung confer specific jurisdiction over CM HK, and (2) the Court's specific jurisdiction over CyWee should be imputed to CM HK under an alter ego theory. ECF No. 58 at 17–23.

1. General Jurisdiction

"A court with general jurisdiction may hear any claim against that defendant, even if all the incidents underlying the claim occurred in a different [s]tate." *Bristol-Myers Squibb*, 582 U.S. at 262. "Because the assertion of judicial authority over a defendant is much broader in the case of general jurisdiction than specific jurisdiction, a plaintiff invoking general jurisdiction must meet an 'exacting standard' for the minimum contacts required." *Ranza v. Nike, Inc.*, 793 F.3d 1059, 1069 (9th Cir. 2015) (citation omitted). "[G]eneral jurisdiction requires affiliations so continuous and systematic as to render the foreign corporation essentially at home in the forum [s]tate" *Daimler AG v. Bauman*, 571 U.S. 117, 134 n.11 (2014). "Such contacts must be 'constant and pervasive.'" *Ranza*, 793 at 1069 (quoting *Daimler*, 571 U.S. at 122). "The paradigmatic locations where general jurisdiction is appropriate over a corporation are its place of incorporation and its principal place of business." *Ranza*, 793 F.3d at 1069. "Only in an exceptional case will general jurisdiction be available anywhere else." *Id.* (quotations and citation omitted).

necessary.”). In this District, courts have held that “a plaintiff need not make out a prima facie case of personal jurisdiction before it can obtain jurisdictional discovery.” *Calix Networks, Inc. v. Wi-Lan, Inc.*, No. 09-cv-06038-CRB (DMR), 2010 WL 3515759, at *4 (N.D. Cal. Sept. 8, 2010) (citing *eMag Solutions, LLC v. Toda Kogyo Corp.*, No. 02-cv-1611-PJH, 2006 WL 3783548, at *2 (N.D. Cal. Dec. 21, 2006)) (“It would . . . be counterintuitive to require a plaintiff, prior to conducting discovery, to meet the same burden that would be required to defeat a motion to dismiss.”). A plaintiff must merely present “a ‘colorable basis’ for jurisdiction, or ‘some evidence’ constituting a lesser showing than a prima facie case.” *Id.* (citations omitted).

Samsung contends that jurisdictional discovery “would reveal the extent of the connection between CM HK and CyWee.” Dkt. No. 58 at 24. The Court agrees. Although Samsung’s allegations at this juncture are not sufficient to show that CM HK is acting as CyWee’s alter ego, the Court finds that Samsung has made a “colorable” showing of jurisdiction and that it is entitled to jurisdictional discovery. The Court is particularly concerned by the possible manipulation of assets between CyWee and CM HK. As alleged in the complaint, on May 20, 2024, Defendants’ counsel represented that “CM HK own[ed] all CyWee patents other than the patents in the [2017 CyWee Action].” Compl. ¶ 28. But on June 20, 2024, Defendants’ counsel “represented that CM HK might transfer the patents back to CyWee for assertion in the U.S.” *Id.* ¶ 30. On August 13, 2024, Defendants’ counsel represented that “CM HK would not transfer patents back to CyWee” and that “CM HK was instead planning to file a new lawsuit” *Id.* ¶ 37. Additionally, as reflected in the patent assignment attached to CyWee’s motion to dismiss, the Asserted Patents were not assigned to CM HK until September 28, 2024—ten days after Samsung filed this lawsuit. *See* Dkt. No. 52-1. The patent assignment further reflects that CM HK paid only ten dollars (\$10) for the rights to forty (40) patents and patent applications, including the Asserted Patents.⁵ *See* Dkt. No. 52-1 at 27–31. These allegations provide a “colorable basis” to believe there may be a

⁵ CyWee assigned its U.S., Chinese, Taiwanese, Japanese, and European patents and patent applications to its subsidiary CyweeMotion HK Limited (“CyweeMotion HK”) in March 2016. ECF No. 52-1 at 7–21. In March 2017, CyweeMotion HK assigned these patents to CM HK. *Id.* at 22–26. This assignment did not include the Asserted Patents. CyweeMotion HK assigned the Asserted Patents and thirty-six (36) other U.S. patents and patent applications to CM HK on September 24, 2024. *Id.* at 27–31.

1 commingling or manipulation of assets between CM HK and CyWee that would render CM HK
2 the alter ego of CyWee. The Court concludes that jurisdictional discovery is warranted over CM
3 HK. Discovery will be referred to a Magistrate Judge.

4 **C. Failure to State a Claim Under Rule 12(b)(6)**

5 In order to plead a claim for declaratory judgment of noninfringement, a plaintiff must
6 allege “how each accused product or service specifically does not meet at least one claim
7 limitation, such that it does not infringe the asserted patent.” *Google LLC v. Sonos, Inc.*, No. C
8 20-06754 WHA, 2020 WL 6822880, at *2 (N.D. Cal. Nov. 20, 2020). A complaint “must go
9 beyond only stating in conclusory terms that each accused product or service meets the elements
10 of non-infringement.” *Comcast Cable Commc’ns, LLC v. OpenTV, Inc.*, 319 F.R.D. 269, 273
11 (N.D. Cal. 2017). CM HK argues that Samsung has failed to plead noninfringement. ECF No. 51
12 at 21. More specifically, CM HK argues that Samsung has not “set forth factual allegations
13 showing how each accused product or service specifically does not meet at least one claim
14 limitation” *Id.* at 22 (citation omitted). Samsung has the better argument.

15 With respect to the ’072 Patent, Samsung alleges that “[t]he accused Samsung mobile
16 devices do not include or practice” at least the following claim limitation present in claims 1 and
17 10: “[m]apping resultant angles onto a plane selected based on orientation, where that orientation
18 is derived from sensor fusion to obtain a trajectory; and recognizing user motion in three-
19 dimensional space for character recognition.” Compl. ¶ 70. The complaint further alleges that
20 “[t]o the extent that Samsung mobile devices calculate trajectories or perform character
21 recognition, the devices perform such operation without the need for angle mapping with sensor
22 fusion data.” *Id.*

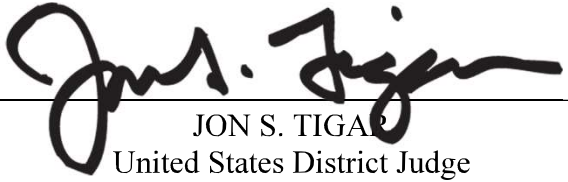
23 With respect to the ’038 Patent, Samsung alleges that “[t]he accused Samsung mobile
24 devices do not include or practice” at least the following claim limitation present in claims 1 and
25 13: “recognizing user motion in three-dimensional space for character recognition.” *Id.* ¶ 76. The
26 complaint further alleges that “[t]o the extent that Samsung mobile devices perform character
27 recognition, the devices perform such operation in two-dimensional space.” *Id.*

28 With respect to the ’846 Patent, Samsung alleges that “[t]he accused Samsung mobile

1 be made as a separate stipulation or motion and not merely included in a case management
2 statement.

3 **IT IS SO ORDERED.**

4 Dated: May 15, 2025

5 
6 JON S. TIGARD
United States District Judge

United States District Court
Northern District of California

Exhibit

From: [Michael Shore](#)
To: [Bratton, Ariell](#); [Chris Evans](#); [Vujcic, Sasha](#)
Cc: [Zachary Della Porta](#); [Caroline Johnson](#); [chiji](#); [Andrew Huffstetler](#); [Team Samsung CyWee](#)
Subject: [EXT] RE: CM HK: Jurisdictional Discovery
Date: Friday, June 6, 2025 6:35:41 PM
Attachments: [image001.png](#)

--- External Email ---

[Report Suspicious](#)

Dear Ariell,

This schedule effectively renders the California case prudentially moot. The Eastern District of Texas case will be halfway to trial by the end of your alter ego discovery schedule, and that assumes the Court rules on day after the Motion to Dismiss is filed.

Given this Court's historical pace on dispositive motions (about the national average), the EDTX case will be only weeks from jury trial. It is clear Samsung does not want to spend money on jurisdictional/alter ego discovery now. Samsung does not want a ruling to occur for months despite the EDTX case continuing. Why? This schedule makes no sense if Samsung believes the NDCA case was correctly filed. I believe I know, but would like to hear it from Samsung.

Best,

Michael

From: Bratton, Ariell <ariellbratton@paulhastings.com>
Sent: Friday, June 6, 2025 2:46 PM
To: Chris Evans <chris@offorevans.com>; Vujcic, Sasha <sashavujcic@paulhastings.com>
Cc: Michael Shore <mshore@shorefirm.com>; Zachary Della Porta <zdellaporta@shorefirm.com>; Caroline Johnson <caroline@offorevans.com>; chiji <chiji@offorevans.com>; Andrew Huffstetler <andrew@offorevans.com>; Team Samsung <TeamSamsungCywee@paulhastings.com>
Subject: RE: CM HK: Jurisdictional Discovery

CAUTION: External Email!
Counsel,

We updated the proposed schedule for jurisdictional discovery. Please let us know if you agree. Please note that we will seek to have the Court enter this schedule. Please let us know if you would like to discuss.

Date	NDCA Event
Monday, June 9	Samsung serves first round of discovery requests
Wednesday, July 9	CM HK serves responses to first round of discovery requests, including document production
Wednesday, July 23	Samsung serves second round of discovery requests
Friday, August 22	CM HK serves responses to second round of discovery requests
Friday, August 29	Deadline to serve deposition notices
Monday, September 29	Close of jurisdictional discovery
Monday, October 13	Samsung files amended complaint
Monday, October 27	CM HK files MTD, if desired
Monday, November 10	Opposition to MTD
Monday, November 17	Reply to MTD
Monday, December 1	Earliest Date for Hearing on MTD

Best regards,
Ariell

From: Chris Evans <chris@offorevans.com>
Sent: Monday, June 2, 2025 10:22 AM
To: Bratton, Ariell <ariellbratton@paulhastings.com>; Vujcic, Sasha <sashavujcic@paulhastings.com>
Cc: Michael Shore <mshore@shorefirm.com>; zdellaporta@shorefirm.com; Caroline Johnson <caroline@offorevans.com>; Chijioke

Offor <chiji@offorevans.com>; Andrew Huffstetler <andrew@offorevans.com>; Team Samsung CyWee <TeamSamsungCyWee@paulhastings.com>

Subject: [EXT] Re: CM HK: Jurisdictional Discovery

Ariell,

We will not agree to stay the Texas action.

Sincerely,

Chris Evans

From: Bratton, Ariell <ariellbratton@paulhastings.com>

Date: Monday, June 2, 2025 at 1:08 PM

To: Chris Evans <chris@offorevans.com>, Vujcic, Sasha <sashavujcic@paulhastings.com>

Cc: Michael Shore <mshore@shorefirm.com>, zdellaporta@shorefirm.com <zdellaporta@shorefirm.com>, Caroline Johnson <caroline@offorevans.com>, Chijioke Offor <chiji@offorevans.com>, Andrew Huffstetler <andrew@offorevans.com>, Team Samsung CyWee <TeamSamsungCyWee@paulhastings.com>

Subject: RE: CM HK: Jurisdictional Discovery

Chris,

We do not agree to transferring and consolidating in EDTX. Instead, we propose that the parties agree to stay the Texas action pending personal jurisdiction discovery in NDCA and the IPRs that Samsung has filed. This stay would avoid the expense of litigating in three forums at once.

Thanks,
Ariell

From: Chris Evans <chris@offorevans.com>

Sent: Thursday, May 29, 2025 7:05 AM

To: Vujcic, Sasha <sashavujcic@paulhastings.com>

Cc: Michael Shore <mshore@shorefirm.com>; zdellaporta@shorefirm.com; Caroline Johnson <caroline@offorevans.com>; Chijioke Offor <chiji@offorevans.com>; Andrew Huffstetler <andrew@offorevans.com>; Team Samsung CyWee <TeamSamsungCyWee@paulhastings.com>

Subject: [EXT] Re: CM HK: Jurisdictional Discovery

Sasha,

Any thoughts on my proposal to transfer and consolidate in the EDTX or on the discovery plan?

Sincerely,

Chris Evans

From: Chris Evans <chris@offorevans.com>

Date: Tuesday, May 27, 2025 at 10:11 AM

To: Vujcic, Sasha <sashavujcic@paulhastings.com>

Cc: Michael Shore <mshore@shorefirm.com>, zdellaporta@shorefirm.com <zdellaporta@shorefirm.com>, Caroline Johnson <caroline@offorevans.com>, Chijioke Offor <chiji@offorevans.com>, Andrew Huffstetler <andrew@offorevans.com>, Team Samsung CyWee <TeamSamsungCyWee@paulhastings.com>

Subject: Re: CM HK: Jurisdictional Discovery

Sasha,

Please draft a joint motion to stay all current deadlines that we can file this week. Your proposal below seems like substantial overkill. One deposition should be sufficient, and we'd agree to produce all relevant documents (that haven't been produced already) prior to the deposition. Alternatively, let's stipulate to transfer consolidate the cases in E.D. Texas where you can pursue alter ego discovery as part of regular discovery and amend to add an alter ego claim if you think you find evidence to support it. This would be the most efficient course of action.

Sincerely,

Chris Evans

From: Vujcic, Sasha <sashavujcic@paulhastings.com>
Date: Thursday, May 22, 2025 at 8:48 PM
To: Chris Evans <chris@offorevans.com>
Cc: Michael Shore <mshore@shorefirm.com>, zdellaporta@shorefirm.com <zdellaporta@shorefirm.com>, Caroline Johnson <caroline@offorevans.com>, Chijioke Offor <chiji@offorevans.com>, Andrew Huffstetler <andrew@offorevans.com>, Team Samsung CyWee <TeamSamsungCyWee@paulhastings.com>
Subject: CM HK: Jurisdictional Discovery

Chris,

We write to confirm that we consider all NDCA deadlines other than the case management conference and associated deadline contemplated in last week's order off calendar. Therefore, we will not serve responses to the discovery requests that CM HK served in NDCA on April 23 until jurisdictional discovery is resolved.

Below is our proposed schedule for jurisdictional discovery:

Date	NDCA Event
Monday, June 2	Samsung serves first round of discovery requests
Wednesday, July 2	CM HK serves responses to first round of discovery requests
Wednesday, July 23	Samsung serves second round of discovery requests
Friday, August 22	CM HK serves responses to second round of discovery requests
Friday, August 29	Samsung serves deposition notices
Friday, September 12	Depositions begin
Friday, October 10	File amended complaint
Friday, October 24	CM HK files MTD, if desired
Friday, November 7	Opposition to MTD
Friday, November 14	Reply to MTD
Friday, November 26	Earliest Date for Hearing on MTD

Please let us know whether CM HK agrees with this schedule.

Thanks,
Sasha



Sasha Vujcic | Associate

Paul Hastings LLP | 4655 Executive Drive, Suite 350, San Diego, CA 92121 | Direct: +1.858.458.3000 | Main: +1.858.458.3000 | Fax: +1.858.458.3005 | email | www.paulhastings.com

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments. If you reply to this message, Paul Hastings may collect personal information including your name, business name and other contact details, and IP address. For more information about Paul Hastings' information collection, privacy and security principles please click [HERE](#). If you have any questions, please contact Privacy@paulhastings.com.

CHRISTOPHER L. EVANS
chris offorevans.com
CHIJOKE OFFOR
chiji offorevans.com
OFFOR EVANS PLLC
1122 Jackson Street, Ste 901
Dallas, T 75202
Telephone: 1(214) 593-9121

MICHAEL W. SHORE
mshore shorefirm.com
ACHARY DELLA PORTA
zdellaporta shorefirm.com
KENNETH SHORE
kshore shorefirm.com
THE SHORE FIRM LLP
5646 Milton Street, Ste 423
Dallas, T 75206
Telephone: 1(214) 593-9140
Facsimile: 1(214) 593-9111

Attorneys for Defendants
CM HK, Ltd. and CyWee Group Ltd.

JAMES L. JACOBS
jjacobs gcalaw.com
VALERIE MARGO WAGNER
vwagner gcalaw.com
GCA LAW PARTNERS LLP
2570 W. El Camino Real, Suite 400
Mountain View, CA 94040
Telephone: 1(650) 428-3900
Facsimile: 1(650) 428-3901

Attorneys for Defendants
CM HK, Ltd. and CyWee Group Ltd.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SAMSUNG ELECTRONICS CO. LTD.
AND SAMSUNG ELECTRONICS
AMERICA, INC.,
Plaintiffs,
v.

CM HK, LTD. AND CYWEE GROUP
LTD.,
Defendants.

Case No. 4:24-CV-06567-JST

**DEFENDANT CM HK, LTD.'S
NOTICE OF MOTION AND MOTION
TO TRANSFER VENUE**

Date: July 31, 2025
Time: 2:00 p.m.
Courtroom: Courtroom 6 – 2nd Floor
Judge: Hon. Jon S. Tigar

forum, the “relative ease of access to the sources of proof; availability of compulsory process for attendance of unwilling, and the cost of obtaining attending of willing, witnesses; ... and all other practical problems that make trial of a case easy, expeditious and inexpensive.” *Id.* at 62 n.6. “Public-interest factors may include ‘the administrative difficulties flowing from court congestion; the local interest in having localized controversies decided at home; [and] the interest in having the trial of a diversity case in a forum that is at home with the law.’” *Id.*

A transfer is not appropriate if it “merely shift[s] rather than eliminate[s] the inconvenience.” *Decker Coal Co. v. Commonwealth Edison Co.*, 805 F.2d 834, 843 (9th Cir. 1986). CM HK, as the party seeking transfer, bears the burden of demonstrating that the balance of convenience and the interests of justice factors “clearly favor transfer.” *Lax v. Toyota Motor Corp.*, 65 F. Supp.3d 772, 781 (N.D. Cal. 2014).

B. This case could have been brought in the Eastern District of Texas.

A suit can be transferred to “any other division or district where it might have been brought...” 28 U.S.C. § 1404(a). Declaratory judgment suits are governed by the general venue statute and may be brought “in a judicial district in which any defendant resides...” 28 U.S.C. § 1391(b)(1). “For all venue purposes ... a defendant not resident in the United States may be sued in any judicial district...” 28 U.S.C. § 1391(c)(3). Both original defendants in this case, CM HK and CyWee Group, are foreign corporations that are not residents in the United States and may be sued in any judicial district. Therefore, this suit could have been brought in the Eastern District of Texas.

C. The Court should transfer this case to the Eastern District of Texas because the balance of convenience and the interests of justice clearly favor transfer.

The Eastern District of Texas is the most logical and convenient venue—factually, legally, and practically.

First, the parties’ contacts with the forum weighs heavily in favor of the Eastern District of Texas. This Court held that this cases “only connection to California is that Samsung’s

JAMES L. JACOBS
jjacobs@gcalaw.com
VALERIE MARGO WAGNER
vwagner@gcalaw.com
GCA LAW PARTNERS LLP
2570 W. El Camino Real, Suite 400
Mountain View, CA 94040
Telephone: 1(650) 428-3900
Facsimile: 1(650) 428-3901

Attorneys for Defendants
CM HK, Ltd. and CyWee Group Ltd.

Exhibit

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

CM HK LIMITED.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. AND
SAMSUNG ELECTRONICS AMERICA, INC.

Defendants.

CASE NO. 2:24-cv-00880

JURY TRIAL DEMANDED

PLAINTIFF'S P.R. 3-1 & 3-2 DISCLOSURES

Plaintiff CM HK Limited ("CMHK") serves its Preliminary Infringement Contentions on Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively "Samsung") regarding U.S. Patent Nos. 10,852,846 and 11,698,687 (the "Patents- In-Suit").

No discovery or claim construction has taken place yet in this case. As a result, CMHK reserves the right to amend its contentions after claim construction and discovery has taken place as allowed by the patent local rules. However, CMHK gives notice of this Court's previous Claim Construction Order and 35 U.S.C § 101 rulings for U.S. Patents Nos. U.S. 8,441,438 (the "'438 Patent") and 8,552,978 in the predecessor case for this patent family. Produced at CMHK_SAMSUNG0000888-CMHK_SAMSUNG0000920. The Patents-in-Suit share the '438 Patent's specification.

I. P.R. 3-1 DISCLOSURES

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

Samsung infringes claims 1, 2, 7, and 8 of U.S. Patent No. 10,852,846 (the "'846 Patent").

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

Not presently applicable.

II. P.R. 3-2 DISCLOSURES

A. Documents (e.g., contracts, purchase orders, invoices, advertisements, marketing materials, offer letters, beta site testing agreements, and third-party or joint development agreements) sufficient to evidence each discussion with, disclosure to, or other manner of providing to a third-party, or sale of or offer to sell, the claimed invention prior to the date of application for the patent-in-suit. A party's production of a document as required herein shall not constitute an admission that such document evidences or is prior art under 35 U.S.C. § 102.

Documents that may be responsive to 3-2(a) are located at document numbers

CMHK_SAMSUNG0009670-CMHK_SAMSUNG0009718.

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

Documents that may be responsive to 3-2(b) are located at document numbers

CMHK_SAMSUNG0009093-CMHK_SAMSUNG0009259; and CMHK_SAMSUNG0009698-CMHK_SAMSUNG0009699.

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

Documents that may be responsive to 3-2(b) are located at document numbers

CMHK_SAMSUNG0000001 – CMHK_SAMSUNG0000887; and
CMHK_SAMSUNG0000921-CMHK_SAMSUNG0000978.

DATED: January 7, 2025

/s/ Zachary Della Porta

Michael W. Shore
Texas State Bar No. 18294915
Zachary R. Della Porta*
Texas State Bar No. 24134899
Kenneth E. Shore
Texas State Bar No. 24027972
THE SHORE FIRM LLP
5646 Milton Street, Suite 423
Dallas, Texas 75206

Christopher L. Evans
Texas State Bar No. 24058901
Chijioke E. Offor
Texas State Bar No. 24065840
OFFOR EVANS PLLC
1122 Jackson Street, No. 901
Dallas, Texas 75202

**ATTORNEYS FOR PLAINTIFF
CM HK LIMITED**

Exhibit

From: [Bratton, Ariell](#)
To: [Chris Evans](#); [Michael Shore](#)
Cc: [_dellaporta@shorefirm.com](#); [Caroline Johnson](#); [Chijioke Offor](#); [Andrew Huffstetler](#); [Team Samsung CyWee](#)
Subject: RE: CM HK: Jurisdictional Discovery
Date: Tuesday, June 10, 2025 10:35:10 AM
Attachments: [image001.png](#)

Counsel,

Ahead of our meet and confer today, we wanted to send along the below, counter proposal for the schedule. In our view, the parties' proposals are not far off and ours essentially just builds in a briefing schedule. Hopefully we can reach an agreement. Please note that this proposed schedule assumes we receive complete responses.

Final Proposed Date	Ne Proposed Date	NDCA Event
Monday, June 9	N/A	Samsung serves first round of discovery requests
Wednesday, July 9		CM HK serves responses to discovery requests, including document production
~~Wednesday, July 23~~		~~Samsung serves second round of discovery requests~~
~~Friday, August 22~~		~~CM HK serves responses to second round of discovery requests~~
Friday, August 29	~~Wednesday, July 23~~	Deadline to serve deposition notices
Monday, September 29	~~Wednesday, August 6~~	Close of jurisdictional discovery
Monday, October 13	~~Wednesday, August 27~~	Samsung files amended complaint
Monday, October 27	~~Wednesday, September 10~~	CM HK files MTD, if desired
Monday, November 10	~~Wednesday, September 24~~	Opposition to MTD
Monday, November 17	~~Wednesday, October 1~~	Reply to MTD
Monday, December 1	~~Monday, October 7~~	Earliest Date for Hearing on MTD

Thanks,
Ariell

From: Chris Evans <chris@offorevans.com>
Sent: Tuesday, June 10, 2025 10:25 AM
To: Bratton, Ariell <ariellbratton@paulhastings.com>; Michael Shore <mshore@shorefirm.com>; Vujcic, Sasha <sashavujcic@paulhastings.com>
Cc: [zdellaporta@shorefirm.com](#); [Caroline Johnson](#) <caroline@offorevans.com>; [Chijioke Offor](#) <chiji@offorevans.com>; [Andrew Huffstetler](#) <andrew@offorevans.com>; [Team Samsung CyWee](#) <TeamSamsungCyWee@paulhastings.com>
Subject: [EXT] Re: CM HK: Jurisdictional Discovery

--- External Email ---

[Report Suspicious](#)

Ariell,

Here is our proposed schedule:

Date	NDCA Event
July 27, 2025	Close of jurisdictional discovery
August 4, 2025	Deadline for Samsung to file amended complaint

This schedule provides you 74 days to take jurisdictional discovery (May 15, 2025 to July 27, 2025).

We are not available to meet and confer this week but potentially could next week. Send us some proposed dates and times. We would also like confer about our forthcoming motion to transfer to the Eastern District of Texas under Section 1404.

Sincerely,

Chris Evans

From: Bratton, Ariell <ariellbratton@paulhastings.com>

Date: Monday, June 9, 2025 at 5:08 PM

To: Michael Shore <mshore@shorefirm.com>, Chris Evans <chris@offorevans.com>, Vujcic, Sasha <sashavujcic@paulhastings.com>

Cc: zdellaporta@shorefirm.com <zdellaporta@shorefirm.com>, Caroline Johnson <caroline@offorevans.com>, Chijioke Offor <chiji@offorevans.com>, Andrew Huffstetler <andrew@offorevans.com>, Team Samsung CyWee <TeamSamsungCyWee@paulhastings.com>

Subject: RE: CM HK: Jurisdictional Discovery

Michael,

You have our position on this. As we previously communicated to you, we think the EDTX action should be stayed and you all declined.

The Court ordered jurisdictional discovery in the NDCA case and we are proceeding according to the Court's orders. We will be seeking to have the Court enter a schedule, even if opposed. That said, we would prefer to compromise and agree on a schedule, so please send us a counter proposal if you disagree with our proposed schedule.

Thank you,
Ariell

From: Michael Shore <mshore@shorefirm.com>

Sent: Friday, June 6, 2025 6: 6 PM

To: Bratton, Ariell <ariellbratton@paulhastings.com>; Chris Evans <chris@offorevans.com>; Vujcic, Sasha <sashavujcic@paulhastings.com>

Cc: Zachary Della Porta <zdellaporta@shorefirm.com>; Caroline Johnson <caroline@offorevans.com>; chiji <chiji@offorevans.com>; Andrew Huffstetler <andrew@offorevans.com>; Team Samsung CyWee <TeamSamsungCyWee@paulhastings.com>

Subject: [EXT] RE: CM HK: Jurisdictional Discovery

Dear Ariell,

This schedule effectively renders the California case prudentially moot. The Eastern District of Texas case will be halfway to trial by the end of your alter ego discovery schedule, and that assumes the Court rules on day after the Motion to Dismiss is filed.

Given this Court's historical pace on dispositive motions (about the national average), the EDTX case will be only weeks from jury trial. It is clear Samsung does not want to spend money on jurisdictional/alter ego discovery now. Samsung does not want a ruling to occur for months despite the EDTX case continuing. Why? This schedule makes no sense if Samsung believes the NDCA case was correctly filed. I believe I know, but would like to hear it from Samsung.

Best,

Michael

From: Bratton, Ariell <ariellbratton@paulhastings.com>

Sent: Friday, June 6, 2025 2:46 PM

To: Chris Evans <chris@offorevans.com>; Vujcic, Sasha <sashavujcic@paulhastings.com>

Cc: Michael Shore <mshore@shorefirm.com>; Zachary Della Porta <zdellaporta@shorefirm.com>; Caroline Johnson <caroline@offorevans.com>; chiji <chiji@offorevans.com>; Andrew Huffstetler <andrew@offorevans.com>; Team Samsung <TeamSamsungCywee@paulhastings.com>

Subject: RE: CM HK: Jurisdictional Discovery

CAUTION: External Email!
Counsel,

We updated the proposed schedule for jurisdictional discovery. Please let us know if you agree. Please note that we will seek to have the Court enter this schedule. Please let us know if you would like to discuss.

Date	NDCA Event
Monday, June 9	Samsung serves first round of discovery requests
Wednesday, July 9	CM HK serves responses to first round of discovery requests, including document production
Wednesday, July 23	Samsung serves second round of discovery requests
Friday, August 22	CM HK serves responses to second round of discovery requests
Friday, August 29	Deadline to serve deposition notices
Monday, September 29	Close of jurisdictional discovery
Monday, October 13	Samsung files amended complaint
Monday, October 27	CM HK files MTD, if desired
Monday, November 10	Opposition to MTD
Monday, November 17	Reply to MTD
Monday, December 1	Earliest Date for Hearing on MTD

Best regards,
Ariell

From: Chris Evans <chris@offorevans.com>
Sent: Monday, June 2, 2025 10:22 AM
To: Bratton, Ariell <ariellbratton@paulhastings.com>; Vujcic, Sasha <sashavujcic@paulhastings.com>
Cc: Michael Shore <mshore@shorefirm.com>; zdellaporta@shorefirm.com; Caroline Johnson <caroline@offorevans.com>; Chijioke Offor <chiji@offorevans.com>; Andrew Huffstetler <andrew@offorevans.com>; Team Samsung CyWee <TeamSamsungCyWee@paulhastings.com>
Subject: [EXT] Re: CM HK: Jurisdictional Discovery

Ariell,

We will not agree to stay the Texas action.

Sincerely,

Chris Evans

From: Bratton, Ariell <ariellbratton@paulhastings.com>
Date: Monday, June 2, 2025 at 1:08 PM
To: Chris Evans <chris@offorevans.com>, Vujcic, Sasha <sashavujcic@paulhastings.com>
Cc: Michael Shore <mshore@shorefirm.com>, zdellaporta@shorefirm.com <zdellaporta@shorefirm.com>, Caroline Johnson <caroline@offorevans.com>, Chijioke Offor <chiji@offorevans.com>, Andrew Huffstetler <andrew@offorevans.com>, Team Samsung CyWee <TeamSamsungCyWee@paulhastings.com>
Subject: RE: CM HK: Jurisdictional Discovery

Chris,

We do not agree to transferring and consolidating in EDTX. Instead, we propose that the parties agree to stay the Texas action pending personal jurisdiction discovery in NDCA and the IPRs that Samsung has filed. This stay would avoid the expense of litigating in three forums at once.

Thanks,
Ariell

From: Chris Evans <chris@offorevans.com>
Sent: Thursday, May 29, 2025 7:05 AM
To: Vujcic, Sasha <sashavujcic@paulhastings.com>

Cc: Michael Shore <mshore@shorefirm.com>; zdellaporta@shorefirm.com; Caroline Johnson <caroline@offorevans.com>; Chijioke Offor <chiji@offorevans.com>; Andrew Huffstetler <andrew@offorevans.com>; Team Samsung CyWee <TeamSamsungCyWee@paulhastings.com>
Subject: [EXT] Re: CM HK: Jurisdictional Discovery

Sasha,

Any thoughts on my proposal to transfer and consolidate in the EDTX or on the discovery plan?

Sincerely,

Chris Evans

From: Chris Evans <chris@offorevans.com>
Date: Tuesday, May 27, 2025 at 10:11 AM
To: Vujcic, Sasha <sashavujcic@paulhastings.com>
Cc: Michael Shore <mshore@shorefirm.com>, zdellaporta@shorefirm.com <zdellaporta@shorefirm.com>, Caroline Johnson <caroline@offorevans.com>, Chijioke Offor <chiji@offorevans.com>, Andrew Huffstetler <andrew@offorevans.com>, Team Samsung CyWee <TeamSamsungCyWee@paulhastings.com>
Subject: Re: CM HK: Jurisdictional Discovery

Sasha,

Please draft a joint motion to stay all current deadlines that we can file this week. Your proposal below seems like substantial overkill. One deposition should be sufficient, and we'd agree to produce all relevant documents (that haven't been produced already) prior to the deposition. Alternatively, let's stipulate to transfer consolidate the cases in E.D. Texas where you can pursue alter ego discovery as part of regular discovery and amend to add an alter ego claim if you think you find evidence to support it. This would be the most efficient course of action.

Sincerely,

Chris Evans

From: Vujcic, Sasha <sashavujcic@paulhastings.com>
Date: Thursday, May 22, 2025 at 8:48 PM
To: Chris Evans <chris@offorevans.com>
Cc: Michael Shore <mshore@shorefirm.com>, zdellaporta@shorefirm.com <zdellaporta@shorefirm.com>, Caroline Johnson <caroline@offorevans.com>, Chijioke Offor <chiji@offorevans.com>, Andrew Huffstetler <andrew@offorevans.com>, Team Samsung CyWee <TeamSamsungCyWee@paulhastings.com>
Subject: CM HK: Jurisdictional Discovery

Chris,

We write to confirm that we consider all NDCA deadlines other than the case management conference and associated deadline contemplated in last week's order off calendar. Therefore, we will not serve responses to the discovery requests that CM HK served in NDCA on April 23 until jurisdictional discovery is resolved.

Below is our proposed schedule for jurisdictional discovery:

Date	NDCA Event
Monday, June 2	Samsung serves first round of discovery requests
Wednesday, July 2	CM HK serves responses to first round of discovery requests
Wednesday, July 23	Samsung serves second round of discovery requests
Friday, August 22	CM HK serves responses to second round of discovery requests
Friday, August 29	Samsung serves deposition notices
Friday, September 12	Depositions begin
Friday, October 10	File amended complaint
Friday, October 24	CM HK files MTD, if desired
Friday, November 7	Opposition to MTD

Friday, November 14	Reply to MTD
Friday, November 26	Earliest Date for Hearing on MTD

Please let us know whether CM HK agrees with this schedule.

Thanks,
Sasha



Sasha Vujcic | Associate

Paul Hastings LLP | 4655 Executive Drive, Suite 350, San Diego, CA 92121 | Direct: +1.858.458.3000 | Main: +1.858.458.3000 | Fax: +1.858.458.3005 | email | www.paulhastings.com

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments. If you reply to this message, Paul Hastings may collect personal information including your name, business name and other contact details, and IP address. For more information about Paul Hastings' information collection, privacy and security principles please click [HERE](#). If you have any questions, please contact Privacy@paulhastings.com.

Exhibit

(TX Bar No. 24058901)
(Admitted *Pro Hac Vice*)

(CA Bar No. 158277)

(CA Bar No. 173146)

11 1
5 1 1 6

5

(TX Bar No. 18294915)
(Admitted *Pro Hac Vice*)

1 65
1 65 1

56 6

5 6
1 1 5 1
1 1 5 111

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SAMSUNG ELECTRONICS CO. LTD.
AND SAMSUNG ELECTRONICS
AMERICA, INC.,

Plaintiffs,

v.

CM HK, LTD.

Defendant.

Case No. 4:24-CV-06567-JST

CM HK LTD'S SECOND SET OF
DISCOVERY REQUESTS TO
SAMSUNG ELECTRONICS CO.
LTD. AND SAMSUNG
ELECTRONICS AMERICA, INC.,

1 Defendant CM HK Ltd. (“CMHK”) serves the following Second Set of Discovery
2 Requests upon Plaintiffs Samsung Electronics Co. Ltd. and Samsung Electronics America,
3 Inc. under Federal Rules of Civil Procedure 26, 33, 34, and 36, which set forth the
4 requirements for answering. Responsive information should be provided to The Shore Firm
5 LLP, 5646 Milton Street, Suite 423, Dallas, Texas 75206. Plaintiffs must state the specific
6 reason(s) for each objection they make and must produce the documents and things that are
7 responsive to any request or portion thereof that is not allegedly objectionable.

8 “Identify” when referencing a Galaxy Product means to provide the full product SKU,
9 the base model number, the marketing name for the product, and the date of first sale in the
10 U.S.

11 DEFINITIONS

12 1. “Galaxy Product” includes any smartphone, tablet, smart watch, earbuds, and
13 virtual reality headset marketed under the “Samsung Galaxy” name or under any other
14 Samsung mark containing “Galaxy.” This request seeks the same type of information
15 provided in SAM-CMHK-0000852.xlsx, Sheet 1, columns A, B, C, and D, which are
16 labeled “Product (Full SKU),” “Basic Model,” “Marketing Name,” and “DOFS,”
17 respectively.

18 2. “Identify” when referenced to an individual person means their full name, employer
19 name, email address(es) (personal and business), physical address and job title.
20
21
22
23
24
25
26
27

INTERROGATORIES

INTERROGATORY NO. 1: Identify each Galaxy Product sold in or imported into the U.S. or its territories after December 31, 2009, that contains both a gyroscope and accelerometer.

INTERROGATORY NO. 2: For each Galaxy Product for each year (2009 to 2024) and cumulatively, state the gross sales revenue, the unit sales, the net sales revenue (after returns), gross margin(s) percentage(s), and profit margin(s) percentage(s).

INTERROGATORY NO. 3: Identify each Galaxy Product sold in or imported into the U.S. or its territories after December 31, 2009, that includes an accelerometer but lacks a gyroscope.

INTERROGATORY NO. 4: Detail cumulatively for each Galaxy Product sold after December 31, 2009, the following: (a) the total quantity of product sold under such SKU, (b) the total net sales (in U.S. dollars) recognized on such sales, and (c) the total cost of goods sold recorded on such sales.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 26: All transfer price agreement(s) involving the United States Internal Revenue Service, Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. related to the Galaxy Products.

REQUEST FOR PRODUCTION NO. 27: A copy of any agreement or other contract involving Amazon.com and either Plaintiff concerning the purchase, sale, resale of any Galaxy Product.

REQUEST FOR PRODUCTION NO. 28: The “materials cost file,” “cost of materials file,” and costed Bill of Materials or like data file for each Galaxy Product.

REQUEST FOR PRODUCTION NO. 29: Identify the members of the control group for each Plaintiff as the term relates to the attorney-client privilege.

REQUEST FOR PRODUCTION NO. 30: A copy of any presentation, memorandum, report, or other analysis generated between January 1, 2008 and January 1, 2013 that

memorializes, reflects, or otherwise concerns adding a gyroscope to Galaxy Products.

REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1: Admit that the Samsung Camera app comes pre-installed on all Galaxy brand Samsung smartphones and tablets.

Date: March 31, 2025

By: /s/ Michael W. Shore

11 1

5
1 1 6

56 6

5 6
1 1 5 1
1 1 5 111

5

1 65
1 65 1

Exhibit 1

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

CM HK LIMITED,

Plaintiff,

SAMSUNG ELECTRONICS CO., LTD.
AND SAMSUNG ELECTRONICS
AMERICA, INC.,

Defendants.

Case No. 2:24-cv-00880-JRG

JURY TRIAL DEMANDED

**PLAINTIFF'S SECOND SET OF WRITTEN DISCOVERY TO DEFENDANTS
(INTERROGATORIES NOS. 1 – 2, REQUESTS FOR ADMISSION NOS. 1 –)**

d r d d r r

Plaintiff CM HK Ltd. (“CMHK”) serves the following discovery upon Defendants Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc. (collectively “Samsung”) under Federal Rules of Civil Procedure 26, 33, and 36, which set forth the requirements for answering. Responsive information should be provided to The Shore Firm LLP, 5646 Milton Street, Suite 423, Dallas, Texas 75206.

INTERROGATORY NO. 18: Identify each Galaxy brand Samsung product sold in or imported into the U.S. or its territories after December 31, 2009 that contains both a gyroscope and accelerometer, by stating the following for each such product: (A) the full SKU for the product, (B) the base model number for the product, (C) the marketing name for the product, and (D) the date of first sale or availability in the U.S. In this request, “Galaxy brand Samsung product” includes any smartphone, Tablet, smart watch, earbuds, and virtual reality

headset marketed under the “Samsung Galaxy” name or under any other Samsung mark containing the word “Galaxy.”

INTERROGATORY NO. 19: Identify each Galaxy brand Samsung product sold in or imported into the U.S. or its territories after December 31, 2009 that contains an accelerometer but lacks a gyroscope, by stating the following for each such product: (A) the full SKU for the product, (B) the base model number for the product, (C) the marketing name for the product, and (D) the date of first sale. In this request, “Galaxy brand Samsung product” includes any smartphone, Tablet, smart watch, earbuds, and virtual reality headset marketed under the “Samsung Galaxy” name or under any other Samsung mark containing the word “Galaxy.”

INTERROGATORY NO. 20: Describe in detail the historical sales and profitability of each Galaxy brand Samsung product that contains an accelerometer and a gyroscope, and of each Galaxy brand Samsung product that contains an accelerometer but lacks a gyroscope, by stating the following information, separately for each such product, aggregated by quarter, starting with the first quarter after December 31, 2009, and continuing through the most recent quarter: (A) the full SKU for the product; (B) the total quantity of units sold in the U.S. or its territories; (C) the total amount of revenue generated from such sales before any deductions; (D) the net sales revenue recognized from such sales; and (E) the cost of goods sold (COGS) reported or recorded for the quantity sold. Present the data in a table format, with a row for each SKU and columns for the quantity sold, gross revenue, net sales, and COGS for each requested quarter. Present all revenue data in United States dollars. In this Interrogatory, “Galaxy brand Samsung product” includes any smartphone, Tablet, smart watch, earbuds,

and virtual reality headset marketed under the “Samsung Galaxy” name or under any other Samsung mark containing the word “Galaxy.”

REQUEST FOR ADMISSION NO. 1: Admit that the Samsung Camera app comes pre-installed on all Galaxy brand Samsung smartphones and tablets.

REQUEST FOR ADMISSION NO. 2: Admit the Samsung I9000 Galaxy S, released for commercial sale in the U.S. in or about 2010, contained an accelerometer but did not contain a gyroscope.

REQUEST FOR ADMISSION NO. 3: Admit the Samsung Galaxy Ace S5830, released for commercial sale in the U.S. in or about 2011, contained an accelerometer but did not contain a gyroscope.

REQUEST FOR ADMISSION NO. 4: Admit the Samsung Galaxy A7 SM-A700F, released for commercial sale in the U.S. in or about 2015, contained an accelerometer but did not contain a gyroscope.

REQUEST FOR ADMISSION NO. 5: Admit the Samsung Galaxy A9 SM-A9000, released for commercial sale in the U.S. in or about 2016, contained an accelerometer but did not contain a gyroscope.

Dated: April 23, 2025

Respectfully Submitted,

/s/ Chijioke Offor
Michael W. Shore
Texas State Bar No. 18294915
Zachary R. Della Porta
Texas State Bar No. 24134899
Kenneth E. Shore
Texas State Bar No. 24027972

THE SHORE FIRM LLP
5646 Milton Street, Suite 423
Dallas, Texas 75206
mshore@shorefirm.com
zdellaporta@shorefirm.com
kshore@shorefirm.com
Tel: (214) 593-9110

Christopher L. Evans
Texas State Bar No. 24058901
Chijioke E. Offor
Texas State Bar No. 24065840

OFFOR EVANS PLLC
1122 Jackson Street, No. 901
Dallas, Texas 75202
chris@offorevans.com
chiji@offorevans.com
Tel: (214) 593-9121

***Attorneys for Plaintiff
CM HK Ltd.***

The undersigned certifies that, on April 23, 2025, a true and correct copy of Plaintiff's Second Set of Written Discovery to Defendants (Interrogatories Nos. 18–20, Requests for Admission Nos. 1–5) was served, via email, upon counsel of record for Defendants.

/s/ Chijioke Offor
Chijioke Offor

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

CM HK LIMITED,

Plaintiff,

v.

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

Defendants.

§
§
§
§
§
§
§
§
§
§
§

Case No. 2:24-cv-00880-JRG

JURY TRIAL DEMANDED

**PROPOSED ORDER GRANTING DEFENDANTS SAMSUNG ELECTRONICS CO.,
LTD. AND SAMSUNG ELECTRONICS AMERICA, INC.’S RENEWED MOTION TO
STAY PENDING RESOLUTION OF ANY MOTION TO DISMISS THE NDCA ACTION**

Before the Court is Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.’s (“Samsung”) Motion for Renewed Motion to Stay Pending Resolution of Any Motion to Dismiss the NDCA Action. Having considered the motion, all responsive pleadings, and the case record, the Court hereby grants Samsung’s motion.

IT IS SO ORDERED.