

**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").

Samsung infringes claims 1, 2, 3, 9, 14, 15, 16, and 22 of U.S. Patent No. 11,698, 687 (the “’687 Patent”).

B. Separately for each asserted claim, each accused apparatus, product, device, process, method, act, or other instrumentality (“Accused Instrumentality”) of each opposing party of which the party is aware. This identification shall be as specific as possible. Each product, device, and apparatus must be identified by name or model number, if known. Each method or process must be identified by name, if known, or by any product, device, or apparatus which, when used, allegedly results in the practice of the claimed method or process.

1. The ’846 Patent

Each of the following Accused Instrumentalities are articles of infringement of each asserted claim of the ’846 Patent: Samsung phones, tablets, and virtual reality applications/devices, which run a version of the Android operating system with either a SoC (System-on-Chip) or separate processor to perform orientation calculations that includes a 3-axis accelerometer, 3-axis gyroscope, and 3-axis magnetometer and/or a combination of any of the previous elements (such as a 6-axis or 9-axis sensor module) such that the device is operable to detect 3-axis acceleration, 3-axis rotation, and 3-axis magnetism, released in the United States, concurrently with or after the release of the devices in the following chart. Samsung infringes by importing, selling, offering to sell, and using the Accused Instrumentalities in the United States or by inducing or contributing to the sale, offers to sell and use of the Accused Instrumentalities by third-parties who directly infringe, including retainers and cellular telephone service providers.

<u>NAME</u>	<u>US RELEASE DATE</u>	<u>CHIPSET</u>
<u>GALAXY S21</u>	<u>1/29/21</u>	<u>QUALCOMM SNAPDRAGON 888</u>
<u>GALAXY S21+</u>	<u>1/29/21</u>	<u>QUALCOMM SNAPDRAGON 888</u>
<u>GALAXY S21 ULTRA</u>	<u>1/29/21</u>	<u>QUALCOMM SNAPDRAGON 888</u>
<u>GALAXY Z FLIP3</u>	<u>8/27/21</u>	<u>QUALCOMM SNAPDRAGON 888</u>
<u>GALAXY Z FOLD3</u>	<u>8/27/21</u>	<u>QUALCOMM SNAPDRAGON 888</u>
<u>GALAXY S21 FE</u>	<u>1/11/22</u>	<u>QUALCOMM SNAPDRAGON 888</u>
<u>GALAXY S22</u>	<u>2/25/22</u>	<u>QUALCOMM SNAPDRAGON 8 GEN 1</u>
<u>GALAXY S22+</u>	<u>2/25/22</u>	<u>QUALCOMM SNAPDRAGON 8 GEN 1</u>
<u>GALAXY S22 ULTRA</u>	<u>2/25/22</u>	<u>QUALCOMM SNAPDRAGON 8 GEN 1</u>
<u>GALAXY Z FLIP4</u>	<u>8/26/22</u>	<u>QUALCOMM SNAPDRAGON 8+ GEN 1</u>
<u>GALAXY Z FOLD4</u>	<u>8/26/22</u>	<u>QUALCOMM SNAPDRAGON 8+ GEN 1</u>

<u>GALAXY S23</u>	<u>2/17/23</u>	<u>SNAPDRAGON 8 GEN 2 FOR GALAXY</u>
<u>GALAXY S23+</u>	<u>2/17/23</u>	<u>SNAPDRAGON 8 GEN 2 FOR GALAXY</u>
<u>GALAXY S23 ULTRA</u>	<u>2/17/23</u>	<u>SNAPDRAGON 8 GEN 2 FOR GALAXY</u>
<u>GALAXY Z FLIP5</u>	<u>8/11/23</u>	<u>SNAPDRAGON 8 GEN 2 FOR GALAXY</u>
<u>GALAXY Z FOLD5</u>	<u>8/11/23</u>	<u>SNAPDRAGON 8 GEN 2 FOR GALAXY</u>
<u>GALAXY S24</u>	<u>1/31/24</u>	<u>SNAPDRAGON 8 GEN 3 FOR GALAXY</u>
<u>GALAXY S24+</u>	<u>1/31/24</u>	<u>SNAPDRAGON 8 GEN 3 FOR GALAXY</u>
<u>GALAXY S24 ULTRA</u>	<u>1/31/24</u>	<u>SNAPDRAGON 8 GEN 3 FOR GALAXY</u>
<u>GALAXY Z FLIP6</u>	<u>7/24/24</u>	<u>SNAPDRAGON 8 GEN 3 FOR GALAXY</u>
<u>GALAXY Z FOLD6</u>	<u>7/24/24</u>	<u>SNAPDRAGON 8 GEN 3 FOR GALAXY</u>

2. The '687 Patent

Each of the following Accused Instrumentalities are articles of infringement of each asserted claim of the '687 Patent: Samsung phones, tablets, and virtual reality applications and devices, which run a version of the Android operating system with either a SoC (System-on-Chip) or separate processor to perform orientation calculations that includes a 3-axis accelerometer, 3-axis gyroscope, and 3-axis magnetometer and/or a combination of any of the previous elements (such as a 6-axis or 9-axis sensor module) such that the device is operable to detect 3-axis acceleration, 3-axis rotation, and 3-axis magnetism, released in the United States, concurrently with or after the release of the devices mentioned in the following chart. Samsung infringes by importing, selling, offering to sell, and using the Accused Instrumentalities in the United States or by inducing or contributing to the sale, offers to sell and use of the Accused Instrumentalities by third-parties who directly infringe, including retainers and cellular telephone service providers.

<u>NAME</u>	<u>US RELEASE DATE</u>	<u>CHIPSET</u>
<u>GALAXY S21</u>	<u>1/29/21</u>	<u>QUALCOMM SNAPDRAGON 888</u>
<u>GALAXY S21+</u>	<u>1/29/21</u>	<u>QUALCOMM SNAPDRAGON 888</u>
<u>GALAXY S21 ULTRA</u>	<u>1/29/21</u>	<u>QUALCOMM SNAPDRAGON 888</u>
<u>GALAXY Z FLIP3</u>	<u>8/27/21</u>	<u>QUALCOMM SNAPDRAGON 888</u>
<u>GALAXY Z FOLD3</u>	<u>8/27/21</u>	<u>QUALCOMM SNAPDRAGON 888</u>
<u>GALAXY S21 FE</u>	<u>1/11/22</u>	<u>QUALCOMM SNAPDRAGON 888</u>
<u>GALAXY S22</u>	<u>2/25/22</u>	<u>QUALCOMM SNAPDRAGON 8 GEN 1</u>
<u>GALAXY S22+</u>	<u>2/25/22</u>	<u>QUALCOMM SNAPDRAGON 8 GEN 1</u>
<u>GALAXY S22 ULTRA</u>	<u>2/25/22</u>	<u>QUALCOMM SNAPDRAGON 8 GEN 1</u>
<u>GALAXY Z FLIP4</u>	<u>8/26/22</u>	<u>QUALCOMM SNAPDRAGON 8+ GEN 1</u>
<u>GALAXY Z FOLD4</u>	<u>8/26/22</u>	<u>QUALCOMM SNAPDRAGON 8+ GEN 1</u>

<u>GALAXY S23</u>	<u>2/17/23</u>	<u>SNAPDRAGON 8 GEN 2 FOR GALAXY</u>
<u>GALAXY S23+</u>	<u>2/17/23</u>	<u>SNAPDRAGON 8 GEN 2 FOR GALAXY</u>
<u>GALAXY S23 ULTRA</u>	<u>2/17/23</u>	<u>SNAPDRAGON 8 GEN 2 FOR GALAXY</u>
<u>GALAXY Z FLIP5</u>	<u>8/11/23</u>	<u>SNAPDRAGON 8 GEN 2 FOR GALAXY</u>
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<u>GALAXY S24</u>	<u>1/31/24</u>	<u>SNAPDRAGON 8 GEN 3 FOR GALAXY</u>
<u>GALAXY S24+</u>	<u>1/31/24</u>	<u>SNAPDRAGON 8 GEN 3 FOR GALAXY</u>
<u>GALAXY S24 ULTRA</u>	<u>1/31/24</u>	<u>SNAPDRAGON 8 GEN 3 FOR GALAXY</u>
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<u>GALAXY Z FOLD6</u>	<u>7/24/24</u>	<u>SNAPDRAGON 8 GEN 3 FOR GALAXY</u>

C. A chart identifying specifically where each element of each asserted claim is found within each Accused Instrumentality, including for each element that such party contends is governed by 35 U.S.C. 112(6), the identity of the structure(s), act(s), or material(s) in the Accused Instrumentality that performs the claimed function.

Claim charts are provided as Exhibits 1 and 2. Each claim chart is an exemplar of how all Samsung Accused Instrumentalities manufactured using the same or similar technology is an article of infringement for each asserted claim. Nothing in these claim charts is intended to prevent CMHK from presenting additional evidence of infringement at trial. After discovery, other infringed patents and Accused Instrumentalities may be discovered and added through amendment of the complaint.

D. Whether each element of each asserted claim is claimed to be literally present or present under the Doctrine of Equivalents in the Accused Instrumentality.

CMHK contends that each asserted claim literally describes and is therefore literally present in Samsung's Accused Instrumentalities, as indicated by the claim charts referenced above. In the alternative, CMHK contends that any asserted claim elements not found to be literally present in the Accused Instrumentalities is present under the Doctrine of Equivalents.

E. For any patent that claims priority to an earlier application, the priority date to which each asserted claim allegedly is entitled.

CMHK alleges that all asserted claims of the '846 Patent and the asserted claims of the '687 Patent are entitled to a priority date as of November 11, 2010, based on the date of provisional application no. 12/943,934 which issued as Patent No. 8,441,438 (the "'438 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

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CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via email.

/s/ Zachary Della Porta
Zachary R. Della Porta