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

10 UNITED STATES DISTRICT COURT
11
12 NORTHERN DISTRICT OF CALIFORNIA
13
14 OAKLAND DIVISION

14 SAMSUNG ELECTRONICS CO., LTD.
15 AND SAMSUNG ELECTRONICS
16 AMERICA, INC.,

16 Plaintiffs,

17 vs.

18 CM HK, LTD. AND CYWEE GROUP
19 LTD.,

20 Defendants.

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

**PLAINTIFFS' PATENT RULE 4-2
PRELIMINARY PROPOSED CLAIM
CONSTRUCTIONS AND EXTRINSIC
EVIDENCE**

DEMAND FOR JURY TRIAL

1 Pursuant to Local Patent Rule (“P.R.”) 4-2 and the Court’s Scheduling Order (Dkt. 47),
2 Plaintiffs Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc., (“Samsung” or
3 “Plaintiffs”) hereby serve on Defendant CM HK Ltd. (“CM HK” or “Defendant”),¹ the following
4 identification of preliminary proposed claim constructions of terms in U.S. Patent Nos.
5 10,852,846 (the “’846 Patent”) and 11,698,687 (the “’687 Patent”) (collectively, “the Asserted
6 Patents”), and their preliminary identification of extrinsic evidence.

7 Plaintiffs’ proposed claim constructions herein are consistent with the understanding of
8 one of ordinary skill in the art in light of the intrinsic evidence, including the specifications,
9 patent claims, the file histories of the Asserted Patents, the Asserted Patents and/or any patent
10 application(s) incorporated by reference in the Asserted Patents, any related patents, the file
11 histories of any related patent applications and the specifications of the patents that issued from
12 those related patent applications, and relevant extrinsic evidence, including dictionary and
13 textbook evidence.

14 Plaintiffs’ proposed claim constructions, identification of references from the specification
15 or prosecution history, and identification of extrinsic evidence are preliminary. Plaintiffs reserve
16 the right to supplement and/or amend, for example, after they have had a full opportunity to
17 review Defendant’s proposed constructions and extrinsic evidence, and as they meet and confer
18 with Defendant as required under P.R. 4-2(c). Plaintiffs reserve the right to propose constructions
19 for any additional terms that are identified by Defendant. Plaintiffs further reserve the right to
20 supplement and/or amend their constructions, references from the specification or prosecution
21 history, and extrinsic evidence as the parties work toward the preparation of a Joint Claim
22 Construction and Prehearing Statement as required under P.R. 4-3.

23 Because discovery is ongoing, Plaintiffs reserve the right to supplement and/or amend
24 their proposed constructions based on newly available evidence, including documents, discovery
25 responses, and testimony obtained during discovery. Plaintiffs further reserve the right to
26 supplement and/or amend their proposed constructions if new products are accused of
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28 ¹ Samsung filed a notice to voluntarily dismiss CyWee Group Ltd. from this case. Dkt. 64.

1 infringement and/or if Defendant amends or supplements its infringement theories. Plaintiffs
2 further reserve the right to supplement and/or amend their constructions and extrinsic evidence
3 should Defendant be permitted to add any asserted claims or patents to the instant case.

4 In addition to the preliminary disclosure of extrinsic evidence herein, Plaintiffs reserve the
5 right to rely on prior art and invalidity positions identified in Plaintiffs' Invalidation Contentions,
6 and other prior art, to explain the state of the art and/or to show the ordinary meaning of claim
7 terms to those skilled in the art. Plaintiffs also reserve the right to rely on and make known to the
8 Court any representations made during any co-pending IPR proceedings involving the Asserted
9 Patent, the co-pending E.D. Tex. action involving the Asserted Patents (*CM HK Ltd. v. Samsung*
10 *Electronics Co., Ltd. et al*, No. 2:24-cv-00880-JRG (E.D. Tex)), the E.D. Tex. action that
11 involved parent patents of the Asserted Patents (*CyWee Group Ltd. v. Samsung Elecs. Co.*, No.
12 2:17-cv-00140-WCB-RSP, Dkt. 1 (E.D. Tex. Feb. 17, 2017)), or IPRs that involved parent
13 patents of the Asserted Patents (*ZTE (USA), Inc. et al. v. CyWee Grp. Ltd.*, IPR2019-00143, Dkt.
14 87 (PTAB Feb. 17, 2021), *Google LLC et al. v. CyWee Grp. Ltd.*, IPR2019-01257 (PTAB Jan. 9,
15 2020); *Google LLC et al. v. CyWee Grp. Ltd.*, IPR2019-01258 (PTAB Jan. 9, 2020)).

16 Plaintiffs further reserve the right to supplement and/or amend as otherwise allowed
17 pursuant to the Patent Local Rules.

18 Plaintiffs further reserve the right to rely on additional extrinsic evidence in support of
19 their preliminary claim constructions, as well as the right to rely on expert testimony of Daniel
20 Aliaga ("Aliaga") to support Plaintiffs' proposed claim constructions and to respond to any claim
21 constructions and/or supporting arguments offered by Defendant. If needed, testimony from
22 Aliaga may concern the state of the art, ordinary meanings of one or more of the claim terms,
23 including the proposed claim terms identified herein, and what one of ordinary skill in the art
24 would understand those claim terms to mean in view of the intrinsic evidence, including the
25 specifications, patent claims, the file histories of the Asserted Patents, the patents and/or any
26 patent application(s) incorporated by reference in the Asserted Patents, any related patents, the
27 file histories of any related patent applications and the specifications of the patents that issued
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from those related patent applications, and relevant extrinsic evidence, including dictionary and textbook evidence. Such testimony could further include an opinion that a person of ordinary skill in the art would find claim terms indefinite, because when viewed in light of the specification and prosecution history, they fail to inform, with reasonable certainty, those skilled in the art about the scope of the claimed invention. Plaintiffs reserve the right to rely on the positions of Defendant or its expert witnesses concerning claim construction or the scope and/or meaning of claim terms in any other proceedings.

Notwithstanding their proposed constructions herein, Plaintiffs reserve the right to assert defenses under 35 U.S.C. § 112 for indefiniteness and lack of written description and/or enablement of claim terms, including, for instance, those exemplarily set forth in Plaintiffs' Invalidity Contentions and the following terms:

I. PRELIMINARY PROPOSED CLAIM CONSTRUCTIONS AND EVIDENCE

No.	Term/Phrase/Clause and Claim(s)	Preliminary Construction	Preliminary Evidence
1.	Spatial reference frame '846 Patent, claims 1 and 7 '687 Patent, claims 1, 2, 7, and 14	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	Intrinsic evidence: '846 Patent, cols. 1:28-33, 1:45-51, 5:46-61, 6:6-13, 6:26-34, 6:64-7:3, 9:5-17, 9:25-29, 9:60-10:4, 10:52-59, 11:27-32, 11:41-44, 12:61-13:3, 13:4-16, 13:49-58, 13:62-14:2, 14:55-59, Figs. 1, 2, 7, 8; '687 Patent, cols. 1:27-37, 1:51-57, 6:15-22, 6:35-43, 7:6-12, 9:16-28, 9:36-40, 10:4-15, 10:63-11:3, 11:38-43, 11:52-55, 13:5-14, 13:15-27, 13:60-14:2, 14:6-13, 14:66-15:3, Figs. 1, 2, 7, 8; and '687 File History (CMHK_SAMSUNG0000484, CMHK_SAMSUNG0000485; CMHK_SAMSUNG0000490). Extrinsic evidence: <i>CyWee Group Ltd. v. Samsung Elecs. Co.</i> , No. 2:17-cv-00140-WCB-RSP, Dkt. 57 at 2 (N.D. Cal. Jan. 12, 2018);

No.	Term/Phrase/Clause and Claim(s)	Preliminary Construction	Preliminary Evidence
			<i>CyWee Group Ltd. v. Samsung Elecs. Co.</i>, No. 2:17-cv-00140-WCB-RSP, LaViola Opening Expert Report ¶ 24; <i>Google LLC et al. v. CyWee Grp. Ltd.</i>, IPR2018-01258, Dkt. 1025 at 127:16-22 (PTAB Jun. 19, 2019); <i>ZTE (USA), Inc. et al. v. CyWee Grp. Ltd.</i>, IPR2019-00143, Dkt. 87 at 6, 7, 12 (PTAB Feb. 17, 2021); Paul D. Groves, <u>Principles of GNSS, Inertial and Multisensor Integrated Navigation Systems</u> 21–22 (2008); and Elizabeth J. Jewell & Frank Abate, <u>The New Oxford American Dictionary</u> 672, 1636 (2001). Plaintiffs reserve the right to rely on expert testimony from Aliaga regarding this term.
2.	Display reference frame '846 Patent, Claims 1, 7 '687 Patent, Claim 7	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	Intrinsic evidence: '846 Patent, cols. 1:45-48, 1:51-58, 11:27-40, 12:61-13:3, 13:4-16, 13:49-61, 20:20-29, Figs. 1, 2, 7, 8; '687 Patent, cols. 1:51-54, 1:57-64, 11:38-47, 13:5-14, 13:15-27, 13:60-14:5; '846 File History (CMHK_SAMSUNG0000207); and '687 File History (CMHK_SAMSUNG0000484). Extrinsic evidence: <i>ZTE (USA), Inc. et al. v. CyWee Grp. Ltd.</i>, IPR2019-00143, Dkt. 87 at 6 (PTAB Feb. 17, 2021); and Elizabeth J. Jewell & Frank Abate,

No.	Term/Phrase/Clause and Claim(s)	Preliminary Construction	Preliminary Evidence
			<u>The New Oxford American Dictionary</u> 492, 672 (2001). Plaintiffs reserve the right to rely on expert testimony from Aliaga regarding this term.
3.	Deviation / Resulting deviation '846 Patent, Claims 1, 3, 7, 9 '687 Patent, Claims 1, 7, 12, 14, 25	angles in a spatial reference frame of the electronic device	Intrinsic Evidence: '846, cols. 1:28-33, 2:2-14, 4:32-40, 10:52-11:7, 11:27-40, 12:61-13:1, 13:49-58, 14:55-59, 29:33-36, 31:23-24, 32:47-48, Figs. 1, 2, 7, 8; '687 Patent, cols. 1:32-37, 2:8-20, 4:39-47, 10:63-11:18, 11:38-51, 13:5-12, 13:60-14:2, 14:66-15:3, 29:39-42, Figs. 1, 2, 7, 8; '846 File History (CMHK_SAMSUNG0000207); and '687 File History (CMHK_SAMSUNG0000484; CMHK_SAMSUNG0000490; CMHK_SAMSUNG0000509). Extrinsic Evidence: <i>CyWee Group Ltd. v. Samsung Elecs. Co.</i>, No. 2:17-cv-00140-WCB-RSP, LaViola Opening Expert Report ¶ 44; <i>CyWee Group Ltd. v. Samsung Elecs. Co.</i>, No. 2:17-cv-00140-WCB-RSP, LaViola Rebuttal Expert Report ¶ 30; <i>ZTE (USA), Inc. et al. v. CyWee Grp. Ltd.</i>, IPR2019-00143, Dkt. 87 at 6, 12, 31 (PTAB Feb. 17, 2021); Paul D. Groves, <u>Principles of GNSS, Inertial and Multisensor Integrated Navigation Systems</u> 21–22 (2008); and Elizabeth J. Jewell & Frank Abate, <u>The New Oxford American Dictionary</u> 468 (2001).

No.	Term/Phrase/Clause and Claim(s)	Preliminary Construction	Preliminary Evidence
			Plaintiffs reserve the right to rely on expert testimony from Aliaga regarding this term.
4.	Resultant angles '846 Patent, Claims 1, 7	angles in a spatial reference frame of the electronic device	Intrinsic Evidence: '846, cols. 1:28-33, 2:2-14, 4:32-40, 10:52-11:7, 11:27-40, 12:61-13:1, 13:49-58, 14:55-59, 29:33-36, 31:23-24, 32:47-48, Figs. 1, 2, 7, 8; and '687 Patent, cols. 1:32-37, 2:8-20, 4:39-47, 10:63-11:18, 11:38-51, 13:5-12, 13:60-14:2, 14:66-15:3, 29:39-42, Figs. 1, 2, 7, 8; and '687 File History (CMHK_SAMSUNG0000484; CMHK_SAMSUNG0000490; CMHK_SAMSUNG0000509). Extrinsic Evidence: <i>ZTE (USA), Inc. et al. v. CyWee Grp. Ltd.</i>, IPR2019-00143, Dkt. 87 at 6, 12, 31 (PTAB Feb. 17, 2021); Paul D. Groves, <u>Principles of GNSS, Inertial and Multisensor Integrated Navigation Systems</u> 21–22 (2008); and Elizabeth J. Jewell & Frank Abate, <u>The New Oxford American Dictionary</u> 60, 1453 (2001). Plaintiffs reserve the right to rely on expert testimony from Aliaga regarding this term.
5.	Predicted axial acceleration '846 Patent, Claims 1, 7 '687 Patent, Claims 1, 4, 14	Plain and ordinary meaning	Intrinsic evidence: '846 Patent, cols. 7:10-16, 14:48-51, 17:14-28, 17:37-43, Figs. 7, 8; '687 Patent, cols. 7:19-25, 14:59-62, 17:24:37, 17:45-52, Figs. 7, 8; '846 File History (CMHK_SAMSUNG0000078); and

No.	Term/Phrase/Clause and Claim(s)	Preliminary Construction	Preliminary Evidence
			'687 File History (CMHK_SAMSUNG0000488; CMHK_SAMSUNG0000616; CMHK_SAMSUNG0000617). Extrinsic Evidence: <i>ZTE (USA), Inc. et al. v. CyWee Grp. Ltd.</i>, IPR2019-00143, Dkt. 87 at 10, 138, 139 (PTAB Feb. 17, 2021); and Elizabeth J. Jewell & Frank Abate, <u>The New Oxford American Dictionary</u> 8, 112, 1343 (2001). Plaintiffs reserve the right to rely on expert testimony from Aliaga regarding this term.
6.	Measured axial acceleration and ordinary meaning '846 Patent, Claims 1, 3, 7, 9 '687 Patent, Claims 1, 2, 3, 4, 5, 12, 14, 25	Plain and ordinary meaning	Intrinsic evidence: '846 Patent, cols. 7:10-16, 14:44-48, 16:62-17:2, 17:37-43, Figs. 7, 8; '687 Patent, cols. 7:19-25, 14:55-59, 17:5-12, 17:45-52, Figs. 7, 8; and '687 File History (CMHK_SAMSUNG0000488; CMHK_SAMSUNG0000616; CMHK_SAMSUNG0000617). Extrinsic Evidence: <i>ZTE (USA), Inc. et al. v. CyWee Grp. Ltd.</i>, IPR2019-00143, Dkt. 87 at 10, 138, 139 (PTAB Feb. 17, 2021); and Elizabeth J. Jewell & Frank Abate, <u>The New Oxford American Dictionary</u> 8, 112, 1060 (2001). Plaintiffs reserve the right to rely on expert testimony from Aliaga regarding this term.
7.	First data association model '846 Patent, Claims 3, 9 '687 Patent, Claims 12, 25	Plain and ordinary meaning	Intrinsic Evidence: '846 Patent, col. 5:5-14, 17:29-51, 18:27-64, 19:1-7, 26:37-64, Fig. 12; and

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No.	Term/Phrase/Clause and Claim(s)	Preliminary Construction	Preliminary Evidence
			'687 Patent, col. 5:12:22, 17:37-65; 18:31-19:2, 19:6-12, 26:43-27:3, Fig. 12; and '687 File History (CMHK_SAMSUNG0000489; CMHK_SAMSUNG0000490). Extrinsic Evidence: <i>ZTE (USA), Inc. et al. v. CyWee Grp. Ltd.</i> , IPR2019-00143, Dkt. 87 at 11, 12 (PTAB Feb. 17, 2021); US 2005/0188349, ¶ [0013]; Elizabeth J. Jewell & Frank Abate, <u>The New Oxford American Dictionary</u> 97, 278, 1096 (2001); and <u>Newton's Telecom Dictionary</u> 278 (22d ed. 2001). Plaintiffs reserve the right to rely on expert testimony from Aliaga regarding this term.

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2 DATED: April 18, 2025

Respectfully submitted,

By: /s/ Elizabeth L. Brann

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served via email on all counsel of record on this 18th day of April, 2025.

/s/ Elizabeth L. Brann
Elizabeth L. Brann