

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.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

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

Plaintiffs,

vs.

CM HK, LTD.,

Defendants.

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

**SAMSUNG ELECTRONICS CO., LTD.
AND SAMSUNG ELECTRONICS
AMERICA, INC.'S MOTION TO
RETAIN CONFIDENTIALITY**

DEMAND FOR JURY TRIAL

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I. INTRODUCTION

Samsung respectfully moves to preserve the confidentiality of materials that this Court has already determined should be protected from public disclosure. Dkt. 167. Portions of the deposition transcript of Samsung corporate representative Youngmo Koo (“Koo Transcript”) (Ex. 1, Koo Dep. Tr.), which Defendant CM HK Ltd. (“CM HK”) seeks to de-designate, disclose sensitive information about practices, activities, and strategies of Samsung’s intellectual property and business departments. Public disclosure of the entirety of the Koo Transcript would harm Samsung because it would give competitors insight into its internal practices and strategies. Moreover, public interest in such disclosure is minimal at least because it is for an improper purpose – to seek discovery in the IPR proceeding for Samsung-internal communications – and the materials at issue have no connection with public health and safety. Thus, the public interest does not outweigh Samsung’s interest in keeping the information confidential.

For these reasons, and those described below, Samsung respectfully requests that the Court allow Samsung to retain its current “Highly Confidential – Attorneys’ Eyes Only” designation for the portions of the Koo Transcript identified below.

II. BACKGROUND

Samsung designated the Koo Transcript as “attorneys’ eyes only” under the protective order. Koo Dep. Tr., 94:10-16. Additionally, this Court affirmed that designation in its order regarding CM HK’s Administrative Motion to Consider Whether Another Party’s Material Should be Sealed. Dkt. 157. The Protective Order, Dkt. 85, entered in this case on July 9, 2025 requires CM HK to do the following to challenge Samsung’s designations:

The challenging Party shall initiate the dispute resolution process by providing written notice of each designation it is challenging and describing the basis for each challenge. To avoid ambiguity as to whether a challenge has been made, the written notice must recite that the challenge to confidentiality is being made in accordance with this specific paragraph of this Order.

Dkt. 85, § V.2.

1 Instead of proceeding under the terms of the Protective Order, Defendant violated the
2 Protective Order by using information from the Koo Transcript outside of the NDCA or co-
3 pending EDTX litigation, and by disclosing it in an email to CM HK's counsel in *inter partes*
4 review (IPR) proceedings on two of the patents at issue in this case. Ex 2 . CM HK alleged that
5 the "reports" discussed in the Koo Transcript "concern the subject matter of these IPRs and may
6 contain information regarding Petitioner's claim-scope and indefiniteness positions" and therefore
7 the reports "fall within the scope of its Rule 42.51(b)(1)(iii) obligations." *Id.* Rule
8 42.51(b)(1)(iii) deals with discovery permitted in an IPR proceeding. Rule 37 C.F.R. §
9 42.51(b)(1)(iii).

10 As a result, Samsung's counsel sent correspondence to CM HK's counsel stating the
11 importance of the protective order. Ex 3 . CM HK's counsel wrote back denying any disclosure
12 and stating that they "would like to formally challenge your designation of the entirety of that
13 transcript as AEO so please identify the specific the portions of that transcript you believe contain
14 confidential information." Ex 3 . Samsung's counsel responded reiterating that both disclosure
15 and use of the Koo Transcript violated the Protective Order and asking CM HK's counsel to
16 comply with the requirements to challenge a designation pursuant to Section V.2 of the Protective
17 Order. Ex 3 .

18 On June 29, 2026, CM HK challenged "Samsung's blanket designation of the entirety of
19 Mr. Koo's deposition transcript as "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY"
20 pursuant to Section V of the Joint Stipulation and Protective Order (Dkt. 85)." Ex 3 . CM HK's
21 email still failed to comply with the requirements to challenge a designation because CM HK did
22 not "describe[] the basis for [the] challenge" in accordance with Section V.2 of the Protective
23 Order.

24 Pursuant to Section V.2 of the Protective Order, the parties met and conferred regarding
25 Defendant's challenge on July 8, 2026. Ex 4; Brann Declaration, ¶ 1. During the conference, CM
26 HK, for the first time, described the basis of its challenge to Samsung's designation (thereby
27 complying with the requirements of § V.2 of the Protective Order), stating it did not believe Mr.
28 Koo's testimony relating to his law school experience, the decision to file the present suit, and the

1 distribution of his reports are confidential. Ex 4. Samsung agreed to provide proposed revisions
 2 that redacted sensitive and highly confidential intellectual property and business information
 3 (collectively, the “Confidential Material”). *Id.*

4 Samsung brings this motion now, as required under the Protective Order, within 21 days
 5 of Defendant’s initial notice of challenge in accordance with § V.2 of the Protective Order (which
 6 occurred on July 8), and within 14 days of the parties’ July 8 meet-and-confer, to preserve its
 7 rights under § V.3 of the Protective Order. *See* Dkt. 85. Samsung seeks to redact the following
 8 portions of the Koo Transcript: 71:1-8, 71:13-14, 71:17-21, 73:7-13, 73:15-18, 73:25-74:1, 74:4-
 9 7, 74:10-15, 74:21-23, 75:2-4, 75:18-20, 75:23-76:1, 77:15-17, 77:23-25.

10 **III. LEGAL STANDARD**

11 Generally, “the public is permitted access to litigation documents and information
 12 produced during discovery.” *In re Roman Cath. Archbishop of Portland in Or.*, 661 F.3d 417, 424
 13 (9th Cir. 2011) (quoting *Phillips ex rel. Ests. of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1210
 14 (9th Cir. 2002)) (internal quotation marks omitted). A court may, however, issue a protective
 15 order “to protect a party or person from annoyance, embarrassment, oppression, or undue burden
 16 or expense.” Fed. R. Civ. P. 26(c)(1). If a party challenges whether documents have been properly
 17 designated as confidential, the party seeking to maintain confidentiality pursuant to a protective
 18 order “has the burden of establishing that there is good cause to continue the protection of the
 19 discovery material.” *In re Roman Cath. Archbishop*, 661 F.3d at 424.

20 When a party challenges the confidentiality of information under a protective order, the
 21 Court must conduct a two-step analysis. “First, it must determine whether particularized harm
 22 will result from disclosure of information to the public.” *Id.* (citation and internal quotation marks
 23 omitted). “Broad allegations of harm, unsubstantiated by specific examples or articulated
 24 reasoning, do not satisfy the Rule 26(c) test.” *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470,
 25 476 (9th Cir. 1992) (quoting *Cipollone v. Liggett Grp., Inc.*, 785 F.2d 1108, 1121 (3d Cir. 1986));
 26 *see also In re Roman Cath. Archbishop*, 661 F.3d at 424 (quoting *Beckman*, 966 F.2d at 476). The
 27 party seeking to maintain confidentiality must “allege specific prejudice or harm.” *Beckman*, 966
 28 F.2d at 476. “A party asserting good cause bears the burden, for each particular document it seeks

to protect, of showing that specific prejudice or harm will result if no protective order is granted.” *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1130 (9th Cir. 2003) (citing *Phillips*, 307 F.3d at 1210–11).

“Second, if the court concludes that such harm will result from disclosure of the discovery documents, then it must proceed to balance the public and private interests to decide whether maintaining a protective order is necessary.” *In re Roman Cath. Archbishop*, 661 F.3d at 424 (quoting *Phillips*, 307 F.3d at 1211). The Court considers the following list of non-exhaustive factors:

(1) whether disclosure will violate any privacy interests; (2) whether the information is being sought for a legitimate purpose or for an improper purpose; (3) whether disclosure of the information will cause a party embarrassment; (4) whether confidentiality is being sought over information important to public health and safety; (5) whether the sharing of information among litigants will promote fairness and efficiency; (6) whether a party benefitting from the order of confidentiality is a public entity or official; and (7) whether the case involves issues important to the public.

In re Roman Cath. Archbishop, 661 F.3d at 424 n.5 (quoting *Glenmede Tr. Co. v. Thompson*, 56 F.3d 476, 483 (3d Cir. 1995)).

IV. DISCUSSION

A. Disclosure of the Confidential Material Would Harm Samsung

The portions in the Koo Transcript identified above reveal Samsung’s sensitive and highly confidential legal and business information. The information contained in these materials includes disclosure of the practices, activities, and strategies of Samsung’s legal department and business units. *Muench Photography, Inc. v. Pearson Educ., Inc.*, No. 12-CV-01927-WHO, 2013 WL 4475900, *4 (N.D. Cal. Aug. 15, 2013) (finding that particularized harm was shown for business strategies because “competitors could use these strategies themselves – strategies that [the defendant] spent significant resources to create”). This includes Samsung’s reasons for bringing this lawsuit, Samsung’s internal practice for approving outside counsel recommendations, and identification of the roles and responsibilities of Samsung personnel. *Gjovik v. Apple Inc.*, No. 23-

CV-04597-EMC (KAW), 2026 WL 1872828, *3 (N.D. Cal. June 29, 2026) (“The Court finds that Apple has demonstrated that particularized harm will result from the public disclosure of the internal code words and descriptions of internal product-related studies. Courts in this Circuit have found that internal policies and procedures are confidential where their disclosure can create a competitive disadvantage.”).

Public disclosure of this highly confidential information would harm Samsung because it would allow competitors in the consumer mobile electronics devices industry to gain unfair insight into the operation of Samsung’s legal department and business units. This insight could allow Samsung’s competitors to advance their own intellectual property strategy by studying the internal practices of Samsung’s legal department and business units. Thus, insight into Samsung’s legal department and business units would harm Samsung’s competitive standing.

B. Public and Private Interests Weigh in Favor of Retaining Confidentiality of the Information in the Koo Transcript

Samsung’s private interest in confidentiality (discussed above) outweighs any public interest in disclosure. Indeed, none of the *In re Roman Catholic Archbishop* factors suggest that disclosure of the Koo Transcript is appropriate, 661 F.3d at 424.

As discussed above, disclosure of the internal practices of Samsung’s legal department and business units would violate Samsung’s privacy interests because such disclosure would benefit its competitors. *Doe v. Uber Techs., Inc.*, No. 19-CV-03310-JSC, 2022 WL 834316, *3 (N.D. Cal. Mar. 21, 2022) (“having concluded that revealing this information would necessarily reveal [a particularized harm], the first factor—whether disclosure would violate any privacy interests—weighs in [the defendant’s] favor”); *see also supra* § IV.A.

And CM HK does not identify a legitimate purpose for de-designating the Confidential Material. Instead, it appears that CM HK seeks de-designation so it can use the transcript in the IPR proceedings. Indeed, before it sought the de-designation of the Koo transcript, CM HK disclosed its content in an email to its IPR counsel in violation of the protective order. Ex 3. Such a purpose is improper. *Muench*, 2013 WL 4475900, *4 (“Until the challenged materials are

1 proffered on an issue relevant to Pearson’s liability or some other relevant issue in this litigation,
2 Muench’s desire for disclosure is, at best, premature.”) (emphasis added).

3 Moreover, the Koo transcript is irrelevant to the IPR proceeding. CM HK alleged that the
4 Samsung-internal “reports” discussed in the Koo Transcript “fall within the scope of
5 [Petitioner’s] Rule 42.51(b)(1)(iii) obligations.” Ex 3. But CM HK has not and cannot cite any
6 authority.

7 To the extent CM HK is arguing that it needs to de-designate the Koo Transcript for
8 purposes of this litigation, this is also not a legitimate purpose because they “already have access”
9 to the transcript. *Attia v. Ouraring Inc.*, No. 23-CV-03433-HSG (LJC), 2026 WL 1097747, *3
10 (N.D. Cal. Apr. 22, 2026) (“Given that Oura already has access to the confidential information, it
11 is not apparent that Oura seeks de-designation for a ‘legitimate purpose,’ and disclosing the
12 information to the public would not further ‘fairness and efficiency’ in this case.”) (citation
13 omitted).

14 The Confidential Material, i.e., Samsung’s business strategies and internal practices, is not
15 important to public health and safety. *Gjovik*, 2026 WL 1872828, *4 (“The information that
16 Apple seeks to keep confidential, however, are the internal code words and descriptions of
17 internal product-related studies, which is not the type of information that the public needs to be
18 privy to. Thus, there is no particular public interest in this case. *Contrast with In re Roman*
19 *Catholic Archbishop*, 661 F.3d at 428 (finding that the public had “a weighty interest in public
20 safety and in knowing who might sexually abuse children,” particularly as one of the priests was
21 still working as a priest and could be brought “into contact with children”)). Moreover, Samsung
22 is not a public entity or official. *Uber*, 2022 WL 834316, *3 (“Fourth, Uber—the party benefitting
23 from the order of confidentiality—is not a public entity or official, and thus this factor is
24 neutral.”). Therefore, CM HK cannot establish that the Confidential Material is important to
25 health and safety.

26 On balance, Samsung’s particularized risk of harm from disclosure of the Confidential
27 Material in the Koo Transcript outweighs the minimal public interest in the information.
28

1 **V. CONCLUSION**

2 For the foregoing reasons, Samsung's motion should be granted, and the Confidential
3 Material should retain its existing designation.

1
2 DATED: July 21, 2026

Respectfully submitted,

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: (858) 458-3000
13 Facsimile: (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 Rachel Wu (SB# 3355823)
22 rachelwu@paulhastings.com
23 PAUL HASTINGS LLP
24 515 Flower St., Fl 25
25 Los Angeles, CA 90027
26 Telephone: (714) 668-6205
27 Facsimile: (714) 979-1921

28 Raymond W. Stockstill (SB# 275228)
beaustockstill@paulhastings.com
Paul Hastings, LLP
1920 Main St., Ste 400
Irvine, CA 92614
Telephone: (714) 668-6205
Facsimile: (714) 668-6305

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

Exhibit 2

From: [Chris Evans](#)
To: [Modi, Naveen](#); [Bansal, Chetan R.](#); [PH-Samsung-CMHK-IPR](#)
Cc: [ginger](#); [Michael Shore](#); [Andrew Huffstetler](#); [Chijioke Offor](#)
Subject: [EXT] Re: IPR2025-012023 & -01071: Request for Authorization to file Motion for Sanctions
Date: Monday, June 8, 2026 11:36:32 AM
Attachments: [image002.png](#)
[image003.png](#)

-- External Email --

[Report Suspicious](#)

Counsel,

As a follow-up to my email below, Patent Owner specifically identifies the following documents:

[REDACTED]

Mr. Koo testified that these reports were distributed to individuals outside Samsung's litigation control group for these proceedings. These reports concern the subject matter of these IPRs and may contain information regarding Petitioner's claim-scope and indefiniteness positions. Patent Owner therefore believes they fall within the scope of its Rule 42.51(b)(1) (iii) obligations.

Please confirm that Samsung will produce these documents promptly. To the extent Samsung contends any responsive documents are privileged or otherwise protected, please identify the basis for withholding them and provide a privilege log sufficient to assess the claim.

Sincerely,

Chris Evans

From: Chris Evans <chris@offorevans.com>
Date: Thursday, June 4, 2026 at 7:59 AM
To: Modi, Naveen <naveenmodi@paulhastings.com>; Bansal, Chetan R. <chetanbansal@paulhastings.com>; PH-Samsung-CMHK-IPR <ph-samsung-cmhk-ipr@paulhastings.com>
Cc: ginger <ginger@gingineerllc.com>; Michael Shore <mshore@shorefirm.com>; Andrew Huffstetler <andrew@offorevans.com>; Chijioke Offor <chiji@offorevans.com>
Subject: Re: IPR2025-012023 & -01071: Request for Authorization to file Motion for

Sanctions

Counsel,

Pursuant to 37 C.F.R. § 42.51(b)(1)(iii), Patent Owner requests that Petitioner confirm it has produced all information inconsistent with the positions Petitioner advanced in Papers 14 and 20 regarding its claim-scope and indefiniteness positions.

Those positions include, without limitation, Petitioner's representations that it had "always maintained" a plain-and-ordinary-meaning position, that this case was "unlike Tesla," and that Petitioner had not asserted indefiniteness for the claim limitation at issue. Please confirm that Petitioner has produced all information inconsistent with those representations, including any non-privileged documents or things reflecting, referring to, or concerning:

1. Petitioner's indefiniteness positions regarding "spatial reference frame," "predicted," "axial accelerations," "predicted axial acceleration(s)," "measured axial acceleration(s)," "resulting deviation," "display reference frame," or other claim terms at issue in these IPRs;
2. any contention, disclosure, filing, stipulation, amended contention, withdrawn contention, court submission, or communication reflecting that Petitioner's district-court indefiniteness positions were amended, withdrawn, superseded, rendered moot, or otherwise no longer operative before the filing of Papers 14 or 20;
3. any non-privileged materials supporting Petitioner's assertion that its district-court indefiniteness positions were "effectively withdrawn" or "effectively moot" before the IPR petitions were filed; and
4. any non-privileged materials inconsistent with Petitioner's position that no Tesla-like inconsistency existed.

To the extent Petitioner contends it has already satisfied its routine discovery obligations, please identify the productions or exhibits on which Petitioner relies. To the extent Petitioner contends no responsive inconsistent information exists, please confirm that position. To the extent Petitioner withholds responsive non-privileged information on any basis, please identify the basis for withholding.

To the extent Petitioner withholds any responsive information on the basis of attorney-client privilege, work-product protection, or any other privilege, Patent Owner requests a privilege log identifying the date, author(s), recipient(s), general subject matter, and privilege asserted sufficient to assess the claim of privilege.

Please provide Petitioner's response by June 10, 2026.

Separately, Patent Owner requests a meet and confer regarding Petitioner's continuing refusal to honor its Sotera Stipulation. Please let me know when you would be available to confer next week.

Sincerely,

Chris Evans

From: Chris Evans <chris@offorevans.com>
Date: Wednesday, June 3, 2026 at 11:03 AM
To: Modi, Naveen <naveenmodi@paulhastings.com>; Bansal, Chetan R. <chetanbansal@paulhastings.com>; PH-Samsung-CMHK-IPR <ph-samsung-cmhk-ipr@paulhastings.com>
Cc: ginger <ginger@gingineerllc.com>; Michael Shore <mshore@shorefirm.com>; Andrew Huffstetler <andrew@offorevans.com>; Chijioke Offor <chiji@offorevans.com>
Subject: FW: IPR2025-012023 & -01071: Request for Authorization to file Motion for Sanctions

Counsel,

Pursuant to 37 C.F.R. § 42.11(d)(2) and the Board's rules governing motions for sanctions, Patent Owner hereby serves its attached Motion for Sanctions.

As explained in the motion, Patent Owner contends that Samsung failed to disclose operative district-court indefiniteness positions while responding to the Board's inquiry regarding potentially inconsistent claim-scope positions under *Revvo* and *Tesla*. Patent Owner will seek authorization from the Board on June 25, 2026 to file the motion after the applicable 21-day service period has expired.

In addition, Patent Owner notes that Samsung has not amended its invalidity contentions, filed any notice with either district court, or otherwise taken any formal action to effectuate its Sotera stipulation. Samsung continues to maintain invalidity contentions asserting §§ 102 and 103 grounds based on Bassompierre and other patents and printed publications, while simultaneously taking the position that no district-court filing is required to effectuate its Sotera stipulation.

Patent Owner believes Samsung's current position raises separate concerns regarding compliance with its Sotera stipulations and related representations to the Board. Unless Samsung formally withdraws those grounds in both district court proceedings or otherwise identifies the specific filings, stipulations, or court orders that purportedly effectuated its withdrawal of those defenses, Patent Owner also reserves its rights to separately seek appropriate relief from the Board regarding Samsung's compliance with its Sotera stipulation.

Sincerely,

Christopher Evans

From: Trials <Trials@USPTO.GOV>
Date: Tuesday, May 19, 2026 at 4:31 PM
To: Modi, Naveen <naveenmodi@paulhastings.com>; Chris Evans <chris@offorevans.com>; Trials <Trials@USPTO.GOV>

Cc: PH-Samsung-CMHK-IPR <PH-Samsung-CMHK-IPR@paulhastings.com>; Bansal, Chetan R. <chetanbansal@paulhastings.com>

Subject: RE: IPR2025-012023 & -01071: Request for Authorization to file Motion for Sanctions

Counsel,

Patent Owner's email of May 15 requesting a conference call to seek authorization to file a sanctions motion does not comply with section A.1 of the Scheduling Order (Paper 19 in both cases) in that it: (1) does not indicate that the parties met and conferred, or explain why such meet and confer did not occur, prior to the email; (2) does not include multiple times when *all* parties are available; (2) contains substantive argument; and (3) includes an attachment without prior Board authorization. Patent Owner's May 18 follow-up emails similarly fail to comply with this provision of the Scheduling Order. Any future emails from either party not in compliance with this provision will be disregarded.

In addition, Patent Owner's request to file a sanctions motion does not comply with 42 C.F.R. sec. 42.11(d)(2), which requires the moving party to, among other things, serve the other party with the proposed motion at least 21 days before seeking authorization to file the motion. Patent Owner may renew its request for a conference call to seek authorization to file a sanction motion after complying with this provision.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366



From: Modi, Naveen <naveenmodi@paulhastings.com>

Sent: Tuesday, May 19, 2026 2:48 PM

To: Chris Evans <chris@offorevans.com>; Trials <Trials@USPTO.GOV>

Cc: PH-Samsung-CMHK-IPR <PH-Samsung-CMHK-IPR@paulhastings.com>; Bansal, Chetan R. <chetanbansal@paulhastings.com>

Subject: RE: IPR2025-012023 & -01071: Request for Authorization to file Motion for Sanctions

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Your Honors,

CM HK's total disregard of the Board's rules and practice is concerning. *First*, CM HK sought leave to file a motion for sanctions without satisfying the requirements of 37 C.F.R. § 42.11(d)(2). *Second*, CM HK continues to inundate the Board with excessive argument and **unauthorized attachments** in clear violation of the Board's rules. See Paper 19 at 1.

Out of respect for the Board's rules and practice, Samsung will not respond to CM HK's meritless arguments. If the Board would like Samsung to respond, please let us know. Samsung will also make itself available should the Board want to have a call to discuss any of these issues.

Respectfully,

Naveen Modi
Counsel for Petitioner

Naveen Modi
Global Co-Chair of IP & Partner
Paul Hastings LLP
(202) 551-1990

From: Chris Evans <chris@offorevans.com>

Sent: Monday, May 18, 2026 9:00 PM

To: Modi, Naveen <naveenmodi@paulhastings.com>; Trials <trials@uspto.gov>

Cc: PH-Samsung-CMHK-IPR <PH-Samsung-CMHK-IPR@paulhastings.com>; Bansal, Chetan R. <chetanbansal@paulhastings.com>

Subject: [EXT] Re: IPR2025-012023 & -01071: Request for Authorization to file Motion for Sanctions

Dear Honorable Board,

Patent Owner respectfully submits the attached Northern District of California filings because they further clarify the factual record underlying the Board's prior *Tesla* analysis and Petitioner's recent assertion that its indefiniteness positions had been "effectively withdrawn" prior to filing these IPRs.

On March 28, 2025, Samsung served its Patent Rule 4-1(a) Proposed Terms for Construction and stated that it was identifying claim terms "which Plaintiffs contend should be construed by the Court or found indefinite." Samsung further stated that it reserved the right to "modify, supplement, or amend the list (including the identification of terms, phrases, and/or clauses that are indefinite or governed by 35 U.S.C. § 112(f)), that "[a]ny potentially indefinite terms could also be subject to alternative claim constructions or ordinary meaning," and that the listed terms should not be construed as an admission "that the term or phrase is capable of

construction and not indefinite under 35 U.S.C. § 112.”

Then, on April 18, 2025—twenty-five days before the Joint Claim Construction Statement and one month before the filing of these IPRs—Samsung served its Patent Rule 4-2 Preliminary Proposed Claim Constructions and Extrinsic Evidence. In that filing, Samsung expressly reserved the right to rely on invalidity positions identified in its Invalidity Contentions and stated that expert testimony could include “an opinion that a person of ordinary skill in the art would find claim terms indefinite.” Samsung explicitly reserved “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.”

These local patent rule disclosures respectfully appear difficult to reconcile with Petitioner’s assertion earlier today that “Samsung had **effectively withdrawn** its March 2025 indefiniteness contentions *prior to* filing the IPRs.”

Patent Owner will comply with the procedures required by 37 C.F.R. § 42.11(d)(2), including service of any proposed sanctions motion at least 21 days before seeking authorization to file it.

At present, Patent Owner respectfully submits that these additional district-court disclosures materially bear on the Board’s prior *Tesla/Revvo*-related analysis in Paper 17 and Petitioner’s representations regarding its indefiniteness positions.

Respectfully,

Christopher Evans

Counsel for Patent Owner

From: Chris Evans <chris@offorevans.com>

Date: Monday, May 18, 2026 at 11:37 AM

To: Modi, Naveen <naveenmodi@paulhastings.com>, Trials <trials@uspto.gov>

Cc: PH-Samsung-CMHK-IPR <PH-Samsung-CMHK-IPR@paulhastings.com>, Bansal, Chetan R. <chetanbansal@paulhastings.com>

Subject: Re: IPR2025-012023 & -01071: Request for Authorization to file Motion for Sanctions

Dear Honorable Board,

Patent Owner respectfully submits that Samsung’s response does not resolve the inconsistency identified in Patent Owner’s request.

Samsung argues that it had “effectively withdrawn” its March 2025 indefiniteness contentions before filing the IPRs because Samsung did not identify indefiniteness issues in the parties’ later Joint Claim Construction Statement in the Northern District of California. But Samsung cites no rule or authority providing that omission of indefiniteness from a joint claim construction statement withdraws previously served invalidity contentions or waives indefiniteness defenses.

To the contrary, the Northern District of California Patent Local Rules specifically require indefiniteness grounds to be disclosed in Invalidity Contentions. Patent L.R. 3-3(d) (“Invalidity Contentions” shall disclose “[a]ny grounds of invalidity based on . . . indefiniteness under 35 U.S.C. § 112(2)”). The later claim construction procedures under Patent L.R. 4-3 do not require parties to identify indefiniteness defenses in the Joint Claim Construction Statement.

Moreover, Samsung identifies no actual withdrawal of its indefiniteness defenses in either the Northern District of California or Eastern District of Texas cases. The operative invalidity contentions asserting that the claims “fail to meet the definiteness requirement of 35 U.S.C. § 112” and “fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention” remain part of those district court proceedings. At the same time, Samsung repeatedly represented to this Board that it had “never alleged” indefiniteness and distinguished Tesla on that basis.

Patent Owner therefore respectfully maintains that a brief conference call would assist the Board in determining whether further motion practice is appropriate.

Sincerely,

Christopher L. Evans
Attorney for Patent Owner

From: Modi, Naveen <naveenmodi@paulhastings.com>
Date: Monday, May 18, 2026 at 11:17 AM
To: Chris Evans <chris@offorevans.com>, Trials <trials@uspto.gov>
Cc: PH-Samsung-CMHK-IPR <PH-Samsung-CMHK-IPR@paulhastings.com>, Bansal, Chetan R. <chetanbansal@paulhastings.com>
Subject: RE: IPR2025-012023 & -01071: Request for Authorization to file Motion for Sanctions

Dear Honorable Board,

Petitioner Samsung opposes Patent Owner CM HK’s request for a conference call and authorization to file a sanctions motion. CM HK’s request is meritless, disregards the Board’s rules and procedure, and is nothing more than an attempt at relitigating the same issue of indefiniteness/inconsistent positions that the Board and the Director have already considered and rejected. CM HK has had more than sufficient opportunity to raise this issue, which both the Board and the Director previously considered. See -01023 IPR, Paper 17 at 20-23, -01023 IPR Paper 24. CM HK cites no **new** evidence that has come to light since those decisions. Indeed, as confirmed by CM HK’s email, Samsung’s **alleged** indefiniteness positions have been part of this IPR’s record, see Exhibit 2012, since August 2025. Continued litigation of the same issue under the guise of a new remedy (“sanctions”) is not in the interests of justice, frustrates the purposes of IPRs as quick and cost effective alternatives to litigation, and frankly, constitutes harassment.

First, CM HK’s request for leave to move for sanctions ignores the Board’s rules, including 37 C.F.R. § 42.11(d)(2). That provision required CM HK to serve Samsung with the proposed sanctions] motion “[a]t least 21 days prior to seeking authorization to file a motion for sanctions.” It further provides that a sanctions motion “must not be filed or be presented

to the Board” before that 21-day process runs. *Id.* CM HK, however, did not serve any proposed motion on Samsung prior to sending its email to the Board. Nor did CM HK confer with Samsung before unilaterally sending its email to the Board. CM HK’s disregard for the Board’s rules is sufficient reason for denying its request.

Second, CM HK’s allegations omit a dispositive material fact—Samsung had effectively withdrawn its March 2025 indefiniteness contentions **prior to** filing the IPRs. As apparent from the parties’ May 13, 2025 Joint Claim Construction Statement—a document of record in this IPR as Exhibit 2007—Samsung did not assert indefiniteness during claim construction before the Northern District of California. In fact, the parties provided the court the “full list of all disputed terms” and Samsung (the plaintiff in that case) did not identify any term as indefinite. See Ex. 2007 at 2-3 (“Plaintiff’s Proposed Construction”).

Third, CM HK offers no persuasive reason why the Board should consider CM HK’s belated allegations based on Samsung’s briefing filed more than six months ago and Samsung’s invalidity contentions served more than one year ago. CM HK has been aware of these documents for a long time and has raised alleged claim construction inconsistencies several times now in these IPRs. CM HK recognizes its untimeliness but suggests it does not matter because Samsung purportedly had an obligation to disclose its prior positions to the Board. Samsung had no such obligation given that the prior positions were effectively moot before Samsung filed the IPRs, as discussed above.

CM HK has shown no misconduct, no material misrepresentation, and no prejudice. Its request for extraordinary sanctions, including termination, is unwarranted and should be denied. If the Board nevertheless believes a call would be helpful, Samsung will make itself available.

Respectfully,

Naveen Modi
Counsel for Petitioner

Naveen Modi
Global Co-Chair of IP & Partner
Paul Hastings LLP
(202) 551-1990

From: Chris Evans <chris@offorevans.com>

Sent: Friday, May 15, 2026 2:33 PM

To: Trials <trials@uspto.gov>

Cc: PH-Samsung-CMHK-IPR <PH-Samsung-CMHK-IPR@paulhastings.com>; Bansal, Chetan R. <chetanbansal@paulhastings.com>

Subject: [EXT] IPR2025-012023 & -01071: Request for Authorization to file Motion for Sanctions

To the Honorable Patent Trial and Appeal Board,

Patent Owner CM HK Ltd. respectfully requests a brief conference call to seek authorization to file a motion for sanctions pursuant to 37 C.F.R. §§ 42.11 and 42.12 based on Petitioner's misrepresentations to the Board regarding indefiniteness positions asserted in co-pending district court litigation.

In the co-pending Eastern District of Texas and California cases, Petitioner served invalidity contentions asserting that all claims of the '846 and '687 patents “fail to meet the ‘definiteness’ requirement of 35 U.S.C. § 112, ¶ 2” and “fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.” (Ex. 2012 at 69–71; Ex. 2047 at 69–71 (this will be filed with the motion).) Those contentions specifically identified numerous terms as indefinite, including “predicted,” “axial acceleration,” “spatial reference frame,” “resulting deviations,” “based on,” and “real-time movement pattern.” (*Id.*)

A. Indefiniteness under 35 U.S.C. § 112(2)

The asserted claims of the Asserted Patents are invalid because they fail to meet the “definiteness” requirement of 35 U.S.C. § 112, ¶ 2, which states that the claims must “particularly point[] out and distinctly claim[] the subject matter which the inventor [] regards as [the] invention.” In particular, the asserted claims of the Asserted Patents are indefinite because of at least the following terms or phrases:

1. '846 Patent

Claim	Term
Asserted claims 1 and 7	“predicted”
Asserted claims 1 and 7	“axial acceleration”
Asserted claims 1 and 7	“spatial reference frame”
Asserted claim 1 and 7	“resulting deviations comprising resultant angles”
Asserted claims 1 and 7	“based on”

Yet in these proceedings, Petitioner has repeatedly represented to the Board that it has never asserted indefiniteness positions regarding any of those terms:

- “Samsung has **never alleged** that the term ‘predicted axial accelerations’ is indefinite.” Paper 14 at 1.
- “Specifically, in the co-pending litigation, Samsung has taken the position that the term should be given its ‘plain and ordinary meaning.’” *Id.* at 2.
- “But Petitioner **has always maintained** that the term ‘predicted axial accelerations’ should be given its ordinary meaning.” Paper 20 at 4.
- “This is unlike Tesla, where the petitioner asserted the disputed claim term to be indefinite in district court litigation but argued before the Board that the term should be given its plain and ordinary meaning.” *Id.* at 4 n.3.

This case is exactly like Tesla.

Samsung is alleging that every relevant claim term is indefinite in two co-pending district court cases (Ex. 2012 at 69–71; Ex. 2047 at 69–71) while telling the Board that none of the

claim terms, "[o]ther than the 'spatial reference frame,'" need to be construed. IPR2025-01023, Pet. at 22; IPR2025-01071, Pet. at 22. Samsung has also expressly reserved "all rights to raise claim construction and other arguments in other venues ... [including] grounds that can only be raised in district court." Id. at 22 n.6. Petitioner should present a single construction and apply it consistently before the Board and the district courts. See, e.g., *Infineon Techs. Am. Corp. v. Mosaid Techs. Corp.*, IPR2025-01456, Paper 27 at 3–4 (Director Mar. 17, 2026).

Patent Owner has not waived this issue by not raising it earlier. It is Petitioner's duty to disclose all inconsistent claim construction to the Board under its duty of candor and good faith. *American Airlines and Southwest Airlines v. Intellectual Ventures I LLC*, IPR202501055, Paper 11, at 13 (PTAB November 21, 2025) (routine opinion); 37 C.F.R. § 42.11. As the Board held in that case: "Patent Owner should not have been the first party to inform the Board as to Petitioner's different claim construction positions in the two forums." Id. Permitting Petitioner to benefit from undisclosed inconsistent positions would undermine the duty of candor and the Office's interest in consistent claim construction across forums.

Petitioner has not corrected the record despite a continuing duty of candor and good faith under 37 C.F.R. § 42.11. See also *Duties of Disclosure and Reasonable Inquiry During Examination, Reexamination, and Reissue, and for Proceedings Before the Patent Trial and Appeal Board*, 87 Fed. Reg. 45,764, 45,765 (July 29, 2022); *Intas Pharms. Ltd. v. Atossa Theras. Inc.*, PGR2025-00043, Paper 33 at 9 (PTAB Jan. 16, 2026) ("Likewise, a petitioner should keep in mind that it has a duty of candor in relation to relevant information that is inconsistent with a position advanced by the petitioner during the proceeding."). The same counsel—Paul Hastings—represents Samsung in both the district court cases and these IPR proceedings, so the inconsistent positions and the failure to correct were known or knowable.

Patent Owner intends to seek, *inter alia*, an order striking Petitioner's *Tesla*-distinguishing argument in Papers 14 and 20, an adverse credibility finding with respect to these representations, and termination of the proceedings under *Tesla*.

Patent Owner is available for a call anytime on Wednesday, Thursday, or Friday next week.

Sincerely,

Christopher L. Evans
Attorney for Patent Owner

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Exhibit 3

From: [Chris Evans](#)
To: [Stockstill, Beau](#); [Michael Shore](#); [cjohnson](#); [Andrew Huffstetler](#); [Chijioke Offor](#); [zdellaporta@shorefirm.com](#)
Cc: [Team Samsung CyWee](#)
Subject: [EXT] Re: Samsung v. CM HK - Protective Order
Date: Monday, June 29, 2026 10:19:45 AM
Attachments: [image001.png](#)

-- External Email --

[Report Suspicious](#)

Counsel,

We disagree that there has been any violation of the protective order.

First, my email was sent only to counsel for the parties, including your co-counsel and my co-counsel. Ms. Turner is a member of our litigation team and is admitted to practice before the USPTO.

Second, you have not identified any prejudice resulting from the alleged violation or any relief that Samsung contends is necessary. If Samsung believes any remedial action is required, please identify the relief you seek.

Third, we also disagree that any prohibited "use" of protected material has occurred. Under 37 C.F.R. § 42.51(b) (1)(iii), Samsung has an affirmative obligation to produce information inconsistent with positions advanced before the Board. My email merely requested that Samsung confirm that the reports Mr. Koo testified about would be produced pursuant to that obligation or, alternatively, confirm that those reports do not contain information inconsistent with Samsung's representations to the Board. Samsung's production obligations under the Board's rules exist independently of our knowledge of the reports or how we learned of their existence.

Fourth, we are challenging Samsung's blanket designation of the entirety of Mr. Koo's deposition transcript as HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY pursuant to Section V of the Joint Stipulation and Protective Order (Dkt. 85). Samsung has already acknowledged that portions of the transcript are not confidential. We do not believe that any portion of the transcript qualify for the HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY designation. To the extent you disagree, please identify the specific portions of the transcript that you contend should remain designated and provide your availability for a meet and confer pursuant to Section V.2 of the Protective Order.

Finally, we propose that the parties amend the protective order to permit the use of designated materials in the IPRs as well as in the co-pending district court actions. The IPRs were filed after the PO was negotiated, otherwise we would have sought their inclusion originally. Please let us know whether Samsung is willing to discuss such an amendment.

Sincerely,

Chris Evans

From: Stockstill, Beau <beaustockstill@paulhastings.com>
Date: Friday, June 26, 2026 at 3:07 PM
To: Chris Evans <chris@offorevans.com>; Michael Shore <mshore@shorefirm.com>; cjohnson <cjohnson@shorefirm.com>; Andrew Huffstetler <andrew@offorevans.com>; Chijioke Offor <chiji@offorevans.com>; zdellaporta@shorefirm.com <zdellaporta@shorefirm.com>
Cc: Team Samsung CyWee <TeamSamsungCyWee@paulhastings.com>
Subject: RE: Samsung v. CM HK - Protective Order

Chris,

Based on your response, we understand your position to be that there was no protective order violation because the transcript itself was not provided, *i.e.*, disclosed to Ginger Turner or others. This is an insufficient response for at least two reasons. First, we understand your email did describe designated testimony and thus did disclose it in violation of the protective order. Second, the protective order prohibits not only disclosure, but also *use* of the designated material outside of the NDCA and EDTX cases, and under these circumstances you have used the designated information in connection with the IPR proceedings. We maintain you have violated the protective order and have not provided a valid position to the contrary, and Samsung continues to reserve all rights in this regard.

Your email purports to challenge the designation of Mr. Koo's deposition transcript. For the avoidance of doubt, even if Mr. Koo's deposition transcript or the portions thereof in question were to be de-designated after the fact, that does not

cure or ratify your violation of the protective order under these circumstances.

Turning to the substance of your challenge, pursuant to paragraph V.2 of the protective order, we do not believe CM HK has complied with the requirements to challenge a designation. Could you please comply with the protective order and let us know the basis for your challenge?

All rights expressly reserved.

-Beau

From: Chris Evans <chris@offorevans.com>
Sent: Wednesday, June 17, 2026 11:06 AM
To: Stockstill, Beau <beaustockstill@paulhastings.com>; Michael Shore <mshore@shorefirm.com>; cjohnson <cjohnson@shorefirm.com>; Andrew Huffstetler <andrew@offorevans.com>; Chijioke Offor <chiji@offorevans.com>; zdellaporta@shorefirm.com
Cc: Team Samsung CyWee <TeamSamsungCyWee@paulhastings.com>
Subject: [EXT] Re: Samsung v. CM HK - Protective Order

Beau,

Neither the transcript nor its contents have been provided to anyone in the IPRs, including Ginger Turner. I would like to formally challenged your designation of the entirety of that transcript as AEO so please identify the specific the portions of that transcript you believe contain confidential information.

Sincerely,

Chris Evans

From: Stockstill, Beau <beaustockstill@paulhastings.com>
Date: Wednesday, June 17, 2026 at 1:08 PM
To: Chris Evans <chris@offorevans.com>; Michael Shore <mshore@shorefirm.com>; cjohnson <cjohnson@shorefirm.com>; Andrew Huffstetler <andrew@offorevans.com>; Chijioke Offor <chiji@offorevans.com>; zdellaporta@shorefirm.com <zdellaporta@shorefirm.com>
Cc: Team Samsung CyWee <TeamSamsungCyWee@paulhastings.com>
Subject: Samsung v. CM HK - Protective Order

Counsel,

It has been brought to our attention that CM HK is relying on the Koo transcript to seek discovery in the co-pending IPRs on CM HK's patents. Using the transcript or its contents outside of the NDCA or EDTX litigation is a breach of the NDCA and EDTX protective orders.

Moreover, we understand counsel has copied Ginger Turner on communications related to that transcript, but she is not covered by one of the categories of individuals to whom that transcript may be disclosed.

Samsung takes the protective order requirements seriously. To the extent CM HK believes it is not violating the protective orders, it should explain the basis for its actions. Samsung reserves all rights in this regard.

-Beau

**PAUL
HASTINGS**

Beau Stockstill | Of Counsel, Litigation Department
Paul Hastings LLP | 1920 Main Street, Suite 400, Irvine, CA 92614 | Direct: +1.714.668.6204 |
Main: +1.714.668.6200 | Fax: +1.714.979.1921 | beaustockstill@paulhastings.com |
www.paulhastings.com

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Exhibit 4

From: [Vuicic, Sasha](#)
To: [Chris Evans](#); [mshore@shorefirm.com](#); [Chijioke Offor](#); [jjacobs@gcalaw.com](#); [vwagner@gcalaw.com](#); [ijohnson@gcalaw.com](#); [zdelaporta@shorefirm.com](#); [cjohnson](#); [Andrew Huffstetler](#)
Cc: [Team Samsung CyWee](#)
Subject: Samsung Electronics Co, Ltd. et al v. CM HK, Ltd., No. 4:24-cv-06567-JST | Summary of July 8 Meet and Confer
Date: Thursday, July 9, 2026 4:43:28 PM
Attachments: [image001.png](#)

Chris,

This email will memorialize the meet and confer we had yesterday, July 8, 2026. Beau and I attended for our side. You and Mr. Della Porta attended for your side.

- Designation of Mr. Koo's Deposition Transcript:** We noted that while the protective order requires the challenging party to set out the basis for the challenge, CM HK stated that it didn't believe any of the transcript should be designated at all. We asked if CM HK could provide any further detail of its position so we can better understand it. CM HK stated that it does not believe Mr. Koo's testimony relating to his law school experience, the decision to file the present suit, and the distribution of his reports are confidential materials. While we disagree that nothing in the transcript is confidential, we agreed to follow up with an email identifying revised designations of the transcript.
- Protective Order:** CM HK asked whether Samsung will agree to amend the protective order to provide that materials can be used in the IPR proceedings. We indicated we are still running that issue to ground and will follow up.
- CM HK's Fourth Set of RFPs:** CM HK explained its position on privilege is that the reports are not privileged because Mr. Koo testified that he shared them with individuals outside of the alleged "control group," which CM HK alleges constitutes waiver. We disagree. We asked if CM HK could provide any authority in support of its position for us to consider, and CM HK indicated that it would not. CM HK asked for our privilege log, and we explained that the requests were improper and untimely because jurisdictional discovery is closed and merits discovery is stayed, and so no privilege log is required at this time (we reserve the right to provide one if and when merits discovery proceeds). With regard to our position that jurisdictional discovery is closed, you responded that these are *merits* discovery requests. Ultimately CM HK took the position that jurisdictional discovery is closed, that it may nevertheless pursue jurisdictional discovery because jurisdictional discovery overlaps with merits discovery, and that in any event, merits discovery is open. We explained our position that jurisdictional discovery is closed, the requests are untimely and improper as jurisdictional discovery, and merits discovery continues to be stayed because the merits schedule was stayed and so the requests are likewise improper and do not require a response. We then asked, if this is merits discovery, what claim or defense the requested documents are relevant to, and you responded simply that they are relevant to all of them. When we asked how, CM HK told us to read the deposition transcript and accused us of not being prepared for the meet and confer. Not so; we explained that we have objected on relevance grounds (among other objections) and were seeking an explanation of CM HK's position regarding relevance to better understand its position. We also noted that it appears CM HK is availing itself of this Court's jurisdiction, which is at odds with its jurisdictional challenge. We asked whether CM HK was withdrawing its motion to dismiss, and you explained that it is not.
- Sotera stipulation:** We explained that as we have set out in prior correspondence, our position is that we have complied with the *Sotera* stipulation, including that we have not pursued any of the grounds subject to that stipulation in the district court matters since the IPRs were instituted. CM HK stated that we need to either file a stipulation in district court or amend our invalidity contentions to affirmatively withdraw our defenses that we said we would withdraw in our *Sotera* stipulation. As we have previously explained, we are not aware of any authority requiring that, and we asked that CM HK provide such authority if it is aware of any. We renewed that request on the meet and confer. CM HK repeatedly refused to provide that authority during the call. We explained that if there's authority stating that something further is required of us to comply with the stipulation, it would be productive for CM HK to provide it so we can consider. CM HK continued to refuse and eventually took the position that it's PTAB authority and it would not provide it because we are district court counsel. CM HK stated that it was not even going to file anything in the district court (even though it called this meet and confer with us specifically about this issue). Where we ended the call, CM HK represented that it would not file a motion to strike invalidity contentions and would not file any purported notice or other filing in the district court without first reaching out to us to discuss. Following the call, CM HK sent us one PTAB decision, which we will review. If CM HK has any other authority, please provide it as well so we can properly evaluate your position and support.

-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

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

**[PROPOSED] ORDER GRANTING
PLAINTIFFS SAMSUNG
ELECTRONICS CO., LTD. AND
SAMSUNG ELECTRONICS AMERICA,
INC.'S MOTION TO RETAIN
CONFIDENTIALITY**

Judge: Hon. Jon S. Tigar

DEMAND FOR JURY TRIAL

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

**[PROPOSED] ORDER GRANTING
MOTION TO RETAIN CONFIDENTIALITY**

Before the Court is Plaintiffs Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.'s Motion to Retain Confidentiality ("Motion"). After considering Plaintiffs' Motion, the Court is of the opinion that the Motion should be GRANTED.

IT IS HEREBY ORDERED THAT Plaintiffs' Motion is GRANTED. Accordingly, the material listed below shall remain under seal:

Document	Portions for Which Sealing is Sought	Designating Party	Ruling
Portions of the deposition transcript of Samsung corporate representative Youngmo Koo ("Koo Transcript")	71:1-8, 71:13-14, 71:17-21, 73:7-13, 73:15-18, 73:25-74:1, 74:4-7, 74:10-15, 74:21-23, 75:2-4, 75:18-20, 75:23-76:1, 77:15-17, 77:23-25	Plaintiffs	

IT IS SO ORDERED.

Dated: _____

By: _____
Hon. Jon S. Tigar
United States District Judge