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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** **DEFENDANTS' INFRINGEMENT CONTENTIONS PURSUANT TO LPR 3-1 AND 3-2**

Pursuant to the Court's Scheduling Order, Defendants' infringement contentions are due on January 28, 2025. Dkt. 25. The parties have also stipulated that Defendants deadline to answer or otherwise respond is January 31, 2025. Dkt. 36. Defendants also filed a motion to change time and amend the scheduling order to modify the deadline for

their patent infringement contentions. Dkt. 48. And Patent Local Rule 3-5 states that "In all cases in which a party files a complaint or other pleading seeking a declaratory judgment that a patent is invalid Patent L.R. 3-1 and 3-2 shall not apply unless and until a claim for patent infringement is made by a party." To date, neither Defendant has filed an answer or asserted any claim of infringement in this case.

Moreover, Defendants have each filed a motion to dismiss based on lack of subject matter and personal jurisdiction. Defendants cannot be required to serve infringement contentions before they have asserted a claim of infringement, especially since the Court lacks both subject matter and personal jurisdiction over both Defendants.

Nevertheless, CM HK Lt. ("CM HK") will serve infringement contentions for the two patents that it has accused Samsung of infringing in its co-pending lawsuit in the Eastern District of Texas, U.S. Patent Nos. 10,852,846 and 11,698,687.

I. CM HK Ltd.'s Patent L.R. 3-1 Disclosures.

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

Samsung infringes claims 1, 3, 7, and 9 of U.S. Patent No. 10,852,846 (the "'846 Patent").

Samsung infringes claims 1, 2, 3, 4, 5, 6, 7, 12, 14, and 25 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.

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

NAME	US RELEASE DATE	CHIPSET
GALAXY Z FLIP4	8/26/22	QUALCOMM SNAPDRAGON 8+ GEN 1
GALAXY Z FOLD4	8/26/22	QUALCOMM SNAPDRAGON 8+ GEN 1
GALAXY S23	2/17/23	SNAPDRAGON 8 GEN 2 FOR GALAXY
GALAXY S23+	2/17/23	SNAPDRAGON 8 GEN 2 FOR GALAXY
GALAXY S23 ULTRA	2/17/23	SNAPDRAGON 8 GEN 2 FOR GALAXY
GALAXY Z FLIP5	8/11/23	SNAPDRAGON 8 GEN 2 FOR GALAXY
GALAXY Z FOLD5	8/11/23	SNAPDRAGON 8 GEN 2 FOR GALAXY
GALAXY S24	1/31/24	SNAPDRAGON 8 GEN 3 FOR GALAXY
GALAXY S24+	1/31/24	SNAPDRAGON 8 GEN 3 FOR GALAXY
GALAXY S24 ULTRA	1/31/24	SNAPDRAGON 8 GEN 3 FOR GALAXY
GALAXY Z FLIP6	7/24/24	SNAPDRAGON 8 GEN 3 FOR GALAXY
GALAXY Z FOLD6	7/24/24	SNAPDRAGON 8 GEN 3 FOR GALAXY

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.

NAME	US RELEASE DATE	CHIPSET
GALAXY S21	1/29/21	QUALCOMM SNAPDRAGON 888
GALAXY S21+	1/29/21	QUALCOMM SNAPDRAGON 888
GALAXY S21 ULTRA	1/29/21	QUALCOMM SNAPDRAGON 888
GALAXY Z FLIP3	8/27/21	QUALCOMM SNAPDRAGON 888
GALAXY Z FOLD3	8/27/21	QUALCOMM SNAPDRAGON 888
GALAXY S21 FE	1/11/22	QUALCOMM SNAPDRAGON 888
GALAXY S22	2/25/22	QUALCOMM SNAPDRAGON 8 GEN 1
GALAXY S22+	2/25/22	QUALCOMM SNAPDRAGON 8 GEN 1
GALAXY S22 ULTRA	2/25/22	QUALCOMM SNAPDRAGON 8 GEN 1
GALAXY Z FLIP4	8/26/22	QUALCOMM SNAPDRAGON 8+ GEN 1
GALAXY Z FOLD4	8/26/22	QUALCOMM SNAPDRAGON 8+ GEN 1
GALAXY S23	2/17/23	SNAPDRAGON 8 GEN 2 FOR GALAXY
GALAXY S23+	2/17/23	SNAPDRAGON 8 GEN 2 FOR GALAXY
GALAXY S23 ULTRA	2/17/23	SNAPDRAGON 8 GEN 2 FOR GALAXY
GALAXY Z FLIP5	8/11/23	SNAPDRAGON 8 GEN 2 FOR GALAXY
GALAXY Z FOLD5	8/11/23	SNAPDRAGON 8 GEN 2 FOR GALAXY
GALAXY S24	1/31/24	SNAPDRAGON 8 GEN 3 FOR GALAXY
GALAXY S24+	1/31/24	SNAPDRAGON 8 GEN 3 FOR GALAXY
GALAXY S24 ULTRA	1/31/24	SNAPDRAGON 8 GEN 3 FOR GALAXY
GALAXY Z FLIP6	7/24/24	SNAPDRAGON 8 GEN 3 FOR GALAXY

NAME	US RELEASE DATE	CHIPSET
GALAXY Z FOLD6	7/24/24	SNAPDRAGON 8 GEN 3 FOR GALAXY

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 CM HK 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. For each claim which is alleged to have been indirectly infringed, an identification of any direct infringement and a description of the acts of the alleged indirect infringer that contribute to or are inducing that direct infringement. Insofar as alleged direct infringement is based on joint acts of multiple parties, the role of each such party in the direct infringement must be described.

All Samsung mobile devices perform calculations for various features built into the phone by Samsung.[1] Samsung directly infringes each element of the Patents-in-suit by importing, offering to sell, selling and using the Accused Instrumentalities in the United States, including its territories. Samsung induces infringement by loading software onto its Accused Instrumentalities that when implemented constitutes an infringing use of the Accused Instrumentalities by end users. Certain third-party applications rely on

[1] Examples but not limited to "rise to wake," "AR lens," and "SmartThings."

Samsungs sensor fusion and sensor calculations to work, this includes but is not limited to Google Maps, Gaming applications and other virtual reality and altered reality applications. Samsung sells the Accused Instrumentalities pre-loaded with these applications (and others) whose operation is an infringing use.

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

CM HK 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, CM HK contends that any asserted claim elements not found to be literally present in the Accused Instrumentalities is present under the Doctrine of Equivalents.

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

CM HK 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").

G. 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.

H. Identify the timing of the point of first infringement, the start of the claimed damages, and the end of the damages.

Infringement began on the date that the '846 Patent issued, which is December 1, 2020 and is ongoing and not likely to end until the patents expire.

I. If a party claiming patent infringement alleges willful infringement, the basis for such allegations.

CM HK contends that Samsung's infringement of the asserted patents has been willful; thus, entitling CM HK to enhanced damages under 35 U.S.C. § 284. Samsung has known of the Asserted Patents since at least September 18, 2024, when it filed this declaratory judgment action, or earlier if Samsung had conducted a Rule 11 investigation.

Samsung is also likely to have known of its infringement based on the prior E.D. Tex litigation accusing Samsung's mobile phones of infringing related patents that share the same specifications as the Asserted Patents.

Since the filing of this action, Samsung has continued to offer for sale, sell, import, and make Galaxy phones and other devices that are likely to infringe.

II. CM HK Ltd.'s Patent L.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, or any public use of, 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	Documents that may be are located at document numbers: CM HK_SAMSUNG0009670-CM HK_SAMSUNG0009718.

admission that such document evidences or is prior art under 35 U.S.C. § 102;	
(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 Patent L.R. 3-1(f), whichever is earlier;	Documents that may be responsive are located at document numbers: CM HK_SAMSUNG0009093-CM HK_SAMSUNG0009259; and CM HK_SAMSUNG0009698-CM HK_SAMSUNG00096
(c) A copy of the file history for each patent in suit.	Documents that may be responsive are located at document numbers: CM HK_SAMSUNG0000001 – CM HK_SAMSUNG0000887; and CM HK_SAMSUNG0000921-CM HK_SAMSUNG0000978.
(d) All documents evidencing ownership of the patent rights by the party asserting patent infringement;	Documents that may be responsive are located at document numbers: CMHK_SAMSUNG0009719 - CMHK_SAMSUNG0009768
(e) If a party identifies instrumentalities pursuant to Patent L.R. 3-1(g), documents sufficient to show the operation of any aspects or elements of such instrumentalities the patent claimant relies upon as embodying any asserted claims;	Not applicable.
(f) All agreements, including licenses, transferring an interest in any patent-in-suit	Documents that may be responsive are located at document numbers: CMHK_SAMSUNG0009719 - CMHK_SAMSUNG0009768
(g) All agreements that may be related to the accused instrumentality or may be comparable to a license that would result from a hypothetical reasonable royalty negotiation;	Documents that may be responsive are located at document numbers: CMHK_SAMSUNG0009769 - CMHK_SAMSUNG0009857
(h) All agreements that otherwise may be used to support the party asserting infringement's damages case;	Documents that may be responsive are located at document numbers: CMHK_SAMSUNG0009769 - CMHK_SAMSUNG0009857

(i) If a party identifies instrumentalities pursuant to Patent L.R. 3-1(g), documents sufficient to show marking of such embodying accused instrumentalities and if it wants to preserve the right to recover lost profits based on such products, sales, revenues, costs and profits of such embodying accused instrumentalities; and	Not applicable.
(j) All documents comprising or reflecting a F/RAND commitment or agreement with respect to the asserted patent(s).	Not applicable.

Date: January 28, 2025

By: /s/ Christopher L. Evans

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served via electronic mail to all counsel of record on January 28, 2025.

/s/ Christopher L. Evans
Christopher L. Evans