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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.

Defendant.

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

**DEFENDANT CM HK LTD.'S
NOTICE OF MOTION AND RULE
11 MOTION FOR SANCTIONS**

Date: October 2, 2025

Time: 2:00 p.m.

Courtroom: Courtroom 6 – 2nd Floor

Judge: Hon. Jon S. Tigar

NOTICE OF MOTION AND MOTION TO DISMISS

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on October 2, 2025 at 2:00 p.m. or as thereafter as the matter may be heard in the above-entitled Court, the Honorable Jon. S. Tigar presiding, located at the Oakland Courthouse, Courtroom 6, 2nd Floor, 1301 Clay Street, Oakland, California 94612, Defendant CM HK, Ltd. ("CM HK") will and hereby moves this Court for an Order sanctioning Plaintiffs Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.'s (collectively "Samsung") under Federal Rule of Civil Procedure 11 for failing to perform an adequate pre-suit investigation of either noninfringement or jurisdictional facts and as a result filed this action without a good faith basis.

This motion is based on this Notice of Motion and Motion, the Memorandum of Points and Authorities below, Samsung's Interrogatory Responses, Samsung's pleadings and emails from Samsung's counsel, the Declaration of Christopher L. Evans, other pleadings and filings on record in this action, as well as the other written or oral argument presented to the Court.

Dated: August 12, 2025

Respectfully submitted,

By: /s/ Christopher L. Evans

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5 **RULES:**

6	FED. R. CIV. P. 11	<i>passim</i>
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Samsung¹ did not file this case to resolve a legitimate dispute over patent rights. After feigning interest in negotiating a license, Samsung filed here to preempt CM HK's enforcement action in the Eastern District of Texas, delay adjudication on the merits, and to inflict unnecessary litigation costs. Samsung's tactics—concealing dispositive claim constructions, asserting baseless jurisdictional allegations, leveraging procedurally abusive stay motions, and advancing factually and legally unsupported alter ego theories—all reveal a calculated misuse of the legal process. Sanctions are warranted under Rule 11(b)(1)-(3).

II. PERTINENT FACTS

A. CM HK has owned the Patents-in-Suit since March 31, 2017.

1. CM HK is the current assignee of U.S. Patent No. 10,275, 038 (the "'038 Patent"), 10,817,072 (the "'072 Patent"), 10,852,846 (the "'846 Patent"), and 11,698,687 (the "'687 Patent") (collectively "Patents-in-Suit").

2. On March 28, 2016, CyWee Group Ltd. ("CyWee Group") assigned its patent portfolio and related intellectual property to CyweeMotion HK Ltd. ("CM HK"). Dkt. 52-1. The only CyWee patents not assigned in 2016 were U.S. Patents 8,441,438 (the "'438 Patent) and 8,552,978 (the "'978 Patent) (the "Retained Patents"). In March 2016 the Retained Patents were asserted in a lawsuit against Apple,

3. On March 31, 2017, CyweeMotion HK Ltd. assigned its patent portfolio to CM HK. Dkt. 52-2.

4. As a result, CM HK has owned the rights to the Patents-in-Suit since March 31, 2017.

¹ Samsung Electronics, Ltd. and Samsung Electronics America, Inc. are collectively referred to as "Samsung".

1 5. These facts are not disputed. Samsung admitted in the complaint filed September 18,
2 2024 that “CM HK owns all right, title, and interest” to each of the Patents-in-Suit. Dkt. 1
3 at ¶¶ 68, 74, 80, 86.

4 **B. CyWee Group previously sued Samsung for infringement of related patents.**

5 6. CyWee Group previously accused Samsung of infringing the Retained Patents in a
6 suit filed in February 2017 styled *CyWee Group Ltd. v. Samsung Electronics Co. Ltd., et al*, No.
7 2:17-cv-00140-WCB-RSP (E.D. Tex.) (the “CyWee Case”). Dkt. 1 at ¶ 21.

8 7. The Retained Patents are related to and share specifications with U.S. Patent Nos.
9 10,852,846 (the “’846 Patent”), and 11,698,687 (the “’687 Patent”), which are two of the
10 four patents at issue in this case.

11 8. The Retained Patent claims asserted in the CyWee Case include the term “predicted
12 axial acceleration,” but that term was not construed. Ex. 26 at 5; Ex. 25, Ex. 3 at 15.

13 9. Instead, Samsung planned to argue to the jury a construction of “predicted axial
14 acceleration” under the guise of an expert’s opinion on the “plain and ordinary meaning” of
15 the term. Samsung did not disclose its plain and ordinary meaning until it served Dr. Ray
16 Mercer’s noninfringement expert report. Ex. 6 at ¶¶ 261-262.

17 10. In that report, Dr. Mercer opined that the Samsung’s devices do not infringe because
18 they “do not ‘predict’ axial acceleration values.” Dr. Mercer opined that (i) the “term
19 ‘prediction’ means a determination of a *future unknown* value” and (ii) “‘predicted axial
20 acceleration’ can only be reasonably interpreted as a prediction of a composite acceleration
21 value (linear, centrifugal, and/or gravitation).” *Id.* at ¶¶ 256, 261-262.

22 11. The CyWee Case was ultimately stayed pending the outcome of *inter partes* reviews
23 (“IPR”) filed by Google and other Android phone manufacturers. Ex. 14.

24 12. The IPRs eventually invalidated all the Retained Patents’ claims asserted in the
25 CyWee Case, so that case was dismissed on August 14, 2024. Dkt. 1 at ¶ 38.

1 13. The Patents-in-Suit all issued after overcoming the prior art from the IPRs during
2 prosecution. Dkt. 1 at ¶¶ 32, 34.

3 **C. Samsung refused to engage in any pre-suit licensing negotiations with CM HK.**

4 14. On May 20, 2024, Michael Shore offered Samsung a “world-wide, paid-up perpetual
5 license to CM HK patents ... for \$38.25 million if the transaction is completed before ...
6 June 30.” Dkt. 58-4 at 3.

7 15. And on July 29, 2024, Mr. Shore sent an email proposing “a meeting in Korea at the
8 Samsung IP Center in mid-September to go over the new patents to be asserted.” Dkt. 58-6
9 at 2.

10 16. A meeting was ultimately arranged between the principals (without attorneys), but
11 Samsung cancelled after CM HK requested that Samsung come prepared to discuss its
12 noninfringement and invalidity positions. Ex. 32.

13 **D. Samsung rushed to file this case to secure its preferred venue.**

14 17. On September 18, 2024, Samsung filed this case seeking a declaration that Samsung
15 did not infringe any of the four Patents-in-Suit. Dkt. 1. Samsung subsequently filed two
16 “Corrected” complaints. Dkt. 20; Dkt. 24.

17 18. All three complaints allege the Court has personal jurisdiction over CM HK because
18 “CM HK is CyWee’s agent, alter ego, and/or successor.” Dkt. 1 at ¶ 47; Dkt. 20 at ¶ 47;
19 Dkt. 24 at ¶ 47.

20 19. And all three complaints seek a declaratory judgment of noninfringement of the
21 Patents-in-Suit based on allegations that Samsung’s devices do not utilize “predicted axial
22 accelerations.” Dkt. 1 at ¶¶ 1, 82, 88; Dkt. 20 at ¶¶ 1, 82, 88; Dkt. 24 at ¶¶ 1, 82, 88.

23 20. In March of this year, Samsung acknowledged that its noninfringement theory is
24 identical to the one Dr. Mercer advanced in the CyWee Case. Ex. 2 at 18.

25 21. On March 28, 2025, the parties exchanged proposed terms for construction under
26 Patent L.R. 4-1. CM HK identified seven terms to be construed, including “predicted axial
27

1 accelerations.” Ex. 27 at 2. Samsung identified three terms but did not include “predicted
2 axial accelerations.” Ex. 16 at 2.

3 22. On May 8, 2025, CM HK’s counsel sent Samsung an email about the upcoming
4 Joint Claim Construction and Prehearing Statement that identified “predicted axial
5 accelerations” as a disputed term “whose construction will be significant to resolving the
6 case.” Ex. 31 at 2.

7 23. On May 13, 2025, the parties filed their Joint Claim Construction and Prehearing
8 Statement, which included the term “predicted axial accelerations” as a disputed term per
9 CM HK’s request. Dkt. 72.

10 24. The statement did not identify “predicted axial accelerations” as a term “whose
11 construction will be significant to resolving the case” because Samsung refused to agree to
12 it. *Id.*

13 25. Samsung’s proposed construction for “predicted axial accelerations” remained the
14 “plain and ordinary meaning” without further explanation. *Id.* at 3.

15 26. On May 15, 2025, the Court granted CM HK’s Motion to Dismiss finding Samsung
16 failed to establish that “CM HK is subject to this Court’s specific jurisdiction under an alter
17 ego theory.” Dkt. 73 at 18.

18 27. However, the Court allowed Samsung to seek jurisdictional discovery into its alter
19 ego theory to determine whether “there may be a commingling or manipulation of assets
20 between CM HK and CyWee.” *Id.* at 19-20.

21 **E. CM HK files suit in the Eastern District of Texas against Samsung.**

22 28. On October 31, 2024, CM HK filed its patent infringement case against Samsung in
23 the Eastern District of Texas (“CM HK Case”) asserting infringement of the ’846 Patent and
24 ’687 Patent (the “Asserted Patents”). Ex. 24.

29. On February 11, 2025, in the CM HK Case, Samsung filed a Motion to Dismiss, Transfer, or Stay Pursuant to the First-to-File Rule asking the court for a stay “pending the first-filed NDCA court’s determination of CM HK’s” Motion to Dismiss. Ex. 15 at 1-2.

30. On June 26, 2025, in the CM HK Case, Samsung filed a Renewed Motion to Stay Pending Resolution of any Motions to Dismiss the NDCA Action, arguing it would be more efficient to stay the CM HK Case in favor of this one because this case “has advanced ahead of the instant [CM HK] case.” Ex. 23 at 11.

31. But Samsung did not disclose in its Renewed Motion that this Court had vacated its schedule on June 10, 2025, at the parties’ request. *Compare* Ex. 23; *with* Dkt. 79 at 2 (parties stipulation asking the Court to take “the deadlines in the Scheduling Order off calendar.”); *and* Dkt. 80 (granting parties stipulation).

F. Samsung multiplied the proceedings by filing two petitions for *Inter Partes* Review and threatening more.

32. Eight months after filing this suit, Samsung filed two petitions for *inter partes* review. Ex. 17; Ex. 18.

33. Samsung also threatened to file two more petitions for *inter partes* review against the two Patents-in-Suit CM HK *is not asserting* unless CM HK “agree[s] not to assert” them against Samsung in perpetuity. Ex. 19 at 1-2.

III. ARGUMENT

This case exemplifies the precise conduct Rule 11 was designed to prevent. Samsung filed a complaint premised on a knowingly untenable claim construction, jurisdictional allegations contradicted by its own admissions, and a litigation strategy aimed not at adjudication, but at delay. Each violation of Rule 11 reinforces the others, revealing a unified strategy of procedural abuse.

A. Legal Standards for Federal Rule of Civil Procedure 11.

Rule 11 requires that in all filings with the Court, the “claims, defenses, and other legal

1 contentions are warranted by existing law” and “the factual contentions have evidentiary
 2 support or ... will likely have evidentiary support after a reasonable opportunity for further
 3 investigation or discovery.” FED. R. CIV. P. 11(b)(2) & (3). Rule 11 also forbids filing
 4 anything “for any improper purpose, such as to harass, cause unnecessary delay, or
 5 needlessly increase the cost of litigation.” FED. R. CIV. P. 11(b)(1).

6 The application of Rule 11, even in patent cases, is governed by the law of the regional
 7 circuit. *See Antonious v. Spalding & Evenflo Cos.*, 275 F.3d 1066, 1072 (Fed. Cir. 2002). In the
 8 9th Circuit, a court may properly sanction a party filing a pleading that is either (i) legally or
 9 factually baseless from an objective perspective or (ii) filed without a reasonable and
 10 competent prior inquiry. *See Christian v. Mattel, Inc.*, 286 F.3d 1118, 1127 (9th Cir. 2002).

11 The Court may also use Rule 11 to “sanction conduct ... intended for ‘any improper
 12 purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of
 13 litigation.’” *Network Caching Tech., LLC v. Novell, Inc.*, No. C-01-2079 VRW, 2003 WL
 14 21699799, at *6 (N.D. Cal. Mar. 21, 2003). “Objective evidence may be used to
 15 demonstrate subjective bad intent.” *Id.* Indeed, “[t]he frivolous and improper purpose
 16 prongs of Rule 11 overlap, and ‘evidence bearing on frivolousness... will often be highly
 17 probative of [an improper] purpose.’” *In re Grantham Bros.*, 922 F.2d 1438, 1443 (9th Cir.
 18 1991).

19 **B. Samsung’s construction of “predicted axial accelerations” is objectively frivolous.**

20 Samsung has demonstrated procedural gamesmanship by repeatedly refusing to disclose
 21 what it believes claim term “predicted axial accelerations” means. Although its complaint
 22 denies that Samsung’s devices use “predicted axial accelerations,” it provides no
 23 construction or explanation of the term. Dkt. 1 ¶¶ 82, 88. When required to disclose its
 24 proposed constructions under Local Patent Rule 4-2, Samsung again asserted the “plain and
 25 ordinary meaning” without explaining what it believes that meaning to be. Dkt. 72 at 3;
 26 Dkt. 72-1 at 5. And even after receiving a draft of this motion asserting this argument,

1 Samsung continued to refuse to explain or define what it believes “the plain and ordinary
2 meaning” to be. Ex. 1 (“Samsung’s allegations apply the plain and ordinary meaning of this
3 phrase.”).

4 This approach is improper because the “phrase ‘plain meaning’ is not a proposed
5 construction” when the meaning is disputed, as it is here. *JBS Hair, Inc. v. SLI Prod. Corp.*,
6 No. CV 22-1576 (SRC), 2024 WL 195257, at *2 (D.N.J. Jan. 18, 2024); *NobelBiz, Inc. v.*
7 *Glob. Connect, L.L.C.*, 701 F. App’x 994, 997 (Fed. Cir. 2017) (holding “plain and ordinary
8 meaning” not sufficient when it doesn’t resolve the parties dispute).

9 Samsung indirectly disclosed its construction when it admitted that it is relying on the
10 same noninfringement theory it asserted in the CyWee Case. Ex. 2 at 17-18. In the CyWee
11 Case, Samsung also proposed only the “plain and ordinary meaning.” Ex. 3 at 5. But in its
12 expert report, Samsung finally disclosed that it believes “‘predicted axial accelerations’ to
13 mean “a composite acceleration value (linear, centrifugal, and gravitational accelerations)”
14 at “some future time” (T+1). See Ex. 6: Expert Report of Dr. Mercer at ¶¶ 261-262.

15 But that construction is not just wrong. It directly contradicts the intrinsic record. The
16 claims and specification consistently *define* “predicted axial accelerations” as gravitational
17 accelerations along the device’s axes at time T, calculated from the device’s current
18 orientation (i.e., the current quaternion):

19 ... converting variables of the current quaternion into *predicted axial*
20 *accelerations corresponding to time T*... Ex. 10: ‘687 Patent, Claim 1
(emphasis added).

21 In other words, in one embodiment as shown in step 735, it is preferable
22 to compare the second quaternion in relation to the measured angular
23 velocities of the current state at present time T with the measured axial
24 accelerations Ax, Ay, Az as well as the **predicted axial accelerations**
25 **Ax’, Ay’, Az’ also at present time T**. *Id.* at 17:45-52 (emphasis added).

26 And the “predicted axial accelerations” are computed from the current quaternion, which
27 only allows you to calculate gravitational accelerations. Ex. 9 at ¶ 23. This is precisely what
28 enables the system to isolate and remove non-gravitational forces from accelerometer data.

Ex. 10: '687 Patent, 18:39-19:2. "Predicted axial accelerations" are therefore the expected gravitational accelerations along the devices axis at time T based on the current orientation.

Samsung's recent IPR filings confirm that "predicted axial accelerations" are gravitational accelerations along the device's axes at time T, calculated from the current quaternion. *See* Ex. 18: Petition for *Inter Partes* Review of '687 Patent at 41 ("As Dr. Sarrafzadeh explains, this derivation of the predicted axial acceleration in quaternion form is done using known quaternion relations with a gravity frame of reference and known quaternion mathematics."); *and* Ex. 28: Decl. of Dr. Sarrafzadeh at ¶¶ 36, 72, 75. Nowhere in Samsung's IPR petitions or supporting expert declarations does it claim that predicted axial accelerations refer to future accelerations that include linear and centrifugal components in addition to gravity. *See generally* Ex. 18; Ex. 28.

Accordingly, Samsung's construction—composite accelerations at a future time—not only lacks intrinsic support, but also contradicts its own IPR filings and the specification.

Rule 11 requires an attorney to undertake a nonfrivolous construction of the claims before filing any actions of patent infringement, or its inverse, noninfringement. *Antonious v. Spalding & Evenflo Companies, Inc.*, 275 F.3d 1066, 1072 (Fed. Cir. 2002). A claim construction that is unsupported by intrinsic evidence and "does not conform to the standard cannons of claim construction" violates Rule 11. *Raylon, LLC v. Complus Data Innovations, Inc.*, 700 F.3d 1361, 1368–69 (Fed. Cir. 2012).

Samsung's construction of "predicted axial accelerations" is objectively frivolous and violates Rule 11(b)(2). And Samsung's refusal to disclose or defend its construction supports a finding this case was filed for improper purposes.

C. Samsung knew its alter ego allegations were legally and factually insufficient.

Additionally, Samsung and its counsel violated Rule 11 because they knew, or should have known, that their alter ego allegations were legally deficient on their face.

Alter ego requires proof of two elements: "(1) that there is such a unity of interest and

ownership that separate personalities [of the two entities] no longer exist and (2) that failure to disregard [their separate identifies] would result in fraud or injustice.” *City & Cnty. of San Francisco v. Purdue Pharma L.P.*, 491 F. Supp. 3d 610, 635 (N.D. Cal. 2020). Samsung has not, and cannot, allege facts sufficient to meet either element.

1. Samsung cannot show unity of interest.

To establish unity of interest, Samsung was required to plead facts proving CyWee Group controls CM HK “dictates every facet of the [CM HK]’s business-from broad policy decisions to routine matters of day-to-day operations.” *Chubchai v. AbbVie, Inc.*, 599 F. Supp. 3d 866, 874–75 (N.D. Cal. 2022); *Ranza v. Nike, Inc.*, 793 F.3d 1059, 1074–75 (9th Cir. 2015).

Even taken as true, Samsung’s allegations fall far short of this standard. This Court already held that “Samsung has not shown that CyWee controls CM HK ‘to such a degree as to render [CM HK] the mere instrumentality of [CyWee]’ because its allegations of overlapping employees, officers, and ownership are legally inadequate to establish unity of interest. Dkt. 73 at 18:2-16.

Furthermore, Samsung was aware from prior depositions of CM HK’s CEO, Dr. Liou, and CyWee Group’s Director, Chauncey Shey, that CyWee Group does not control CM HK because CM HK was spun out in 2014, includes different owners and has operated independently ever since. Ex. 4 at 35:9-13, 90:10-92:16; Ex. 5 at 128:4-132:18. Despite this pre-suit knowledge, Samsung persisted with its objectively baseless alter-ego allegations.

2. Samsung cannot show inequitable consequences.

Samsung also failed to plead any facts demonstrating that respecting CM HK’s separate corporate identity would result in fraud or injustice. Samsung’s complaint contends only that failure to disregard corporate separateness “would result in fraud or injustice to Samsung’s ability to seek declaratory relief ... and recover any damages resulting from this lawsuit.” Dkt. 1 at ¶ 55.

1 Samsung seeks only a declaration of noninfringement. Samsung's ability to obtain this
 2 relief would not be impacted by any alleged alter ego relationship. And it is black letter law
 3 that difficulty in collecting attorney's fees is legally insufficient to show inequitable
 4 consequences. *Neilson v. Union Bank of California, N.A.*, 290 F. Supp.2d 1101, 1117 (C.D.
 5 Cal. 2003).

6 **3. Samsung's conduct demonstrates that it never intended to substantiate**
 7 **its alter ego theory.**

8 Samsung's own admissions reveal that its alter ego theory was simply a placeholder to
 9 secure jurisdiction just long enough to seek a stay in favor of the IPRs. Despite pleading
 10 alter ego allegations entirely "on information and belief," Samsung's attorneys later
 11 admitted that "jurisdictional discovery was not contemplated [by Samsung] when any
 12 discovery limits were agreed on." Ex. 30 at 1; Dkt. 43 at 5–6. This contradiction speaks
 13 volumes—Samsung asserted a factually complicated jurisdictional theory without any
 14 apparent intention of substantiating it. The alter ego allegations were deployed to
 15 manufacture venue over CM HK, not to present a *bona fide* claim.

16 After jurisdictional discovery was authorized to investigate commingling or
 17 manipulation of assets between CM HK and CyWee Group, Samsung served overly broad
 18 discovery requests apparently aimed at pursuing new, unpled alter ego theories. Ex. 11; Ex.
 19 12; Ex. 13. For example, Samsung sought detailed information about entities never
 20 mentioned in its three complaints—CyWeeMotion Group Ltd., CyWee Motion Ltd.,
 21 CyWee Motion Inc., CyWeeMotion, and CM Investment Inc. Ex. 12 at 2:22–3:6; 10:9–
 22 12:18; Ex. 11 at 2:19–3:2, 8:4–9:13. Samsung also appears to be investigating a supposed
 23 alter ego relationship between CM HK and SoftBank China Venture Capital for unclear
 24 purposes. Ex. 33 at 2.

25 Yet, while demanding expansive discovery on these unpled theories, Samsung resisted
 26 CM HK's far narrower and more targeted interrogatories and RFPs as "premature" or

outside the scope of the jurisdictional discovery it requested. Ex. 21; Ex. 22; Ex. 7. This asymmetric discovery posture—aggressive in seeking burdensome disclosures from CM HK while evasive in responding to CM HK’s legitimate requests—reinforces the conclusion that Samsung is not earnestly pursuing jurisdictional facts but rather seeking to prolong and complicate the litigation process to drive up costs.

Finally—and most tellingly—Samsung is not asserting alter ego allegations in the co-pending CM HK Case. *See generally* Ex. 8. Nor did it pursue them in the prior CyWee Case. *See generally* Ex. 20. If Samsung truly believed its alter ego theory had merit, one would expect it to be raised consistently across related actions. The fact that Samsung selectively deploys the theory only when jurisdictionally convenient underscores its tactical nature and confirms it lacks substance and significance.

Therefore, Samsung and its attorneys violated Rule 11(b)(1)-(3) by asserting objectively frivolous alter ego allegations for an improper purpose.

D. Samsung filed this case to harass, delay, and increase CM HK’s costs.

Samsung’s conduct reveals a strategic intent to delay adjudication and escalate CM HK’s litigation costs. It chose this venue because the Northern District of California is statistically more likely to grant IPR-related stays than the Eastern District of Texas; with a 75% grant rate compared to Texas’s 48%. Christopher L. Evans Decl. at ¶ 4; *see also Finjan, Inc. v. Symantec Corp.*, 139 F. Supp. 3d 1032, 1037 (N.D. Cal. 2015) (granting stay before IPR instituted); *Nanoco Techs. Ltd. v. Samsung Elecs. Co.*, 2021 WL 3027335, at *1 (E.D. Tex. Jan. 8, 2021) (noting court’s practice of denying stays before IPRs are instituted).

Moreover, Samsung deliberately limited its complaint to noninfringement claims to preserve its ability to later file IPR petitions—sidestepping the statutory bar against doing so after challenging validity in court. See 35 U.S.C. § 315(a)(1). This maneuver reflects a calculated effort to manipulate procedure to skirt congressional intent. IPRs were meant to be “quick and cost effective alternatives to litigation,” not tools for procedural

1 gamesmanship. H.R. Rep. No. 112-98, at 48 (2011); S. Rep. No. 110-259, at 20 (2008).

2 Predictably, Samsung waited eight months before filing two IPR petitions. Ex. 17; Ex.
3 18. And it threatened to file two more against the patents CM HK is not asserting as
4 leverage to extract concessions. Ex. 19 at 1-2.

5 These tactics point to a clear throughline: Samsung's goal has been delay, not resolve. It
6 has already argued to stay the CM HK Case pending IPR institution decisions. Ex. 23 at 1
7 n.1. And there's every reason to believe it would have moved to stay this case too, had the
8 Court not dismissed it just days before Samsung's IPR petitions were filed. Dkt. 73 (May 15,
9 2025); Dkts. 17, 18 (May 20 and 30, 2025).

10 If Samsung were truly interested in resolving the merits, the CM HK Case offers a direct
11 and available forum. But rather than litigate there, Samsung has asked to freeze the case
12 indefinitely "until any [future] motion to dismiss the NDCA Action is resolved." Ex. 23 at
13 12. That proposal does not promote judicial efficiency.

14 Further, Samsung's refusal to engage in pre-suit negotiations, its repeated rejections of
15 CM HK's efforts to streamline proceedings, and its extended delay in providing information
16 necessary for CM HK to review Qualcomm's source code all reflect a pattern of conduct
17 inconsistent with efficient litigation. Ex. 29; Dkt. 58-4; Dkt. 58-5; Dkt. 58-6; Ex. 31. These
18 actions cumulatively support the conclusion that Samsung has chosen to vexatiously
19 multiply the proceedings in an attempt to drive up costs and gain an advantage over CM
20 HK in negotiating a license to patents Samsung knows it will ultimately be found to
21 infringe. If Samsung had a meritorious defense, it would want to get to it.

22 Therefore, Samsung and its counsel violated Rule 11(b)(1) by initiating and maintaining
23 this action solely to harass CM HK, create unnecessary delay, and unjustifiably increase
24 litigation costs.

25 **E. Appropriate sanctions for Samsung's Rule 11 violations.**

26 Rule 11(c)(4) empowers the Court to "impose an appropriate sanction" that is sufficient
27

1 to deter repetition of the offending conduct and to compensate the party that was forced to
2 respond. Fed. R. Civ. P. 11(c)(4).

3 The Federal Circuit has affirmed a broad spectrum of measures—ranging from dismissal
4 to fee-shifting and corrective orders—when litigants file patent pleadings without a
5 reasonable legal or factual inquiry. *See View Eng’g, Inc. v. Robotic Vision Sys., Inc.*, 208 F.3d
6 981, 987–88 (Fed. Cir. 2000) (dismissal and fees); *Vagabond Sys. Ltd. v. Hydrapak, Inc.*, 753
7 F.3d 1291, 1299–1300 (Fed. Cir. 2014) (\$200,000 fee award plus corrective notice).

8 Accordingly, CM HK respectfully requests that the Court:

- 9 1. Dismiss Samsung’s alter ego and noninfringement claims with prejudice;
- 10 2. Award CM HK its full attorneys’ fees and costs for defending this case; and
- 11 3. Impose further sanctions the Court deems appropriate.

12 IV. CONCLUSION

13 Samsung has deliberately abused the judicial process to obstruct, delay, and inflate the
14 cost of resolving a straightforward patent dispute. Its objectively frivolous claim
15 construction, knowingly unsupported alter ego theory, and strategic venue manipulation
16 violate Rule 11. Samsung’s conduct is precisely the type of procedural abuse Rule 11 was
17 designed to address. To protect the integrity of this Court and deter future litigants from
18 similar gamesmanship, sanctions are not just warranted—they are necessary

19 Therefore, the Court should dismiss this case with prejudice, award CM HK its
20 attorneys’ fees and costs for defending this case and impose any further sanctions it deems
21 appropriate.

1 Date: August 12, 2025

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RULE 11(c)(2) CERTIFICATE

Pursuant to Rule 11(c)(2), I hereby certify that on July 22, 2025, I served by email upon Plaintiffs, Samsung Electronics Co. Ltd., and Samsung Electronics America Inc., a copy of the foregoing Defendants' Motion for Sanctions Pursuant to Fed. R. Civ. P. 11.

Date: August 12, 2025

/s/ Christopher L. Evans
Christopher L. Evans