

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TELCOM VENTURES LLC,

Plaintiff,

v.

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

Defendants.

Case No. 2:24-cv-0691-JRG

JURY TRIAL DEMANDED

**PLAINTIFF'S DISCLOSURE OF ASSERTED CLAIMS AND PRELIMINARY
INFRINGEMENT CONTENTIONS PURSUANT TO P.R. 3-1 & P.R. 3-2 AND
DOCUMENT PRODUCTION ACCOMPANYING DISCLOSURE**

Pursuant to Patent Rules 3-1 and 3-2, Plaintiff Telcom Ventures LLC (“Telcom”) hereby provides its Disclosure of Asserted Claims and Preliminary Infringement Contentions and Document Production Accompanying Disclosure concerning Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung” or “Defendants”). Telcom reserves the right to amend or modify its disclosures herein—including to supplement its infringement contentions pursuant to P.R. 3-6—based on additional information obtained through discovery (which has not yet begun) or other means concerning the Defendants’ products and activities.

I. Telcom’s P.R. 3-1 Disclosures

A. P.R. 3-1(a): Infringed Claims

Subject to ongoing investigation and upcoming discovery (which has not yet begun), and based on available information obtained to date, Telcom contends that Samsung infringes the

claims of U.S. Patent Nos. 9,462,411 (“the ’411 Patent”), 9,832,708 (“the ’708 Patent”), 10,219,199 (“the ’199 Patent”), 10,674,432 (“the ’432 Patent”), 11,770,756 (“the ’756 Patent”), 11,924,743 (“the ’743 Patent”), 11,937,172 (“the ’172 Patent”), and 12,028,793 (“the ’793 Patent”) (collectively, the “Asserted Patents”) set forth in the table below.

Telcom contends that Samsung directly infringes the identified patents and claims of the Patents-in-Suit under 35 U.S.C. § 271(a) by making, using, offering to sell, and/or selling in the United States and/or importing into the United States, the Accused Products set forth in Part I.B below, and by practicing the asserted method claims of the Patents-in-Suit in the United States.

Telcom further contends that Samsung indirectly infringes the identified patents and claims of the Patents-in-Suit under 35 U.S.C. § 271(b) by actively and knowingly inducing, directing, causing, and encouraging others, including, but not limited to, their designers, manufacturers, suppliers, distributors, resellers, software developers, customers, end users, subscribers, and repair providers, to directly infringe the Patents-in-Suit by making, using, offering to sell, and/or selling in the United States and/or importing into the United States, the Accused Products set forth in Part I.B below. Telcom contends that Samsung actively and knowingly induces infringement by others by, *inter alia*, providing the aforementioned direct infringers with (i) infringing functionality and/or devices; (ii) manuals, guides, technical documentation, technical support and assistance, advertisements, and marketing; and/or (iii) software and/or firmware updates. For example, Samsung teaches its customers how to use the Accused Products to carry out financial transactions using Samsung Pay and/or Google Pay. See, for example:

<https://www.samsung.com/us/support/answer/ANS00045102/>;

<https://www.samsung.com/us/support/answer/ANS10002548/>.

Telcom further contends that Samsung indirectly infringes the identified patents and claims of the Patents-in-Suit under 35 U.S.C. § 271(c) because the Accused Products include at least one component that constitutes a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of the patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

Telcom reserves the right to supplement its position as to infringement following discovery and/or claim construction.

The list of patents and claims (the “Asserted Claims”) that Telcom contends are infringed by Samsung is set forth in the following table:

U.S. Patent No.	Asserted Claims
9,462,411	1, 2, 3, 4
9,832,708	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19
10,219,199	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19
10,674,432	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17
11,770,756	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18
11,924,743	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
11,937,172	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16
12,028,793	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11

B. P.R. 3-1(b): Accused Instrumentalities

Subject to ongoing investigation and upcoming discovery (which has not yet begun), and based on available information obtained to date, the Accused Products include Defendants’ Samsung-branded smartphones that support Samsung Pay/Samsung Wallet (“Samsung Pay”) and/or Google Pay/Google Wallet (“Google Pay”) and associated methods of using Samsung Pay and/or Google Pay, including at least the following: Samsung Galaxy S5 (including S5 Active, S5 Sport, S5 Neo, and S5 Duo), Samsung Galaxy S6 (including S6 Edge, Active, and Edge+; S6, S6 Edge and S6 Active), Samsung Galaxy S7 (including S7 Edge & Active), Samsung Galaxy S8 (including S8+ & Active), Samsung Galaxy S9 (including S9+), Samsung Galaxy S10 (including

S10e, S10+, S10 5G and S10 Lite), Samsung Galaxy S20 (including S20 5G, S20+, S20+ 5G, S20 Ultra, S20 Ultra 5G, S20 FE, S20 FE 5G), Samsung Galaxy S21 (including S21+, S21 Ultra, S21 Ultra 5G, S21 FE, and S21 FE 5G), Samsung Galaxy S22 (including S22+, S22 Ultra, and S22 Ultra 5G), Samsung Galaxy S23 (including S23 FE, S23+ and S23 Ultra), Samsung Galaxy S24 (including S24, S24+, S24 Ultra) Samsung Galaxy Note 5, Samsung Galaxy Note 7, Samsung Galaxy Note FE, Samsung Galaxy Note 8, Samsung Galaxy Note 9, Samsung Galaxy Note 10 (including Note 10+, Note 10 5G, Note 10+ 5G and Note 10 Lite), Samsung Galaxy Note 20 (including Note 20 5G, Note 20 Ultra, Note 20 Ultra 5G), Samsung Galaxy Fold (including Fold 5G), Samsung Galaxy Z Fold 2 (including Z Fold 2 5G), Samsung Galaxy Z Fold 3 (including Z Fold 3 5G), Samsung Galaxy Z Flip (including Z Flip 5G), Samsung Galaxy Z Flip 3 (including Z Flip 3 5G), Samsung Galaxy Z Fold 4 (including Z Fold 4 5G), Samsung Galaxy Z Flip 4 (including Z Flip 4 5G), Samsung Galaxy A3 (including A3 2016 and A3 2017), Samsung A03s, Samsung Galaxy A5 (including A5 2016 and A5 2017), Samsung Galaxy A7 (including A7 2016, A7 2017, and A7 2018), Samsung Galaxy A8 (including A8+ and A8 Star), Samsung Galaxy A9 (including A9 Pro and A9 2018), Samsung Galaxy A11, Samsung Galaxy A12 (including A12 5G), Samsung Galaxy A13 (including A13 5G), Samsung Galaxy A15 (including A15 5G), Samsung Galaxy A20, Samsung Galaxy A21, Samsung Galaxy A22 (including A22 5G), Samsung Galaxy A23 (including A23 5G), Samsung Galaxy A80, Samsung Galaxy A30s, Samsung Galaxy A31, Samsung Galaxy A32 (including A32 5G), Samsung Galaxy 42 5G, Samsung Galaxy A50s, Samsung Galaxy A51, Samsung Galaxy A52 (including A52 5G and A52s 5G), Samsung Galaxy A71, Samsung Galaxy A72, Samsung Galaxy M01s, Samsung Galaxy M10s, Samsung Galaxy M11, Samsung Galaxy M12, Samsung Galaxy M13 (including M13 5G), Samsung Galaxy M20, Samsung Galaxy M21 (including M21s), Samsung Galaxy M22, Samsung Galaxy M23, Samsung

Galaxy M30, Samsung Galaxy M31 (including M31s), Samsung Galaxy M32 (including M32 5G), Samsung Galaxy M33 (including M33 5G), Samsung Galaxy M42, Samsung Galaxy M51, Samsung Galaxy M52 5G, Samsung Galaxy M53 5G, Samsung Galaxy M62, and all newly released and to-be-released Samsung-branded smartphones with infringing functionality.

Telcom reserves the right to supplement its infringement contentions to identify additional products and/or activities, if necessary, when it is provided with non-public documents and/or source code from Samsung and/or third parties via the discovery process.

C. P.R. 3-1(c): Preliminary Infringement Charts

Subject to ongoing investigation and upcoming discovery (which has not yet begun), and based on available information obtained to date, Telcom contends that each element of each apparatus claim is found within each Accused Product, and that each element of each method step is practiced, as shown in the preliminary infringement charts attached hereto as Exhibits A through H. Telcom reserves the right to amend its asserted claims and infringement contentions pursuant to P.R. 3-6 as discovery begins and progresses and as additional information is gathered.

D. P.R. 3-1(d): Literal Infringement and Infringement Under the Doctrine of Equivalents

Subject to ongoing investigation and upcoming discovery (which has not yet begun), and based on available information obtained to date, Telcom contends that each element of each asserted claim is literally present in each of the Accused Products as shown in the preliminary infringement charts attached hereto as Exhibits A, B, C, D, E, F, G, & H. As indicated above, discovery is necessary to further develop Telcom's infringement positions, including literal infringement and infringement under the doctrine of equivalents. The Court has yet to issue a claim construction order. At this juncture, Telcom contends that Samsung literally infringes each element of each asserted claims. To the extent any element is not literally infringed, Telcom contends that

the element is satisfied under the doctrine of equivalents because the Accused Products perform substantially the same function in substantially the same way to obtain the same result, and because any differences between the claimed invention and the Accused Products are insubstantial. Pursuant to P.R. 3-6, Telcom expressly reserves the right to amend and supplement its position on whether there is literal infringement and/or infringement under the doctrine of equivalents of any element of any Asserted Claim after discovery begins and progresses and upon receipt of this Court's claim construction order.

E. P.R. 3-1(e): Priority Dates

The Asserted Claims of the '411 Patent are entitled to a priority date of November 4, 2008.

The Asserted Claims of the '708 Patent are entitled to a priority date of November 4, 2008.

The Asserted Claims of the '199 Patent are entitled to a priority date of November 4, 2008.

The Asserted Claims of the '432 Patent are entitled to a priority date of November 4, 2008.

The Asserted Claims of the '756 Patent are entitled to a priority date of November 4, 2008.

The Asserted Claims of the '743 Patent are entitled to a priority date of November 4, 2008.

The Asserted Claims of the '172 Patent are entitled to a priority date of November 4, 2008.

The Asserted Claims of the '793 Patent are entitled to a priority date of November 4, 2008.

F. P.R. 3-1(f): Right to Reply on Plaintiff's Own Instrumentality

Telcom does not contend that it practices the Asserted Claims of the Asserted Patents.

II. Telcom's P.R. 3-2 Production

A. P.R. 3-2(a): Disclosure Prior to Application Date

Telcom does not presently possess any relevant, non-privileged documents responsive to P.R. 3-2(a). Telcom will supplement this response should any relevant, non-privileged documents be identified in the future.

B. P.R. 3-2(b): Conception and Reduction to Practice

Telcom produces concurrently herewith documentation related to the conception and reduction to practice of each Asserted Patent at TEL_SAM0000214 - TEL_SAM0002932. Telcom will supplement its production should any additional relevant, non-privileged documents be identified in the future.

C. P.R. 3-2(a): File Histories for Asserted Patents

Telcom produces concurrently herewith a copy of the file history, patent, and assignments of each Asserted Patent at TEL_SAM0000214 - TEL_SAM0002932.

D. Additional Production

Telcom produces concurrently herewith a copy of the documents cited in the accompanying Exhibits A through H at TEL_SAM0000001 – TEL_SAM0000213 & TEL_SAM0002933 – TEL_SAM0002947.

DATED: November 21, 2024

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CERTIFICATE OF SERVICE

I hereby certify that on this day, a true and correct copy of the foregoing document was served by filing the same via electronic mail to all counsel of record.

Dated: November 21, 2024

/s/ Kirk T. Bradley

Kirk T. Bradley