

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FORCE MOS TECHNOLOGY, CO., LTD.,

Plaintiff,

v.

ASUSTEK COMPUTER, INC.,

Defendant.

Civil Action No. 2:22-cv-00460-JRG

**DEFENDANT’S NOTICE OF
FINAL INVALIDITY THEORIES AND EQUITABLE DEFENSES**

Pursuant to the Second Amended Docket Control Order (Dkt. No. 292), Defendant ASUSTeK Computer, Inc. (“ASUSTeK”) hereby discloses its final invalidity theories, final prior art references/combinations, and final equitable defenses to be presented at the jury trial in this Action. ASUSTeK reserves all rights to pursue other invalidity theories and any other defenses in other proceedings before this Court, actions, and/or forums, including without limitation any (1) invalidity grounds presented at the U.S. Patent and Trademark Office before the Patent Trial and Appeal Board and (2) inequitable conduct claims pursuant to the Court’s November 25, 2024 Pre-Trial Order (*see* Nov. 25, 2024 Hr. Tr. at 82:15-84:20).

I. INVALIDITY THEORIES AND PRIOR ART REFERENCES/COMBINATIONS

ASUSTeK intends to present the following invalidity theories at trial in this Action:

- U.S. Patent No. 7,812,409, claim 1 is anticipated by U.S. Patent No. 6,888,196 (“Kobayashi 196”)
- U.S. Patent No. 7,812,409, claim 1 is obvious over Kobayashi 196 in view of U.S. Patent No. 5,763,914 (“Hsieh 914”)

II. EQUITABLE DEFENSES

ASUSTeK does not intend to present any equitable defenses at the jury trial in this Action.

DATED: January 6, 2025

Respectfully submitted,

/s/ Charles M. McMahon

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Counsel for ASUSTeK Computer, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 6 day of January, 2025, a true and correct copy of the foregoing was emailed to all counsel of record.

/s/ Charles M. McMahon