K&L GATES

October 31, 2025

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Via Email

Sean Pak
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Re: *MASSIVELY BROADBAND LLC v. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.*, Case No. 2:25-cv-00608-JRG (E.D.Tex.)

Dear Sean,

Although the Local Rules of the Eastern District of Texas and Judge Gilstrap's Discovery Order obviate the need for service of requests for production, we write to identify certain categories of documents that Plaintiff MASSIVELY BROADBAND LLC ("MBB") believes are relevant to the above-captioned matter. This identification is meant to assist Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, "Samsung") in their document collection and production efforts and should not be read to narrow in any way Samsung's existing document production obligations under the Federal Rules or Local Rules of the Court or Judge Gilstrap's Orders. The defined terms used herein are defined in MBB's First Set of Common Interrogatories to Defendants served concurrently herewith.

MBB requests production of:

1. Documents sufficient to identify, for each of the Accused Instrumentalities, all chips, chipsets, boards, modules, and components used to implement 4G-LTE, 5G, and/or Wi-Fi wireless communications, including all internal identifiers, build identifiers, and version numbers.
2. Documents sufficient to identify, for each of the Accused Instrumentalities, all software and/or firmware versions for software and/or firmware used to implement 4G-LTE, 5G, and/or Wi-Fi wireless communications.
3. Documents sufficient to explain, for each of the Accused Instrumentalities, how the instrumentality implements beam forming to facilitate 4G-LTE, 5G. and/or Wi-Fi wireless communications.
4. Documents sufficient to explain, for each of the Accused Obstacle Avoiding Wireless Instrumentalities, how the instrumentality implements beam steering for 5G mmWave wireless communications, including but not limited to 5G FR2 operation.

5. Documents sufficient to explain, for each of the Accused Hotspot Instrumentalities, each of the Accused RAN Instrumentalities, each of the Accused Multi-Band Antenna Instrumentalities, and each of the Accused Obstacle Avoiding Wireless Instrumentalities, how the instrumentality implements MIMO antenna functionality, including the use of multiple transmit and/or receive antennas and associated signal processing, to facilitate 4G-LTE, 5G, and/or Wi-Fi wireless communications.
6. Documents sufficient to identify, for each product that can operate as a hotspot per Paragraph 123 of Samsung's Answer (Dkt. 16) and each Accused Hotspot Instrumentality, all software and/or firmware versions for software, and/or firmware used to implement Wi-Fi hotspot functionality.
7. Documents sufficient to explain, for each Accused Hotspot Instrumentality and each Accused RAN Instrumentality, all data throughput and bandwidth capabilities supported to facilitate 4G-LTE, 5G, and/or Wi-Fi wireless communications.
8. Documents sufficient to explain, for each Accused Hotspot Instrumentality and each Accused RAN Instrumentality, how the instrumentality uses time-division duplexing (TDD), frequency-division duplexing (FDD), orthogonal frequency-division multiplexing (OFDM), multi-user OFDM (i.e., orthogonal frequency-division multiple access), and/or carrier aggregation, to facilitate 4G-LTE, 5G, and/or Wi-Fi wireless communication, including white papers per Paragraph 166 of Samsung's Answer (Dkt. 16).
9. Documents sufficient to explain, for each Accused RAN Instrumentality, how to install the instrumentality per Paragraph 164 of Samsung's Answer (Dkt. 16).
10. Documents sufficient to identify, for each Accused Knox Instrumentality, all software and/or firmware versions for software, and/or firmware used to implement a database of performance information and/or quality of service information for a device managed by one or more Samsung Knox services.
11. Documents sufficient to explain, for each Accused Knox Instrumentality, how the instrumentality uses location specific network performance data for devices managed by one or more Samsung Knox services.
12. Documents sufficient to explain, for each Accused Multi-Band Antenna Instrumentality, how the instrumentality tunes one or more antennas, antenna elements, and/or antenna arrays to facilitate wireless communication over different frequency bands for 4G-LTE, 5G, Wi-Fi, Bluetooth and/or GPS wireless communication.
13. Documents sufficient to explain, for each Accused Obstacle Avoiding Wireless Instrumentality, how the instrumentality uses (i) beam steering, (ii) object detection, and/or (iii) spatial filtering, to facilitate 4G-LTE and/or 5G wireless communication.
14. Documents sufficient to describe, for each of the Accused Instrumentalities, the hardware, firmware, software, and/or source code related to the implementation of the functionality identified in MBB's P.R.3-1 infringement contentions.
15. Documents sufficient to explain, for each of the Accused Instrumentalities, how and why Samsung products currently implement the functionality identified in MBB's P.R. 3-1 infringement contentions.
16. Documents, for each of the Accused Instrumentalities, related to any testing of the functionality identified in MBB's P.R. 3-1 infringement contentions, including but not limited

to: (i) throughput speed, (ii) signal strength, (iii) beam steering, (iv) beam forming, and/or (v) MIMO functionality, to facilitate 4G-LTE, 5G and/or Wi-Fi wireless communication.

17. Documents sufficient to identify, for any future, planned, or unreleased products, systems, or components that are currently in testing or development, that include or are expected to include the functionality identified in MBB's P.R. 3-1 infringement contentions.
18. All communications, both internal and with third parties including suppliers, that refer to or reflect the benefits of the functionality identified in MBB's P.R. 3-1 infringement contentions.
19. All communications, both internal and with third parties including customers, that refer to or reflect instructions to use the functionality identified in MBB's P.R. 3-1 infringement contentions.
20. All communications, both internal and with third parties, regarding the financial performance, including commercial success, of the Accused Instrumentalities.
21. All communications, both internal and with third parties, regarding any improvements in the Accused Instrumentalities over prior products or prior versions.
22. Documents sufficient to identify the suppliers and/or manufacturers of each component of the Accused Instrumentalities identified in MBB's P.R. 3-1 infringement contentions, and for each such supplier and/or manufacturer, a complete set of the documents supplied by Samsung to that supplier or manufacturer in connection with supply or manufacture of that component.
23. Documents sufficient to show the evaluation, selection, and/or use of RF front-end modules, SoCs, or Wi-Fi chipsets used in the Hotspot Instrumentalities, including documents describing performance testing, bandwidth capability (e.g., channels exceeding 100 MHz), transmission data rate (e.g., exceeding 100 Mbps), and reasons for choosing the chipset supplier or model.
24. Documents sufficient to show the evaluation, selection, and/or use of RF front-end modules, transceiver chips (e.g., modem/transceiver combo chip), antenna-tuning controller, antenna array, or antenna elements, integrated circuits used in the Multi-Band Antenna Instrumentalities, including analyses of their band-switching, tuning, or impedance-matching capabilities and reasons for choosing the chipset supplier.
25. Documents sufficient to show the evaluation, selection, and/or use of chipsets, modules, or integrated circuits used to perform beamforming, beam steering, or obstacle-avoidance functionality in the Obstacle-Avoiding Wireless Instrumentalities, including analyses of alternative chip suppliers, performance testing (e.g., 5G FR2 operation, 10–500 GHz bands), and reasons for selecting each supplier or mode.
26. Documents sufficient to reflect the respective roles of and legal relationships between Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and any affiliated or related companies in the design, research and development, manufacturing, marketing, advertising, offering for sale, importation, and/or distribution of the Accused Instrumentalities.
27. Organizational charts reflecting, or other documents sufficient to identify, the divisions, departments, groups, and teams with responsibility for the design, research and development, manufacturing, marketing, advertising, sale or distribution of the Accused

Instrumentalities, the individuals comprising those divisions, departments, groups and teams, and the titles and roles of those individuals.

28. All marketing and sales materials, both internal and public-facing, that refer to any functionality identified in MBB's Infringement Contentions, including drawings, specifications, user guides, advertisements, and promotional materials.
29. Documents sufficient to show, for each of the Accused Instrumentalities, the quantity of units manufactured, sold, revenue, costs, gross profit and net profit margins on a quarterly basis since January 1, 2015.
30. Documents sufficient to reflect, for each of the Accused Instrumentalities, projected or forecasted (including through rolling forecasts) quantity of units manufactured, sold, revenue, costs, gross profit and net profit margins on a quarterly or annual basis, through 2033.
31. For each year from 2015, documents sufficient to determine, estimate and/or describe the total number of Accused Instrumentalities sold in, manufactured in, imported into, or used in the United States.
32. All projections, forecasts, market share reports, marketing acceptance documents, business plans, strategic plans, fiscal plans, marketing plans or sales plans that refer to or reflect the sale of the Accused Instrumentalities.
33. All documents that refer to or reflect market summaries, assessments, reviews, analyses, forecasts, evaluations or studies for any Accused Instrumentalities including, but not limited to, market projections and market projection models, projected market penetration and market share studies, market growth (both projected and actual), market surveys, sales forecasts, customer satisfaction surveys and competitive position analyses.
34. All documents that refer to or reflect any competitive analyses of any functionality identified in MBB's P.R. 3-1 infringement contentions.
35. Documents sufficient to show what factors or costs Samsung considers in determining the prices and the amount or percentage of profit and/or margin included in Samsung's prices for any Accused Instrumentality.
36. Financial and planning information related to the Accused Instrumentalities, including Financial Planning & Analysis ("FP&A") documents.
37. Documents that reflect Samsung's audited and unaudited quarterly and annual financial statements since 2015 for all product lines that include any Accused Instrumentality, including annual and quarterly reports, income statements, balance sheets and statements of cash flow.
38. All documents prepared for and/or presented to Samsung's Board of Directors that reference the Accused Instrumentalities and/or products, accessories and/or supplies marketed, offered for sale or sold with any Accused Instrumentality.
39. Documents sufficient to show Samsung's' actual and projected sales and profits on an annual basis since 2015 for other products, accessories and/or supplies marketed, offered for sale or sold with any Accused Instrumentality.
40. Documents sufficient to show the dates of first manufacture, use (including testing of prototypes), importation, offer for sale, and sale of each of the Accused Instrumentalities (*i.e.,* the date of the hypothetical negotiation).

41. All documents that show Samsung's business, financial, competitive, and market circumstances at or around the time of the hypothetical negotiation (*i.e.,* date of first alleged infringement).
42. All documents that refer to or reflect technology and/or devices which Samsung contends are or may constitute acceptable, available, non-infringing alterative(s) to the claimed inventions of the Asserted Patents.
43. All communications, both internal and with third parties, regarding any such non-infringing alternatives and the costs thereof.
44. All documents and communications that refer to MBB.
45. All documents and communications that refer to Theodore S. Rappaport.
46. All documents and communications that refer to this litigation.
47. All documents and communications that refer to NYU Wireless.
48. All documents that refer to the Asserted Patents, including opinions regarding the Asserted Patents provided to or prepared by Samsung (including opinions of counsel provided to or prepared by Samsung that you intend to rely on in this case), validity or infringement studies, evaluations, or analyses of the Asserted Patents, or any study, analysis, research or opinion conducted by or on behalf of Samsung regarding whether any of the Samsung's products infringe one or more claims of the Asserted Patents.
49. All documents that refer to or reflect (a) the date or dates on which Samsung first became aware of each of the Asserted Patents and (b) the circumstances under which Samsung gained that initial awareness.
50. All documents that refer to or reflect communications regarding potential licensing of the Asserted Patents or other patents on which Theodore S. Rappaport is a named inventor.
51. All patent license agreements or settlement agreements to which Samsung is a party that cover any functionality identified in MBB's P.R. 3-1 infringement contentions or any comparable functionality and all documents that refer to or reflect negotiations thereof.
52. All licenses Samsung contends are or may constitute comparable licenses to the hypothetical negotiation in this case and all documents that refer to or reflect negotiations thereof.
53. All documents that reflect Samsung's formal and/or informal policies, procedures, practices, rules or regulations for licensing and licensing negotiations for technology and/or patents related to the functionality identified in MBB's P.R. 3-1 infringement contentions or functionality comparable thereto.
54. For each year since 2015, documents sufficient to show Samsung's document creation, maintenance, retention, and/or destruction policies or procedures.
55. Documents sufficient to show the systems or methods, if any, that Samsung uses to track customer usage of any functionality identified in MBB's P.R. 3-1 infringement contentions and all documents that reflect or track such customer usage.
56. All documents that refer to or reflect the value and/or benefits of the functionality identified in MBB's P.R. 3-1 infringement contentions, including but not limited to any related analysis, and Samsung's reasons for implementing those functionalities, including documents describing changes to the functionality identified in MBB's Infringement Contentions that Samsung has considered, rejected, implemented or is in the process of considering, rejecting or implementing.

57. All documents that refer to or reflect Samsung's analysis, consideration, implementation or rejection of any prior art Samsung has asserted in this litigation or in any IPRs of the Asserted Patents filed by Samsung, including any documents that refer to or reflect communications with any authors or owners of any prior art Samsung has asserted.
58. All documents that relate to Samsung's affirmative defenses in this litigation.
59. All documents that support or refute your claims and defenses in this litigation or in any IPRs of the Asserted Patents.

We are available to discuss if you have any questions regarding the above identification.

Sincerely,

Patrick J. McElhinny