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

AUTOCONNECT HOLDINGS LLC, ***Plaintiff,*** **v.** **TOYOTA MOTOR CORPORATION, ET AL.,** ***Defendants.***	**Civil Action 2:24-cv-00802-JRG-RSP** (Lead Case)
AUTOCONNECT HOLDINGS LLC, ***Plaintiff,*** **v.** **GENERAL MOTORS LLC,** ***Defendants.***	**Civil Action No. 2:24-cv-00877-JRG-RSP** (Member Case)

DEFENDANTS' MOTION FOR LEAVE TO AMEND INVALIDITY CONTENTIONS

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Defendants Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Engineering & Manufacturing North America, Inc., and Toyota Motor Sales, U.S.A, Inc. (collectively, "Toyota"), and General Motors LLC ("GM") (together, "Defendants") hereby seek leave to amend their invalidity contentions, which were served to AutoConnect on August 19, 2025. Good cause exists for this motion to be granted because (1) Defendants were diligent in locating and identifying the substance of the amendments to Plaintiff, (2) Defendants' amendments maintain largely the same invalidity theories as the initial contentions, (3) Defendants served these amendments with almost six months to go before fact discovery closes and well before claim construction, and so (4) there is no prejudice to in granting the motion at this stage of the case.

Counsel for Defendants met and conferred with counsel for AutoConnect on October 21, 2025. In correspondence from October 24 through November 10, 2025, Defendants sought positions from AutoConnect stating exactly which amendments it opposes or does not oppose. Defendants understand that AutoConnect does not oppose the supplement as to Spillane, but otherwise AutoConnect either opposes Defendants' Amendments or did not state a clear position.[1]

I. FACTS

A. Procedural History

On January 21, 2025, AutoConnect served its infringement contentions, alleging infringement of 199 claims from fifteen Asserted Patents across the two cases. *See* Dkt. No. 38. For the most part, there is little overlap in the scope of the claims of the fifteen Asserted Patents.

[1] On November 12, 2025, as Defendants were finalizing this motion, Defendants received another letter from AutoConnect seeking additional information regarding Defendants' amendments so that AutoConnect may "consider" its positions. Ex. D at 8. Defendants maintain that they have adequately disclosed the scope of the amendments and commit to providing additional citation details as AutoConnect has requested. Defendants file this motion so that the Court may consider the amendments and formalize them without further delay. To the extent the parties reach agreement on additional issues, Defendants will update the Court.

On April 1, 2025, Defendants served their invalidity contentions on AutoConnect in compliance with L.P.R. 3-3 and 3-4. *See* Dkt. No. 59; 60. Prior to that date and continuing after, Defendants searched diligently for prior art systems and references, relying on reputable search firms, expert advice, and additional searching conducted by in-house and outside litigation counsel. Ex. A, ¶¶3-7; Ex. B, ¶3. A significant volume of relevant prior art uncovered by Defendants through this searching was included in the initial invalidity contentions. In their contentions, Defendants stated that their prior art investigation was ongoing and incorporated by reference all *inter partes* review ("IPR") proceedings at the U.S. Patent and Trademark Office ("USPTO"), as well as any other action related to any of the Patents-in-Suit. Ex. C at 4.

After April 1, 2025, Defendants continued searching for additional relevant prior art and sources of art to support their invalidity positions. Ex. A, ¶6 Ex. B, ¶8. These efforts continued via supplemental searching and discussions with individuals at Toyota, GM, and Ford, among others, who may have had knowledge regarding potential prior art systems and efforts. Ex. A, ¶¶3-7; Ex. B, ¶8-11.

On August 19, 2025, Defendants served AutoConnect with supplemental invalidity contentions including a cover pleading in clean and a red-line form showing any changes to the original contentions and additional claim charts. Ex. A, ¶8; Ex. B, ¶7; Ex. C (redline). Defendants served the supplemental contentions to avoid any prejudice to AutoConnect and, to avoid serial motions should additional art be identified, intended to file for leave to formally admit the supplemental contentions later in the procedural schedule. On September 29, 2025, after over a month of silence, AutoConnect sent a letter to Defendants taking issue with the supplemental invalidity contentions and requesting that Defendants file a motion for leave. Ex. D at 6.

Defendants hereby provide that motion requesting leave to amend their invalidity contentions to include the material identified in the August 19, 2025 supplement.

B. Substance of Amendments

Defendants' amended contentions include six categories of art.

First, Defendants seek leave to rely on invalidity claim charts for four published applications that were relied upon in EPR filings made after the invalidity contention date and that correspond to patents or publications cited in the initial contentions. These publications include the following:

U.S. Pub. 2003/0200016 ("Spillane")[2], charted against the '786 patent in the amended contentions, was disclosed and charted as U.S. Patent No. 7,349,776 in the initial contentions;

U.S. Pub. 2013/0211623 ("Thompson"), charted against the '786 patent in the amended contentions, was disclosed and charted as U.S. Patent No. 9,251,631 in the initial contentions;

U.S. Pub. 2011/0137490 ("Bosch"), charted against the '764 patent in the amended contentions, was disclosed as U.S. Patent No. 8,682,503 in the initial contentions; and

U.S. Pub. 2010/0222939 ("Namburu"), charted against the '764 and '297 patents in the amended contentions, was disclosed as relevant to the '697, '186, and charted for the '786 patent in the initial contentions.

Defendants' amendment includes the publications because, after serving the initial invalidity contentions relying on the issued patents, Defendants filed *ex parte* reexamination requests relying on the corresponding published applications. Specifically, Spillane, Thompson, and Namburu were included in an EPR request against the '786 patent filed on August 1, 2025, and Bosch and Namburu were included in an EPR request against the '764 patent on August 13,

[2] AutoConnect indicated that it does not oppose the amendment as to Spillane.

2025. This amendment aligns the invalidity contentions in the district court with the filed EPR requests. Because the amended charts present the same invalidity theories as in the EPR requests and track the invalidity theories disclosed in the initial contentions, AutoConnect will not be prejudiced by the amendment.

Second, Defendants seek leave to include four background references. These include: U.S. Pub. 2011/0093159 ("Boling"), U.S. Pub. 2007/0109111 ("Breed"), U.S. Pat. 6,429,773 ("Schuyler") and U.S. Pub. 2012/0254948 ("Kleve"). Boling was disclosed in the initial contentions as relevant to the '764 patent and the amendment further identifies it as relevant to the '034 patent. Breed was disclosed in the initial contentions as relevant to the '764 patent and the amendment further identifies it as relevant to the '786 patent. Schuyler and Kleve were both disclosed in the initial contentions as relevant to the '786 patent, and the amendment further identifies them as relevant to the '764 patent. Thus, all four were disclosed in Defendants' original invalidity contentions. Further, AutoConnect will not be prejudiced by this amendment because Boling, Breed, Schuyler, and Kleve were included in the '764 EPR, and Boling was included in an IPR petition against the '034 patent filed April 30, 2025. AutoConnect has been on notice of these references since at least then and will not be prejudiced by including them in the amendment.

Third, Defendants seek leave to include claim charts related to MirrorLink, relying on the Terminal Mode v.1.0 Specification and Ford SYNC. References disclosing Terminal Mode and Ford SYNC were listed in Defendants' initial contentions, and GM even disclosed MirrorLink as prior art to the '491 and '560 patents in its May 2024 pre-suit correspondence with AutoConnect. Ex. B, ¶5. Defendants could not chart Terminal Mode or Ford SYNC until they received all of the relevant documentation. The MirrorLink and Ford SYNC claim charts incorporate documents not discovered until after defendants submitted their initial contentions. For example, Defendants

obtained an archived Nokia presentation demonstrating Terminal Mode's functionality and specifications for the protocols upon which MirrorLink is built, such as Universal Plug and Play (described in the UPnP-QoS Architecture:3 and UPnP-QoS Device:3 references). Ex. B, ¶11. Defendants also obtained documentation related to Ford SYNC after the due date for the contentions. Ex. A, ¶7. AutoConnect will not be prejudiced by the amendment because, among other reasons, it was put on notice of MirrorLink and Ford SYNC in the initial contentions and served with the contention amendment in August.

Fourth, Defendants seek leave to amend the contentions to include claim charts that further illustrate the same invalidity theories disclosed in the initial contentions relating to Toyota's Smart Key, Memory Call, and G-Link functionality. These supplemental charts rely on public documentation, *i.e.*, Owner's Manuals and/or New Car Features documents from Toyota, that describe the same Smart Key and Memory Call systems already identified in the original contentions. Ex. A ¶6. The G-Link chart simply relies on a translated version of materials initially served in Japanese. Because AutoConnect was on notice of Defendants' intent to rely on the Smart Key, Memory Call, and G-Link systems from their initial contentions and the new charts track the same invalidity theories, AutoConnect will not be prejudiced by the amendment.

Fifth, Defendants seek leave to amend the contentions to include a claim chart demonstrating the invalidity of the U.S. Patent No. 9,082,239 in view of U.S. Patent No. 8,793,031 to Anantha ("Anantha"). Defendants first learned of this reference in July of 2025 from Ford's counsel in the related Delaware action, recognized its importance as invalidating prior art, and promptly drafted a supplemental claim chart. Ex. A, ¶13. The supplemental claim chart and the

patent publication were served to AutoConnect on August 19, 2025, sufficiently early in the case schedule such that AutoConnect suffers no prejudice.[3]

Sixth, Defendants seek leave to amend the contentions to include a claim chart demonstrating the invalidity of the U.S. Patent No. 9,173,100 ("the '100 patent") in view of Amirtahmasebi et al., *Vehicular Networks – Security, Vulnerabilities and Countermeasures* (June 2010) (M.S. thesis, Chalmers University of Technology and University of Gothenburg) ("Amirtahmasebi"). Defendants identified Amirtahmasebi in their April 1, 2025 Invalidity Contentions, served a copy of the reference, and discussed Amirtahmasebi in detail as a reference that would provide a motivation to combine other charted references. Defendants charted Amirtahmasebi following service of AutoConnect's Amended Infringement Contentions on July 17, 2025 in which AutoConnect drastically shifted its infringement theory against GM for the '100 patent. Once again, AutoConnect suffers no prejudice from this supplemental claim chart.

The close of fact discovery is still months away. When Defendants served the amended invalidity contentions, there were almost six months remaining in fact discovery. As of this motion, the parties have engaged in some written discovery and document production but have taken only one document collection deposition and no merits depositions. Fact discovery closes on February 9, 2026—almost three months from now. Dkt. No. 51. Claim construction is still in its early stages. AutoConnect's opening claim construction brief is due December 9, 2025. *Id.* Opening expert reports are due April 13, 2026, with the close of expert discovery on April 6, 2026—approximately five months away. *Id.* Trial is scheduled for July 20, 2026. *Id.*

[3] The '239 and '100 patents are only asserted against GM. Toyota takes no position on the "fifth" and "sixth" amendment categories.

II. LEGAL STANDARD

The Local Patent Rules permit amendment or supplementation of invalidity contentions "by order of the Court . . . upon a showing of good cause." L.P.R. 3-6(b). "Good cause in this context 'requires a showing of diligence.'" *Intell. Ventures II LLC v. FedEx Corp.*, Case No. 2:16-cv-980-JRG, Dkt. No. 142 at 4, 2017 WL 4812436, at *2 (E.D. Tex. 2017) (quoting *O2 Micro Int'l Ltd. v. Monolithic Power Sys., Inc.*, 467 F.3d 1355, 1366 (Fed. Cir. 2016)). "Courts also consider four factors in determining whether to grant leave to amend infringement contentions: (1) the explanation for the failure to meet the deadline; (2) the importance of the thing that would be excluded if the proposed amendment is not allowed; (3) potential prejudice in allowing the thing that would be excluded; and (4) the availability of a continuance to cure such prejudice." *Id.*

III. ARGUMENT

A. Defendants Acted with Diligence to Investigate and Obtain Prior Art

Early in this case, Defendants retained reputable search firms to perform prior art searching for each of the 15 asserted patents and 199 asserted claims. Ex. A, ¶3; Ex. B, ¶3. Defendants also conducted their own internal and external searches. *Id*. These searches returned dozens of references pertinent to the asserted patents, including those identified in Defendants' original invalidity contentions served April 1, 2025. The breadth of prior art is unsurprising, given AutoConnect's broad infringement contentions.

Leading up to and after serving the original invalidity contentions on April 1, 2025, Defendants worked to file IPR petitions and EPR requests and continued investigating patent and non-patent prior art. Even with diligent searching, the sheer number of claims (199) asserted by AutoConnect and their asserted broad scope necessitated additional time to identify certain art.

Regarding MirrorLink, Defendants diligently attempted to locate documentation for the -MirrorLink/Terminal Mode system documentation prior to the original contentions being served.

Ex. B, ¶4. Defendants only obtained the documents detailing the operation of MirrorLink/Terminal Mode beginning in late March 2025, just before the April 1, 2025 invalidity contention deadline. Defendants diligently reviewed the documents, added them to the amended contentions. Ex B, ¶¶4-7.

Regarding Ford SYNC, Defendants diligently sought to obtain documents from Ford Motor Company (Ex. A, ¶7), which is facing its own infringement allegations from AutoConnect on similar patents, but in Delaware, where it is on a slower case schedule than the present case. *See AutoConnect Holdings LLC v. Ford Motor Company*, Case No. 1:24-cv-01327 (D. Del.) (filed Dec. 6, 2024). Ford provided materials underlying the invalidity positions expressed in the supplemental SYNC charts on July 10 and August 13, and Defendants promptly charted them and included them in the August service. Ex. A, ¶7.

Regarding the Toyota documentation, Toyota identified the invalidity theories relating to the Smart Key, Memory Call, and G-Link functionality in the initial invalidity contentions and worked to locate additional documentation in support thereof. Toyota located Owner's Manual and New Car Features documentation from Toyota's archives that supported the relevant functionality already disclosed in its earlier claim charts and promptly included that documentation in the additional charts that Defendants seek to include. Ex. A, ¶6. All of these charts were also served on AutoConnect in August.

In sum, Defendants acted diligently before the contentions were due to develop and provide extensive invalidity contentions. Defendants' investigations continued after the initial invalidity contentions were served and led to the discovery of additional art. This art was promptly charted and incorporated into amended contentions served upon Plaintiff in August. Given the case was

still in its initial stages, Defendants served a single, timely amendment to avoid serial amendments. This factor favors granting leave to amend.

B. The Proposed Amendments Are Important

Defendants' amended non-patent literature and system art are important.

Regarding MirrorLink and Ford SYNC, MirrorLink, as disclosed in the Terminal Mode V.1.0 Specification and other documents disclosing its operation, anticipates the asserted claims of the '491 and '560 patents. SYNC invalidates claims of the '764, '491 and '560 patents. MirrorLink and SYNC demonstrate the fact that many companies were innovating in the connected car space in the early 2010s, including some who significantly predate the work done by Flex that originated the patents AutoConnect now asserts. Discovery not received from AutoConnect until June 11, 2025, further shows that the inventor across all its patents and a key witness in this case, Chris Ricci, was familiar with MirrorLink and Ford Sync through his work at Flex. It is important that Defendants be able to present MirrorLink and Ford SYNC to the jury as they represent systems that were in use as of the priority date of these asserted patents. *See Uniloc 2017 LLC v. Google LLC*, No. 2:18-CV-00493-JRG-RSP, 2019 WL 6465318, at *2 (E.D. Tex. Dec. 2, 2019) ("Prior art references potentially rendering a patent invalid are important.") (quoting *Alcatel USA Res., Inc. v. Microsoft Corp*., No. 6:06-CV-500, 2008 WL 11348444, at *2 (E.D. Tex. Oct. 3, 2008)).

Regarding Spillane, Namburu, Thompson, and Bosch, each are strong prior art references against the asserted patents for which they have been listed and charted. The claim charts served on AutoConnect in August illustrate how these references teach the limitations claimed in the asserted patents. Boling, Breed, Schuyler, and Kleve are background references which serve an important role in clarifying the state of the art and support the obviousness of specific limitations.

Together, the additional references are strong evidence that the asserted patents for which they are listed and/or charted are invalid. It is important that the jury be permitted to appreciate the

state of the relevant art upon which the purported inventors filed their claims. *See Uniloc 2017*, at *2. The eight references cited in the amended contentions provide important support to Defendants' invalidity position and were substantively disclosed in the initial contentions.

The importance of the references is evident by the fact that the USPTO recently ordered a reexamination of the '786 patent based on Spillane, Namburu, Thompson, Schuyler, and Breed. *See* Reexamination No. 90/015,424. It is likely that this EPR and other patent office proceedings will reach substantive rulings on patent validity for one or more of the asserted patents before trial. It will significantly harm Defendants' case if Defendants are forced to rely on different art. The USPTO examiner stated that Spillane and Namburu contain disclosures that are "directly related to subject matter considered as the basis for allowability of the patent claims" and together raise at least a significant new question of patentability as to claims 1, 5-8, 11, and 15 of the '786 patent. Reexamination No. 90/015,424, Order Granting Reexamination at 9. AutoConnect asserts all of those claims in this case, except claim 5. Further, the Office found that Spillane and Namburu together with Thompson raise a significant new question of patentability as to asserted claim 9. *See id.* at 11-12. Finally, the Office found that Spillane and Namburu together with Schuyler raise a substantial new question of patentability as to claims 1, 4-6, 8, 11, 23, and 26-28, most of which are asserted against Defendants. Thus, Spillane, Namburu, Thompson, and Schuyler are important references that Defendants should be able to present to the jury. *See MacroSolve, Inc. v. Antenna Software, Inc.,* No. 6:11-CV-287-MHS-JDL, 2013 WL 3833079, at *4 (E.D. Tex. July 23, 2013) ("The PTO's reliance on prior art during prosecution or reexamination may be indicative of a reference's importance."). The remaining references in the amended invalidity contentions are similarly relevant to the '786 and the other asserted patents for which they have been listed in the contentions. Additionally, these references are not cumulative because Defendants intend to rely

on the publications in lieu of the corresponding patents to the extent the motion is granted permitting their amendment.

The Toyota documentation that has been charted as further evidence of the Toyota Smart Key and Memory Call features are important because they are easy to understand for the jury and illustrate how the technology described in the asserted claims were already developed by Toyota and in public use prior to the various filing dates. The New Car Feature documents that Defendants identified in the original contentions describe the same systems but are somewhat more technical. It is important that Defendants be permitted to present the same material to the jury through Toyota's Owner's Manuals. The G-Link supplement simply translates into English a document originally served in Japanese, which will obviously be more helpful to the jury. This factor also favors granting leave to amend.

Anantha and Amirtahmasebi are also important invalidating references that present the state of the prior art differently than the initially charted references. GM contends Anantha anticipates or renders obvious the '239 patent, which recites a broad assortment of "types of assistance" that a vehicle may provide to an occupant related to topics like navigation, messaging, and calendar management. Anantha is commensurately broad in its disclosures for connected vehicle, disclosing integrations between a vehicle and cloud services for "mapping, navigation, traffic, search, recommendations or suggestions, calendars, events, shopping, entertainment, access to social networks, applications, and weather." U.S. Patent No. 8,793,031, 4:12–16.

Similarly, Amirtahmasebi is a thesis that is both broad and accessible in its discussion of vehicle security systems, providing an overview of many different approaches to securing vehicle networks from both a software and hardware perspective that is commensurate with the Asserted Claims' recited long lists of examples of potential threats and security interventions in vehicles.

Amirtahmasebi is particularly important following AutoConnect's July 17, 2025 amended infringement contentions served to GM, which changed its infringement theory from one focused on GM's alleged compliance with an automotive network industry standard (AUTOSAR) to an assortment of contentions based on the Android operating system and "virtual machines." While Defendants acknowledge that invalidity and non-infringement are formally separate inquiries, the initial assortment of prior art charted in Defendants' April 1, 2025 contentions was targeted to the claim scope implied by those infringement allegations and the subject matter implicated. Now that AutoConnect's theories are no longer confined to automotive network protocols, Defendants seek to present Amirtahmasebi as prior art that will be instructive to the jury in its accessible and broad discussion of vehicle network security.

In sum, this factor also favors granting leave to amend.

C. AutoConnect Will Suffer No Prejudice if Leave to Amend Is Granted

This factor strongly favors granting leave to amend. None of the amendments in Defendants' supplemental contentions will prejudice AutoConnect because they were served in August 2025 and most present no new invalidity theories. Further, AutoConnect has not identified any concrete prejudice in its pre-motion correspondence and, in fact, AutoConnect waited over a month to even flag a concern about the supplemental contentions.

As to Spillane, Thompson, Bosch, Namburu, Bolling, Breed, Schuyler, and Kleve, AutoConnect was on notice of all them because they all correspond to a patent or publication that was listed and/or charted in the original contentions. Defendants seek leave to include them now to avoid any question as to whether they were fully disclosed and properly part of Defendants' invalidity contentions. Defendants evaluated all the additional references for relevance to the asserted claims before identifying them in their amended invalidity contentions. Many of these references are also present in IPR and EPR proceedings against the asserted patents filed within

five months of the contentions. For example, Spillane and Thompson were included in the ’786 EPR request filed on August 1, 2025, and Bosch and Namburu were included in the ’764 EPR request filed on August 13, 2025. Boling, Breed, Schuyler, and Kleve were included in the ’764 EPR request filed on August 13, 2025, and Boling was included in an IPR petition against the ’034 patent filed April 30, 2025. AutoConnect received the filings and so obviously has been on notice of the references cited therein. AutoConnect will suffer no prejudice from the amendments that Defendants now seek leave to include.

As to the Toyota documentation charted in the amended contentions, Defendants’ amended charts address the same feature, Toyota’s Smart Key and Memory Call features, which were disclosed and charted in the original contentions based on the “New Car Features” documents for various car models. The G-Link amendment was fully charted, but via a Japanese language document. The invalidity theories were fully disclosed in the initial contentions. AC will not need any new discovery from any new entities to explore details regarding the invalidity theories described, and it will suffer no prejudice by Defendants relying on an Owner’s Manual instead of or alongside a New Car Features document, or an English translation of a Japanese document, to describe the same system.

As to MirrorLink and Ford SYNC, “MirrorLink and MirrorLink-enabled systems” and “Ford Sync-enabled systems” were listed in Defendants original contentions *for every asserted patent* and so AutoConnect has long been on notice of Defendants’ intent to rely on MirrorLink and Ford SYNC. Defendants also listed multiple references that disclosed the Terminal Mode specification which MirrorLink implements and produced these documents. AutoConnect will suffer no prejudice from the inclusion of claim charts disclosing a system it had clear notice of as of the original contentions.

As to Anantha, the reference is strong prior art uncovered by Ford, suggesting that AutoConnect will be required to address invalidity contentions based on Anantha in its case against Ford in the District of Delaware or other invalidity challenges Ford may choose to bring. *See* Ex. B, ¶13. That is, Defendants' amendment only asks that AutoConnect present a validity position that it will very likely need to prepare anyway, and given that Defendants served AutoConnect with the Anantha claim chart well before claim construction, AutoConnect is not prejudiced by the amendment.

As to Amirtahmesebi, Defendants discussed its disclosures in detail in their initial invalidity contentions while identifying it as an important reference providing a motivation to combine. AutoConnect has been aware of its disclosures since April, aware of GM's intention to rely on it as a primary reference since August, and suffers no prejudice from its inclusion in the invalidity contentions.

As relevant to all supplemental references and charts, there is ample time left in discovery. Fact discovery does not close for almost three months. AutoConnect has had notice of the supplemental contentions and claim charts since August 19, 2025. AutoConnect's rebuttal expert reports on validity are not due until March 23, 2026, so AutoConnect has four months from now, and seven months since being served the supplemental invalidity contentions, to consider the positions disclosed in Defendants' contentions; more than ample time. There is no danger of unfair prejudice in granting this motion. Defendants' proposed amendments were served on AutoConnect long before the claim construction began, and most do not introduce any new invalidity theories. Thus, the amended contentions have no impact the parties' claim construction positions. AutoConnect has not scheduled or conducted any depositions relating to the invalidity theories advanced by Defendants in the original contentions. No expert reports have been served, and

AutoConnect had the amended contentions in its possession for more than a month before suggesting it would be prejudiced by the amended contentions. AutoConnect has also failed to identify any specific prejudice during the correspondence leading up to the filing of this motion.

Leave to amend invalidity contentions has been granted in similar and even later phases of the case where it can be shown that the plaintiff would not be prejudiced by the amendment. So too here. *See, e.g.*, *Intergraph Corp. v. Intel Corp.*, No. 2:01-cv-160-TJW, Dkt. No. 119 at 3, 2002 WL 34534505, at *1 (E.D. Tex. Apr. 1, 2010) (allowing supplementation of invalidity contentions because they were "served well in advance of the court's claim construction ruling and well in advance of trial"); *Computer Acceleration Corp. v. Microsoft Corp.*, 481 F. Supp. 2d 620, 624–26 (E.D. Tex. 2007) (finding "this factor weighs heavily in favor of allowing the amendment" when "claim construction has not yet occurred"); *Tyco Healthcare Grp. LP v. E-Z-EM, Inc.*, No. 2:07-cv-262-TJW, Dkt. No. 451 at 1–2, 2010 WL 7853420, at *1 (E.D. Tex. Apr. 1, 2010) (granting motion to amend despite plaintiffs having notice of the new prior art only after claim constructing briefing completed); *Alt v. Medtronic, Inc.*, No. 2:04-cv-370-LED, Dkt. No. 114 at 9, 2006 WL 278868, at *6 (E.D. Tex. Feb. 1, 2006) (finding good cause despite defendant seeking to add eight new references after the conclusion of *Markman* hearing); *E-Watch v. Apple, Inc.*, No. 2:13-cv-1061-JRG, Dkt. 230 at 3 n.1 (E.D. Tex. Dec. 5, 2014) (granting defendant's motion to supplement that was filed six months before *Markman* hearing); *RJ Tech. LLC v. Samsung Elecs. Co.*, No. 2:22-cv-401-JRG-RSP, Dkt. No. 88 at 2–4, 2023 WL 8587254, at *2 (E.D. Tex. Dec. 8, 2023) (granting defendant's motion for leave to supplement contentions, filed approximately three months after the deadline, to add new references).

Defendants acted with diligence and served AutoConnect with the requested supplement with the same or more time remaining in fact discovery as those cases cited above. Because AutoConnect will not be prejudiced, this factor strongly favors granting leave to amend.

D. A Continuance Is Available but Unnecessary

No adjustment to the Court's schedule is required if leave to amend is granted, and permitting these amendments would have no material impact on the case schedule. No proceedings or other deadlines will be impacted. Accordingly, this factor also favors granting leave to amend.

IV. CONCLUSION

For the foregoing reasons, Defendants respectfully request leave to amend their invalidity contentions in the manner described herein.

Dated: October 6, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served on all parties who have appeared in this case on November 12, 2025, via the Court's CM/ECF system.

/s Melissa R. Smith
Melissa R. Smith

CERTIFICATE OF CONFERENCE

The undersigned certifies that the parties have met and conferred in compliance with Local Rule CV-7(h) regarding this motion, and this motion is opposed. On October 17, 2025, the parties conferred via telephone conference. Attending for AutoConnect were Kate Quisenberry. Attending for Toyota was Aidan Skoyles. Attending for GM were Ben Bradford and Mitch Denti. Other than the Spillane amendment, the parties are at impasse because they could not agree on the relief requested in this motion.

/s Mitchell L. Denti
Mitchell L. Denti