

May 20, 2026

VIA E-MAIL (WMCCARTY@MCCARTYFIRM.COM)

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Re: *TopWire LLC v. Samsung Electronics Co., Ltd. et al.*, No. 2:25-cv-1183-JRG-RSP (EDTX)

Dear Mr. McCarty:

I write on behalf of Defendants Samsung Electronics Co., Ltd. (“SEC”) and Samsung Electronics America, Inc. (“SEA”) (collectively “Samsung”) concerning additional documents and electronic information that Samsung expects Plaintiff TopWire LLC (“TopWire”) to produce pursuant to the proposed discovery order filed on April 13, 2026. We do not intend this list to be exhaustive, and we expect your production in this case to comply with Local Rule CV-26(d) to the extent that any category of relevant information is not specifically listed below.

For the purposes of this letter:

1. “TopWire,” “You,” or “Your” means Plaintiff TopWire LLC and any Person operating under its control or on its behalf including officers, directors, employees, representatives, consultants, agents, servants, attorneys (including but not limited to prosecution counsel), accountants, or any Person who served in any such roles at any time, as well as corporate parents, subsidiaries (whether wholly or partially owned), affiliates, divisions, predecessor companies (whether acquired by merger, consolidation or other means) or proprietorships, or any joint venture to which TopWire, or one of its corporate parents, subsidiaries, affiliates, divisions, predecessor companies or proprietorships, is a party.

2. “Samsung” and “Defendants” mean Defendants Samsung Electronics Co., Ltd. (“SEC”) and Samsung Electronics America, Inc. (“SEA”).

3. “Infringement Contentions” means TopWire’s Disclosure of Asserted Claims and Infringement Contentions Pursuant to P.R. 3-1 (served March 12, 2026) and any subsequent supplements or amendments that may be served on Defendants after having obtained leave to amend or supplement from the Court.

4. “Accused Product” means any product identified in TopWire’s Infringement Contentions.

5. The phrase “this Action” shall mean and refer to *TopWire LLC v. Samsung Electronics Co., Ltd. et al.*, No. 2:25-cv-1183-JRG-RSP, in the United States District Court for the Eastern District of Texas, Marshall Division.

6. “Complaint” refers to the Complaint filed at Docket Entry 1 in this Action.

7. “Asserted Patent” refers to U.S. Patent No. 9,859,202 (the “’202 Patent”).

8. “Patent” means any (1) patent issued in any jurisdiction or (2) patent application filed in any jurisdiction.

9. “Related Litigations” means any past or pending legal proceedings before a federal or state court, the U.S. Patent Office, the International Trade Commission, or foreign tribunals involving one or more of the Asserted Patents or Related Patents.

10. “Related Patents” means: (a) any patent or patent application filed anywhere in the world claiming priority to the Asserted Patent, (b) any patent or patent application filed anywhere in the world claiming priority to any patent or patent application to which the Asserted Patent claims priority, (c) any patent or patent application filed anywhere in the world to which any Asserted Patent claims priority or on which the Asserted Patent depends for priority, (d) the reissue, reexamination, or post-grant review (including *Inter Partes* review and Covered Business Method review) of any of the aforementioned patents or patent applications, and (e) any foreign counterpart patent or foreign counterpart application of any of the aforementioned patents or patent applications. This term includes, without limitation, U.S. Patent No. 9,859,202 and U.S. Patent Application Nos. 15/190,695 and 62/184,034. This term specifically includes any of the foregoing whether it issued, is currently pending, or is abandoned.

11. “Asserted Claim” and “Asserted Claims” means each and every claim of the Asserted Patent that TopWire contends that Defendants infringe, as identified in TopWire’s Infringement Contentions.

12. “Prior Art,” as used herein, means all Documents, publications, patents, physical devices, prototypes, products, uses, sales, offer for sale, public disclosures, or other activity that constitute, describe, suggest, disclose, anticipate, render obvious, refer to, or relate to the subject matter described or claimed in the Asserted Patent prior to the filing date of such patent, and includes those categories of information set forth in 35 U.S.C. §§ 102 or 103

13. “Document(s)” is defined broadly to be given the full scope of that term as contemplated in Rules 26 and 34 of the Federal Rules of Civil Procedure and includes any tangible thing or object, any written or graphic matter, and any medium of any type or description upon which intelligence or information is recorded or from which intelligence or information can be perceived, that is or has been in Your actual or constructive possession, custody, or control, or of which You have knowledge, regardless of the medium on which it is produced, reproduced, or stored (including without limitation computer programs and files containing any requested information), and any recording or writing, as these terms are defined in Rule 1001 of the Federal

Rules of Evidence. This definition encompasses all tangible things including prototypes, models, and physical specimens, all originals (or, if originals are not available, identical copies thereof), all non-identical copies of a Document, all drafts of final Documents, all written, printed, or recorded matter of any kind, and all other data compilations from which information can be obtained and translated if necessary, that are or have been in Your actual or constructive possession or control, regardless of the medium on which they are produced, reproduced, or stored (including without limitation computer programs and files containing any requested information together with instructions or programs necessary to search such data and hard copies where available), any recording or writing, and/or any other documentary material of any nature.

14. “Communication(s)” means any transmission of information (in the form of facts, ideas, inquiries, or otherwise) whether direct or through an intermediary, via any means including, but not limited to, conversations, agreements, inquiries, or replies, whether in person, whether orally, nonverbally, telephonically, telegraphically, in writing (including electronic writing, such as e-mail, social media communications, and shared files or communications shared or sent through Slack or similar programs), by facsimile, by recording, or otherwise.

15. “Named Inventor” means the inventor listed on the face of the Asserted Patent, including any prior names or aliases used.

16. “Person(s)” shall include, without limitation, natural persons, corporations, partnerships, business trusts, associates, and business or other entities, and any officer, director, employee, partner, corporate parent, subsidiary, affiliate, agent, representative, attorney, or principal thereof.

17. “Related to,” “relating to,” and “concerning,” when referring to any given subject matter, means concerning, regarding, comprising, containing, embodying, identifying, illustrating, stating, dealing with, involving, mentioning, referring to, related to, supporting, favoring, opposing, negating, bolstering, detracting from, located in, considered in connection with, bearing on, evidencing, indicating, reporting on, recording, alluding to, responding to, connected with, commenting on, in respect of, about, in relation to, discussing, showing, describing, reflecting, analyzing, constituting, or being.

It does not appear that TopWire has made a complete production of the following types or categories of documents, all of which are highly relevant to this matter and must be produced by TopWire:

1. All Documents concerning Your allegations in the Complaint that TopWire is the assignee of all right, title, and interest in the Asserted Patent, and that TopWire possesses the exclusive right and has standing to bring this litigation.

2. All Documents recording or related to the ownership, assignment, sale, acquisition, or conveyance of any interest in the Asserted Patent or Related Patents at any time, including any Documents showing the chain of title to the Asserted Patent and any Related Patents, and including any confidential assignment agreements, amendments, schedules, or related

Documents and any relevant agreements and diligence materials relating to any such assignment, sale, acquisition, or conveyance of the Asserted Patent and any Related Patents.

3. All Documents identifying any Person who participated in any discussions or negotiations relating to acquisition of the Asserted Patent or Related Patents and the extent of their involvement.

4. All Documents concerning the role of the Named Inventor relating to TopWire's acquisition of the Asserted Patent or Related Patents.

5. All Documents received from any other Person or entity related to the Asserted Patent.

6. All Documents, analyses, diligence materials, or other assessments of the Asserted Patent.

7. All Documents identifying Your Communications with any Person regarding Your acquisition of the Asserted Patent or Related Patents.

8. Documents describing your corporate structure, including Your parents, subsidiaries, affiliates.

9. Documents concerning TopWire's corporate formation and governance (e.g., articles of incorporation, bylaws, operating agreements).

10. Documents describing the relationship between TopWire or TopWire's affiliates and the Named Inventor.

11. Documents sufficient to show all Persons with any financial interest in the outcome of this Action or Related Litigations, including the nature and quantity of the financial interest for each such Person.

12. Documents sufficient to identify each Person having an ownership interest in TopWire, as well as the amount or percentage of each Person's interest since TopWire's inception.

13. Financial Documents sufficient to show the monthly, quarterly, and annual financial performance of TopWire since its inception, including sources and amount of revenue, costs of goods and services sold, profits and losses, and assets and liabilities.

14. All Documents and Communications referring or relating to Samsung, including but not limited to Documents and Communications concerning the Accused Product or any products alleged in this case to infringe.

15. All Documents concerning TopWire's or its affiliates' knowledge of the Accused Product or features or TopWire's or its affiliates' efforts to monitor such Accused Product

or features, including Documents concerning TopWire's or its affiliates' initial discovery of the alleged infringement by each of the Accused Products.

16. All Communications with any Person regarding TopWire's allegations of infringement against Samsung.

17. All Documents, Communications, or analyses regarding Samsung's or any other Person's infringement or non-infringement of the Asserted Patent or any Related Patents.

18. All Documents concerning the allegations in the Complaint that Samsung purportedly enables, induces, aids, instructs, or supports others (e.g., its customers), to infringe the Asserted Patent.

19. All Documents and Communications concerning TopWire's allegation that Samsung indirectly infringes the Asserted Patent, through inducement or contributory infringement, including all Documents concerning any component, material, or part of an Accused Product that TopWire contends constitutes a material part of the invention.

20. All Documents concerning any inspection, testing, evaluation, or analysis conducted by any Person of any product or service of Samsung for any purpose by or on behalf of TopWire, including all Documents showing how any product or service of Samsung compares to one or more claims of the Asserted Patent.

21. All Documents and Communications concerning any pre-litigation investigation with respect to alleged infringement of the Asserted Patent.

22. All Documents sufficient to identify any Person with whom TopWire has discussed the Asserted Patent and this Action, all Communications between TopWire and any such Person, and any Documents and Communications relating to any such Communications.

23. All Documents relating to Your reasons for bringing this Action and Your analyses of this Action.

24. All Documents and Communications concerning Your contentions relating to when Samsung first became aware of the existence of the Asserted Patent or was provided notice of alleged infringement.

25. All Documents concerning any TopWire claim for enhanced damages and any contention that Samsung has willfully infringed any Asserted Claim of the Asserted Patent.

26. All Documents concerning devices, products, systems, apparatuses, or other instrumentalities that relate to the Asserted Patent.

27. All Documents concerning or identifying any products created or owned by TopWire or any predecessor, related, or affiliated companies that practice any aspect of the

Asserted Patent, alone or in combination with any third party product or service, and the dates of first release of such products.

28. All Documents concerning any products created or owned by any Person, including any licensee of the Asserted Patent, that practice any aspect of the Asserted Patent, alone or in combination with any third party product or service, and the dates of first release of such products.

29. All Documents related to any products or services licensed under the Asserted Patent.

30. All Documents and Communications concerning TopWire's or any other Person's marking of the Asserted Patent or any Related Patents at any time.

31. All Documents concerning TopWire's or TopWire's affiliates' marking policies.

32. All Documents sufficient to identify any products of TopWire or any other Person, including third party content alone or in combination with any TopWire product or service, that have been marked by TopWire or any other Person, and when the marking occurred.

33. All Documents concerning Your contentions whether You, any other Persons with any right or interest in the Asserted Patent, or any licensee of the Asserted Patent has complied with the marking requirements of 35 U.S.C. § 287.

34. All Documents and Communications concerning Your policies, strategies, plans, and practices relating to Your intellectual property, including Your licensing of patents or other intellectual property.

35. All Documents and Communications concerning Your or any Person's attempts to commercialize, market, license, monetize, enforce, and/or sell the Asserted Patent or any Related Patents, including any Documents received from any other Persons related to this topic.

36. All Documents or Communications regarding any attempt to sell or acquire TopWire's patent portfolio, in whole or in part, including, but not limited to, any attempt to sell or acquire the Asserted Patent or Related Patents.

37. All Documents concerning any business plans created by or on behalf of TopWire or any other Persons related to the Asserted Patent or any Related Patents, including any Documents received from any other Persons related to this topic.

38. All Documents concerning the value or importance of the Asserted Patent or any Related Patents, including any Documents received from any other Persons related to this topic.

39. All licenses to the Asserted Patent or Related Patents.
40. All Documents and Communications concerning any agreements under which TopWire or another Person has licensed the Asserted Patent or Related Patents, individually and/or collectively, including any Documents received from any other Persons related to this topic.
41. All Documents concerning any consideration, negotiation, recommendation, offer, settlement, proposal or agreement to license, buy, acquire or otherwise obtain rights under the Asserted Patent or any Related Patents, including, but not limited to all such analyses, presentations, claim charts, opinion letters, and Communications, and all Documents received from any other Persons related to this topic.
42. All licenses on which You intend to rely for any purpose in this Action.
43. All Communications with licensees or potential licensees to the Asserted Patent or any Related Patents, including Communications involving Person other than TopWire.
44. All Agreements in which TopWire or any Person has agreed not to assert the Asserted Patent or any Related Patents against any other Person.
45. All other Agreements containing any provision in which TopWire or any other Persons has received or conveyed rights under the Asserted Patent, including but not limited to: (i) all license Agreements, royalty Agreements, acquisition Agreements, settlement Agreements, and covenants not to sue; (ii) all such Documents concerning discussions between the parties, negotiations, license presentations, license offers, claim charts, correspondence; and (iii) Documents sufficient to identify TopWire personnel who participated in any such discussions or negotiations and the extent of their involvement.
46. All Documents concerning TopWire's claim for damages against Samsung, including all Documents on which any damages calculation is based.
47. All Documents concerning any damage or harm TopWire allegedly suffered as a result of the sale, offer for sale, or use of any of Samsung's products, methods, or systems.
48. All Documents relating to any alleged demand for a patented product related to the Asserted Patent or any Related Patents sold or provided by any Person, including TopWire or any of its affiliates.
49. All Documents relating to any revenue, sales, costs, profits, and financial information relating to any alleged demand for a patented product related to the Asserted Patent or any Related Patents sold or provided by any Person, including TopWire or any of its affiliates.
50. All marketing analyses relating to the Accused Product or any competitive products to the Accused Product, including any products of TopWire or any of its affiliates.

51. All Documents upon which You intend to rely to support any contention that there is an established royalty for the licensing of rights under the Asserted Patent.

52. All Documents concerning what TopWire considers to be an established or usual royalty in the industry to which the Asserted Patent relates.

53. All Documents supporting the royalty terms TopWire contends TopWire and Samsung would have agreed upon at the time TopWire alleges Samsung began practicing the Asserted Patent, or at any point since, if TopWire and Samsung had been reasonably and voluntarily trying to reach a licensing Agreement.

54. All Documents concerning TopWire's contention, if any, that the Asserted Patent is valid and/or enforceable, including, without limitation, all Documents concerning any investigation or analysis thereof, including any Documents from any other Persons relating to this topic.

55. All Documents concerning any search, investigation, evaluation, or opinion of the scope, validity, enforceability, and/or patentability of any Asserted Claim of any Asserted Patent, including any Documents from any other Persons relating to this topic.

56. All Documents concerning any patentability or state of the art search, literature search, validity search, patentability or state of the art analysis, validity analysis, enforceability analysis, unenforceability analysis, invalidity analysis, or infringement analysis, conducted by TopWire or by any other Person, related to the Asserted Patent, including any Documents from any other Persons relating to this topic.

57. All Documents known or considered by You as Prior Art or potential Prior Art concerning the Asserted Patent or any Related Patents.

58. All Documents comprising or concerning Prior Art related to the claimed subject matter of the Asserted Patent or any Related Patents or discussing differences or similarities between the Prior Art and any invention disclosed or claimed in the Asserted Patent or any Related Patents, including a copy of each document identified under "References Cited" in the Asserted Patent.

59. All Documents concerning patents or publications, whether in English or a foreign language, on which TopWire intends to rely for any purpose in this Action, including Prior Art.

60. All Documents and Communications concerning alleged objective indicia or secondary considerations of non-obviousness of the Asserted Patent (including alleged commercial success and nexus to the claimed subject matter, alleged long-felt need in the art for the claimed subject matter, any alleged failure of others to solve the problems addressed by the claimed subject matter, alleged skepticism or disbelief by any Person relating to the claimed subject matter, alleged positive recognition in the industry for the claimed subject matter, alleged

copying of the claimed subject matter, and alleged unexpected results produced by the claimed subject matter).

61. All Documents and Communications concerning Your contention that the Asserted Claims of the Asserted Patent are not indefinite under 35 U.S.C. § 112.

62. All Documents and Communications concerning Your contention that the Asserted Claims of the Asserted Patent are not invalid under 35 U.S.C. § 101.

63. All Documents and Communications concerning Your contention that the Asserted Claims of the Asserted Patent are not invalid for lack of written description or lack of enablement under 35 U.S.C. § 112.

64. All Documents and Communications concerning any written description of any claims of the Asserted Patent.

65. All Documents concerning the level of ordinary skill in the art potentially applicable for each Asserted Claim of the Asserted Patent.

66. All Documents and Communications concerning the interpretation or construction of any of the claims of the Asserted Patent.

67. All Documents concerning any unique or specialized meaning (different from its everyday common use) of any word or phrase contained in any of the Asserted Claims of the Asserted Patent.

68. All Documents and Communications concerning the Asserted Patent, any Related Patents, or the functionality claimed in the Asserted Patent or any Related Patents that were generated by, or at the direction of, the Named Inventor.

69. All Documents sufficient to identify all patents and patent applications filed prior to 2015 by the Named Inventor relating to spacer connectors, including the application numbers, filing dates, publication dates, and issued patent numbers, and Documents sufficient to show the specifications and claims of such patents and applications.

70. All Documents and Communications concerning the alleged conception, any alleged diligence from conception to reduction to practice, and any actual reduction to practice of the alleged invention claimed in the Asserted Patent or any Related Patents, including inventor notes and any Communications with third parties concerning the alleged invention claimed in the Asserted Patent or any Related Patents and/or each purported inventor's individual contributions thereto.

71. All Documents concerning the research, design, development, or testing of the subject matter described or claimed in the Asserted Patent or any Related Patents, including all handwritten or typed notes, laboratory notebooks, inventor notebooks, computer programs, code, or data.

72. All Documents, including but not limited to presentations, conference papers, speaking notes, slides, or other materials, concerning the Asserted Patent and any Related Patents.

73. All Documents prepared for or distributed at any conference, exhibition, seminar, convention, or trade show relating to any product, device, apparatus, method, process, or system that allegedly embodies the Asserted Patent or any Related Patents.

74. All Documents received from any other Person or entity relating to the conception, reduction to practice, or diligence in reducing to practice any claimed invention in the Asserted Patent or any Related Patents.

75. All Documents relating to the first disclosure, first written description, first offer for sale, for sale, first public use, or first use of the claimed invention in the Asserted Patent or any Related Patents, including any Documents relating thereto received from any Person or entity.

76. All Communications with the Named Inventor before or after this litigation started.

77. All Agreements with the Named Inventor.

78. All Documents concerning the filing and prosecution of the Asserted Patent or any Related Patents, including all draft and final versions of such applications, office actions, draft and final versions of responses to office actions, and all Communications concerning the filing and prosecution of such patent applications.

79. All Documents and Communications supporting any contention that any Asserted Claim is entitled to any alleged priority date.

80. All Documents and Communications concerning the purpose, reasons, or objectives for filing, pursuing, or maintaining any continuation, divisional, continuation-in-part, reissue application, or request for continued examination relating to the Asserted Patent or any Related Patents, including Documents identifying the Person who proposed, approved, or directed such filings, and Documents concerning any intent or consideration to maintain pendency, delay issuance, broaden or modify claim scope, or address or anticipate third-party products, services, standards, or market developments.

81. All files kept by any inventor or prosecuting attorneys relating to the Asserted Patent or any Related Patents.

82. All Documents received from any other Persons or entity relating to the prosecution of the Asserted Patent or any Related Patents.

83. All Documents which TopWire has previously served in response to discovery requests or filed in any previous or ongoing litigation involving the Asserted Patent or any Related Patents.

84. All Documents that TopWire intends to use as an exhibit at any hearing or trial in this case.

85. All Documents or Communications regarding any allegation in the Complaint.

86. All Documents or Communications referred to or consulted in answering any Interrogatory propounded by Samsung in this case.

87. All Documents given to or shown to any Person contacted, interviewed, or consulted by TopWire or TopWire's agents or attorneys in connection with the Asserted Patent or any Related Patents and/or litigation relating to the Asserted Patent or any Related Patents (including this litigation).

88. All Documents concerning the allegation in the Complaint that this case is "exceptional" under 35 U.S.C. § 285.

89. For Documents sought by any request that are not in the English language, all English language translations of such Documents, whether by a human or a machine, including translations of any foreign priority documents or applications on which TopWire relies or may rely for priority.

Please contact me promptly if you do not intend to produce any of the above information.

Sincerely,

/s/ Frank Zhu

Frank Zhu
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