

**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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|--|---|--------------------------------|
| ROSETTA-WIRELESS CORP., an Illinois Corporation, |) | |
| |) | |
| |) | |
| Plaintiff |) | Civil Action No. 15-cv-10605 |
| |) | |
| v. |) | Honorable Judge Joan H. Lefkow |
| |) | |
| SAMSUNG ELECTRONICS CO. LTD., and |) | |
| SAMSUNG ELECTRONICS AMERICA, |) | |
| INC., a New York Corporation, |) | |
| |) | |
| Defendants. |) | |

**PLAINTIFF’S LOCAL PATENT RULE 2.2 INITIAL INFRINGEMENT
CONTENTIONS**

Pursuant to Local Patent Rule 2.2, Plaintiff Rosetta-Wireless Corporation (“Rosetta” or “Plaintiff”) hereby submits the following Initial Infringement Contentions.

Discovery is far from complete, and Rosetta is still seeking information from Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung”) that may affect Rosetta’s infringement contentions. Not all information about the Accused Instrumentalities is publicly available. Further, Rosetta understands that Samsung intends to release products in the future that infringe the asserted claims.

Accordingly, Rosetta’s investigation into Samsung’s infringement is ongoing, and Rosetta makes these disclosures based on its current knowledge. In light of the foregoing, Rosetta reserves the right to supplement or amend these disclosures as further facts are revealed during the course of this litigation.

I. INITIAL INFRINGEMENT CONTENTIONS

A. Local Patent Rules 2.2(a) – Asserted Claims

Samsung is liable under 35 U.S.C. § 271(a) for infringement of claims 1-2, 4-6, 8-9, 58-59, and 62-63 of United States Patent No. 7,149,511 (the “511 Patent”) (infringement claim charts attached as Exhibit B). Rosetta’s investigation is ongoing, and Rosetta reserves the right to identify additional asserted claims based upon continued discovery and investigation.

B. Local Patent Rules 2.2(b) – Accused Instrumentalities

The Accused Instrumentalities listed in Exhibit A infringe the asserted claims.

Exhibit B discloses which claims of each asserted patent that each Accused Instrumentality infringes based on Rosetta’s investigation thus far. Rosetta further accuses any other Samsung products that Samsung is currently developing, making and/or using, including but not limited to any newer but unreleased versions of the accused products that have been recently announced by Samsung. Accordingly, Rosetta reserves its right to supplement this disclosure to include any additional Samsung products it identifies through discovery and its continuing investigation. Rosetta further reserves the right to supplement its disclosure to include any additional information it learns about the accused Samsung products through discovery (which is in its early stages) and its continuing investigation.

C. Local Patent Rules 2.2(c) – Claim Charts for the Accused Instrumentalities

Attached as Exhibit B are claim charts that identify where each element of each asserted claim of the asserted patents is found within the Accused Instrumentalities, based on the information available to Rosetta.

Rosetta’s investigation is ongoing, and Rosetta reserves the right to amend or supplement these claim charts based upon continued discovery and investigation.

D. Local Patent Rules 2.2(d) – Nature of Infringement

Based on Rosetta's current understanding, each element or limitation of each asserted claim of each asserted patent is literally present in the Accused Instrumentalities. To the extent that any element or limitation of the asserted claims is not found to have literal correspondence in the Accused Instrumentalities, Rosetta alleges, on information and belief, that any such elements or limitations are present under the doctrine of equivalents in the Accused Instrumentalities.

E. Local Patent Rules 2.2(e) – Direct Infringement

Each of the asserted claims is currently alleged to be infringed directly. Rosetta's investigation is ongoing, and Rosetta reserves the right to amend or supplement its infringement allegations based upon continued discovery and investigation.

F. Local Patent Rules 2.2(f) – Priority Dates

Not applicable.

G. Local Patent Rules 2.2(g) – Basis for Willful Infringement

Upon information and belief, Samsung had knowledge of the '511 Patent no later than January 27, 2015, yet Samsung has continued to infringe said patent. The infringement of the '511 Patent by Samsung is willful, deliberate and unreasonable, and with full knowledge of the patent, entitling Rosetta to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

H. Local Patent Rules 2.2(h) – Patentee's Patent-Practicing Products

Rosetta produced approximately five prototype wireless personal network servers in or about 2005. These devices were never offered for sale or sold, were produced prior to issuance of the patent-in-suit and were not marked with the patent number.

Date: January 20, 2016

KOBRE & KIM LLP

/s/ Daniel Zaheer

Daniel A. Zaheer (*pro hac vice*)

Michael Ng (*pro hac vice*)

Michael C. Fasano (*pro hac vice*)

Kobre & Kim LLP

150 California, 19th Floor

San Francisco, California 94111

michael.ng@kobrekim.com

daniel.zaheer@kobrekim.com

michael.fasano@kobrekim.com

(415) 582-4803

STADHEIM & GREAR, LTD.

Rolf O. Stadheim

Kyle L. Harvey

Robert M. Spalding

Christopher H. St. Peter

400 North Michigan Avenue, Suite 2200

Chicago, Illinois 60611

stadheim@stadheimgear.com

harvey@stadheimgear.com

spalding@stadheimgear.com

stpeter@stadheimgear.com

(312) 755-4400

Attorneys for Plaintiff Rosetta-Wireless Corp.

CERTIFICATE OF SERVICE

I hereby certify that on January 20, 2016, I served Rosetta-Wireless Corporation's Initial Infringement Contentions upon counsel for Samsung by email.

/s/ Travis Anderson-Hamilton

Travis Anderson-Hamilton

EXHIBIT A

Explore Litigation Insights

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