

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

NEONODE SMARTPHONE LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO. LTD.,
and SAMSUNG ELECTRONICS
AMERICA, INC.,

Defendant.

Civil Action No. 6:20-cv-00507-ADA

JURY TRIAL DEMANDED

TO THE APPROPRIATE AUTHORITY IN SWEDEN:

**SAMSUNG ELECTRONICS CO. LTD. AND SAMSUNG ELECTRONICS AMERICA,
INC.'S REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE PURSUANT TO
THE HAGUE CONVENTION OF 18 MARCH 1970 ON THE TAKING OF EVIDENCE
ABROAD IN CIVIL OR COMMERCIAL MATTERS**

The United States District Court for the Western District of Texas respectfully requests the assistance described herein as necessary in the interests of justice.

| | | |
|---|---|---|
| 1. | Sender | Office of the Clerk United States District Court for the Western District of Texas, Waco Division 800 Franklin Avenue, Room 301 Waco, Texas 76701 United States of America Phone: (254) 750-1510 |
| 2. | Central Authority of the Requested State | Division for Criminal Cases and International Judicial Co-operation Ministry of Justice SE-103 33 Stockholm, Sweden Telephone: +46 8 405 45 00 Facsimile: +46 8 405 46 76 ju.birs@gov.se |
| 3. | Persons to whom the executed request is to be returned | John M. Guaragna DLA PIPER LLP (US) 401 Congress Avenue, Suite 2500 Austin, TX 78701-3799 Tel: 512.457.7125 Fax: 512.457.7001 john.guaragna@dlapiper.com On Behalf Of: Office of the Clerk United States District Court for the Western District of Texas, Waco Division 800 Franklin Avenue, Room 301 Waco, Texas 76701 United States of America Phone: (254) 750-1510 |
| 4. | Date by which the requesting authority requires receipt of the response to the Letter of Request: | As soon as reasonably practicable. |
| In conformity with Article 3 of the Convention, the United States District Court for the Western District of Texas, Waco Division, honorably submits the following request: | | |

| | | |
|----|--|---|
| 5. | a. Requesting judicial authority (article 3, a) | United States District Court for the Western District of Texas, Waco Division 800 Franklin Avenue, Room 301 Waco, Texas 76701 United States of America Phone: (254) 750-1510 |
| | b. To the competent authority of Sweden (article 3, a) | Division for Criminal Cases and International Judicial Co-operation Ministry of Justice SE-103 33 Stockholm, Sweden Telephone: +46 8 405 45 00 Facsimile: +46 8 405 46 76 ju.birs@gov.se |
| | c. Name of the case and any identifying number | <i>Neonode Smartphone LLC v. Samsung Electronics Co. Ltd., et al.</i> , Civil Action File Number 6:20-cv-507-ADA |
| 6. | Name and addresses of the parties and their representatives (including representatives in the requested state) | |
| | Plaintiff | Neonode Smartphone LLC 30 N. Gould Street, Suite R Sheridan, WY 82801 |
| a. | Representatives | Philip J. Graves (CA State Bar No. 153441) HAGENS BERMAN SOBOL SHAPIRO LLP 301 North Lake Avenue, Suite 920 Pasadena, CA 91101 Telephone: (213) 330-7147 Facsimile: (213) 330-7152 Email: philipg@hbsslaw.com Jakob Falkman Advokatfirman Hammarskiöld & Co Skeppsbron 42, P.O. Box 2278, 103 17 Stockholm Phone +46 8 578 450 26 Mobile +46 708 145 481 jakob.falkman@hammarskiold.se |
| b. | Defendant | Samsung Electronics Co. Ltd. 129 Samsung-Ro, Maetan-3dong, Yeongtong-gu, Suwon, 443-742, South Korea |

| | | |
|----|---|---|
| | | Samsung Electronics America, Inc. 85 Challenger Rd. Ridgefield Park, NJ 07660 |
| | Representatives | John M. Guaragna DLA PIPER LLP (US) 401 Congress Avenue, Suite 2500 Austin, TX 78701-3799 Tel: 512.457.7125 Fax: 512.457.7001 john.guaragna@dlapiper.com Karl-Oscar Dalin Advokatfirma DLA Piper Sweden KB Sveavägen 4 PO Box 7315 SE - 103 90 Stockholm Sweden +46 8 701 78 00 Karl-Oscar.Dalin@se.dlapiper.com |
| 7. | a. Nature of the proceedings (article 3, c) | The nature of the litigation from which the Requests stem is a complaint of patent infringement in the Western District of Texas involving U.S. Patent Nos. 8,095,879 and 8,812,993 (“the Patents-in-Suit”). |
| | b. Summary of complaint | The complaint alleges that Samsung has infringed and continues to infringe the Patents in Suit by making, using, selling, offering for sale and importing into the United States certain mobile devices including certain user interface elements. |
| | c. Summary of defense | Samsung’s defenses include that the alleged invention of the Patents-in-Suit was not conceived or reduced to practice prior to the filing date of each patent, and inequitable conduct on behalf of the applicant of the Patents-in-Suit due to failure to disclose proper inventorship of the Patents-in-Suit. |
| 8. | a. Evidence to be obtained or other judicial act to be performed (article 3, d) | The nature of the proceeding being requested at this time is (1) a Request to Compel Testimony from Magnus Goertz on the topics set forth in Attachment A, (2) a Request for Production of Documents and Physical Evidence by Magnus Goertz as set forth in Attachment |

| | | |
|----|---|--|
| | | <p>B, (3) a Request to Compel Testimony from Björn Thomas Eriksson on the topics set forth in Attachment A; and (4) a Request for Production of Documents and Physical Evidence by Björn Thomas Eriksson as set forth in Attachment B.</p> |
| | <p>b. Purpose of the judicial act sought</p> | <p>The evidence sought is requested in the interests of justice, to establish at trial information in the possession of the witnesses relating to (i) the conception and reduction to practice of the alleged inventions claimed in the Patents-in-Suit, (ii) inventorship and prosecution of the Patents-in-Suit, (iii) ownership of the Patents-in-Suit, (iv) commercialization of products that allegedly embody certain aspects of the alleged inventions claimed in the Patents-in-Suit, (v) the development of Neno user interface technology, and (vi) communications and licensing concerning Plaintiff, Defendants, and/or their related entities.</p> <p>By way of background, the earliest priority date for the Patents-in-Suit that is supported on the face of the patents is December 10, 2002. Neonode Smartphone has asserted that both Patents-in-Suit are entitled to a prior date of May 5, 2000. Magnus Goertz is a co-founder of Neonode Inc. and the sole named inventor of the patents at issue in this litigation, U.S. Patent Nos. 8,095,879 and 8,812,993 (“the Patents-in-Suit”). Björn Thomas Eriksson, a co-founder of Neonode Inc., may also have information relevant to conception and reduction to practice, inventorship of the Patents-in-Suit, as well as commercialization efforts before December 10, 2002 of Neonode Inc. products that allegedly embody certain aspects of the claimed subject matter of the Patents-in-Suit.</p> |
| 9. | <p>Identity and address of any person to be examined (Article 3, e)</p> | <p>Magnus Goertz Personal id. No. 690626-0077 Valhallavägen 5 Lidingö 181 32 SWEDEN</p> <p>Björn Thomas Eriksson Personal id. No. 700414-0054 Narvavägen 20 Stockholm</p> |

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.