

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

GUI GLOBAL PRODUCTS, LTD.
D/B/A GWEE

Plaintiff,

vs.

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

Defendants.

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CIVIL ACTION NO. 4:20-cv-2624

**PLAINTIFF’S DISCLOSURE OF ASSERTED CLAIMS AND PRELIMINARY
INFRINGEMENT CONTENTIONS**

Pursuant to P.R. 3-1 and 3-2, Plaintiff Gui Global Products, Ltd. d/b/a Gwee hereby serves upon Defendants Samsung Electronics Co. Ltd.; and Samsung Electronics America, Inc. (collectively “Samsung”) its Disclosure of Asserted Claims and Preliminary Infringement Contentions and Document Production Accompanying Disclosure for asserted U.S. Patent Nos. 10,589,320 (the “’320 patent); 10,562,077 (the “’077 patent); 10,259,021 (the “’021 patent) and 10,259,020 (the “’020 patent) (collectively the (“asserted patents” or “patents-in-suit”), as follows:

3-1(a): Each claim of each patent-in-suit that is allegedly infringed by an opposing party.

Gwee presently contends that Samsung infringes the claims listed in the attached and incorporated infringement chart:

- 1) ‘320 Galaxy Buds Infringement Chart;
- 2) ‘077 Galaxy Buds Infringement Chart;
- 3) ‘020 Galaxy Buds Infringement Chart;
- 4) ‘021 Galaxy Buds Infringement Chart;

- 5) ‘320 Galaxy Buds+¹ Infringement Chart;
- 6) ‘077 Galaxy Buds+ Infringement Chart;
- 7) ‘020 Galaxy Buds+ Infringement Chart;
- 8) ‘021 Galaxy Buds+ Infringement Chart;
- 9) ‘320 Galaxy Buds Live Infringement Chart;
- 10) ‘077 Galaxy Buds Live Infringement Chart;
- 11) ‘020 Galaxy Buds Live Infringement Chart; and
- 12) ‘021 Galaxy Buds Live Infringement Chart.

Without limitation, and to the extent necessary, Gwee presently contends infringement pursuant to 35 U.S.C. §271(a) (i.e., direct infringement) and/or (b) indirect infringement via inducement of infringement, including by actively inducing others to use, import, offer for resale, and/or resell the Samsung infringing products. For Gwee’s claims brought under the ‘320 patent, Gwee alleges that the point of first infringement and the start of claimed damages is March 17, 2020. For Gwee’s claims brought under the ‘077 patent, Gwee alleges that the point of first infringement and the start of claimed damages is February 18, 2020. For Gwee’s claims brought under the ‘020 patent, Gwee alleges that the point of first infringement and the start of claimed damages is April 16, 2019. For Gwee’s claims brought under the ‘021 patent, Gwee alleges that the point of first infringement and the start of claimed damages is April 16, 2019. For all patents, Gwee alleges that infringement and damages are ongoing and will continue until infringing activities are ceased.

3-1(b): For each asserted claim, a specific and separate identification of each accused apparatus, product, device, process, method, act, or other instrumentality (“Accused Instrumentality”) of each opposing party, including where possible:
(1) each product, device, and apparatus identified by name or model Number, and
(2) each method or process identified by name, any product, device, or apparatus that, when used, allegedly results in the practice of the claimed method or process.

Gwee presently contends that all versions and models of Samsung’s Galaxy Buds, Galaxy

¹ Samsung Galaxy Buds+ are sometimes referred to as Galaxy Buds Plus. Any references by Gwee to Galaxy Buds+ includes Galaxy Buds Plus, and vice versa.

Buds+, and Galaxy Buds Live products (i.e., charging cases and earbuds) infringe the asserted claims as described in the attached and incorporated infringement chart:

- 1) '320 Galaxy Buds Infringement Chart;
- 2) '077 Galaxy Buds Infringement Chart;
- 3) '020 Galaxy Buds Infringement Chart;
- 4) '021 Galaxy Buds Infringement Chart;
- 5) '320 Galaxy Buds+ Infringement Chart;
- 6) '077 Galaxy Buds+ Infringement Chart;
- 7) '020 Galaxy Buds+ Infringement Chart;
- 8) '021 Galaxy Buds+ Infringement Chart;
- 9) '320 Galaxy Buds Live Infringement Chart;
- 10) '077 Galaxy Buds Live Infringement Chart;
- 11) '020 Galaxy Buds Live Infringement Chart; and
- 12) '021 Galaxy Buds Live Infringement Chart.

3-1(c): A chart identifying specifically where each element of each asserted claim is found within each Accused Instrumentality, including for each element that is allegedly governed by 35 U.S.C. § 112, ¶ 6, the identity of the structures, acts, or materials in the Accused Instrumentality that performs the claimed function.

Charts identifying specifically where each element of each asserted claim is found within each Accused Instrumentality are attached and incorporated as follows:

- 1) '320 Galaxy Buds Infringement Chart;
- 2) '077 Galaxy Buds Infringement Chart;
- 3) '020 Galaxy Buds Infringement Chart;
- 4) '021 Galaxy Buds Infringement Chart;
- 5) '320 Galaxy Buds+ Infringement Chart;
- 6) '077 Galaxy Buds+ Infringement Chart;
- 7) '020 Galaxy Buds+ Infringement Chart;
- 8) '021 Galaxy Buds+ Infringement Chart;
- 9) '320 Galaxy Buds Live Infringement Chart;
- 10) '077 Galaxy Buds Live Infringement Chart;
- 11) '020 Galaxy Buds Live Infringement Chart; and
- 12) '021 Galaxy Buds Live Infringement Chart.

The charts should be read in tandem and as informative of the others as applicable. The charts in Gwee's already served Complaint are also informative.

Gwee does not presently contend that any element of any asserted claim is governed by 35 U.S.C. § 112, ¶ f (f/k/a 35 U.S.C. § 112, ¶ 6).

3-1(d): For each Accused Instrumentality and each element of each asserted claim, identification of whether the element is claimed to be literally present or present under the doctrine of equivalents.

For each asserted claim of the '320, '077, '021 and '020 patents, Gwee presently contends that the electronic device element is literally met by each Samsung Galaxy Buds, Buds+ and Buds Live Accused Instrumentality. Alternatively, Gwee also presently contends that the electronic device element is at least equivalently met under the doctrine of equivalents for each Samsung Galaxy Buds, Buds+ and Buds Live Accused Instrumentality.

For each asserted claim of the '320, '077, '021 and '020 patents, Gwee presently contends that the switching device element is literally met by each Samsung Galaxy Buds, Buds+ and Buds Live Accused Instrumentality. Alternatively, Gwee also presently contends that the switching device element is at least equivalently met under the doctrine of equivalents for each Samsung Galaxy Buds, Buds+ and Buds Live Accused Instrumentality.

For each asserted claim of the '320, '077, '021 and '020 patents, Gwee presently contends that the activate element is literally met. Alternatively, Gwee also presently contends that the activate element is at least equivalently met under the doctrine of equivalents for each Samsung Galaxy Buds, Buds+ and Buds Live Accused Instrumentality.

For each asserted claim of the '320, '077, '021 and '020 patents,, Gwee presently contends that the deactivate element is literally met. Alternatively, Gwee also presently contends that the deactivate element is at least equivalently met under the doctrine of equivalents for each Samsung Galaxy Buds, Buds+ and Buds Live Accused Instrumentality.

For each asserted claim of the '320, '077, '021 and '020 patents, Gwee presently contends that the hibernate element is literally met. Alternatively, Gwee also presently contends that the hibernate element is at least equivalently met under the doctrine of equivalents for each Samsung

Galaxy Buds, Buds+ and Buds Live Accused Instrumentality.

Based on Gwee's present understanding of the claim language and publicly available information regarding each Samsung Galaxy Buds, Buds+ and Buds Live Accused Instrumentality, Gwee asserts that Samsung literally infringes the Asserted Claims of the patents-in-suit. Any claim element not literally present in the Accused Instrumentality as set forth in the appended infringement charts is found in those instrumentalities under the doctrine of equivalents because any differences between such claim element and the Accused Instrumentality is insubstantial and/or the Accused Instrumentality perform substantially the same function, in substantially the same way to achieve substantially the same result as the corresponding claim element(s). More specifically, the devices perform substantially the same function, in substantially the same way, to yield substantially the same result. Samsung would thus be liable for direct infringement under the doctrine of equivalents. In addition, Gwee reserves the right, pursuant to Local P.R. 3-6, to assert infringement solely under the doctrine of equivalents with respect to any particular claim element(s) if warranted by discovery received from Samsung, or a claim construction ruling from the Court, or both.

3-1(e): For any patent that claims priority to an earlier application, the priority date to which each asserted claim allegedly is entitled.

Gwee presently contends that U.S. patent application Ser. No. 16/698,223 for the '320 Patent, which was filed on Nov. 27, 2019, is a continuation of U.S. patent application Ser. No. 16/502,935, filed Jul. 3, 2019, which is a continuation of U.S. patent application Ser. No. 16/460,770, filed Jul. 2, 2019, which is a continuation of U.S. patent application Ser. No. 16/388,691, filed Apr. 18, 2019, which is a continuation of U.S. patent application Ser. No. 16/041,594, filed Jul. 20, 2018, which is a continuation of U.S. patent application Ser. No. 15/852,000, filed Dec. 22, 2017, which is a continuation of U.S. patent application Ser. No.

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