

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

SOLAS OLED LTD.,

Plaintiff,

vs.

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

Defendants.

CASE NO. 2:21-cv-00105-JRG

**First Amended Complaint for Patent
Infringement**

JURY DEMANDED

**PLAINTIFF SOLAS OLED LTD.'S PRELIMINARY DISCLOSURE OF ASSERTED
CLAIMS AND INFRINGEMENT CONTENTIONS TO SAMSUNG**

I. P.R. 3-1. Disclosure of Asserted Claims and Infringement Contentions

Pursuant to Patent Rule 3-1, Solas OLED Ltd. (“Solas” or “Plaintiff”) submits the following Preliminary Disclosure of Asserted Claims and Infringement Contentions.

This disclosure is based on the information available to Solas as of the date of this disclosure, and Solas reserves the right to amend this disclosure to the full extent consistent with the Court’s Rules and Orders.

A. Patent Rule 3-1(a): Asserted Claims

Solas asserts that Defendant Texas Instruments Inc. (“Defendant” or “Texas Instruments”) infringes one or more of the following claims:

(1) U.S. Patent No. 8,526,767 (“767 Patent”), Claims 1-3, 6, and 11-14 (“767 Asserted Claims”);

B. Patent Rule 3-1(b): Accused Instrumentalities of which Solas is aware

Solas asserts that the Asserted Claims are infringed by the various methods and apparatuses used, made, sold, or offered for sale by Defendant, including, but not limited to, touch controllers, appliances with touch sensors and/or touchscreens, smartphones, tablets, and other touchscreen devices (“Accused Instrumentalities”). Examples of specific models of Accused Instrumentalities are given in the accompanying preliminary infringement contention chart, Exhibit A.

Solas in no way intends that the Accused Instrumentalities are limited to the methods and apparatuses that are identified in Exhibit A, but instead contends that the Accused Instrumentalities are meant to refer to all methods and apparatuses that involve all similar products that include the claimed touchscreen technology and/or circuitry. Unless otherwise stated, Solas’s assertions of infringement apply to all variations, versions, editions, and applications of each of the Accused Instrumentalities, on information and belief, that different variations, versions, editions, and applications of each of the Accused Instrumentalities all operate in the substantially the same manner for purposes of infringement of the Asserted Claims.

C. Patent Rule 3-1(c): Claim Charts

Solas’s analysis of Defendant’s methods and apparatuses is based upon limited information that is publicly available and based on Solas’s own investigation prior to any discovery in these actions. Specifically, Solas’s analysis is based on certain limited resources that evidence certain methods and apparatuses made, sold, used, or imported into the U.S. by Defendant.

The publicly available information, evidencing the underlying methods and apparatuses used by Defendant that are available to Solas, consisted of samples of Accused Instrumentalities, but also information from Internet websites, public datasheets, and other public documentation on the Accused Instrumentalities. In some instances, while the publicly available information constitutes evidence of the methods and apparatuses used by Defendant in the Accused Instrumentalities, direct evidence of the actual apparatuses and methods are at times not publicly

available. Accordingly, these infringement contentions are based on the limited availability of public information.

Solas reserves the right to amend or supplement these disclosures for any of the following reasons:

- (1) Defendant provides evidence of the apparatuses and methods used in the Accused Instrumentalities;
- (2) The Asserted Claims may include elements that involve features that are implemented by hardware and software structures and logic and Solas's current positions on infringement are set forth without the benefit of acquiring the source code or other proprietary specifications or information, which cannot be obtained through publicly available information, for the Accused Instrumentalities. Therefore, it may be necessary for Solas to supplement its positions on infringement after a complete production of source code or other proprietary specifications or information by the Defendant;
- (3) Solas's position on infringement of specific claims will depend on the claim constructions adopted by the Court. Because said constructions have not yet occurred, Solas cannot take a final position on the bases for infringement of the Asserted Claims; and
- (4) Solas's investigation and analysis of Defendant's Accused Instrumentalities is based upon information made publicly available by Defendant and by Solas's own investigations. Solas reserves the right to amend these contentions based upon discovery of non-public information that Solas anticipates receiving from Defendant during discovery.

Attached as Exhibit A, and incorporated herein in its entirety, are charts identifying where each element of the Asserted Claims of the '767 Patent is found in the Accused Instrumentalities.

Unless otherwise indicated, the information provided that corresponds to each claim element is considered to indicate that each claim element is found within each of the different variations, versions, editions, and applications of each respective Accused Instrumentalities described above.

D. Patent Rule 3-1(d): Literal Infringement / Doctrine of Equivalents

With respect to the patents at issue, each element of each Asserted Claim is considered to be literally present. Solas also contends that each Asserted Claim is infringed or has been infringed under the Doctrine of Equivalents in Defendant's Accused Instrumentalities. Solas also contends that Defendant directly and indirectly infringes the Asserted Claims as stated in the Complaint.

E. Patent Rule 3-1(e): Priority Dates

Each of the Asserted Claims of the '767 Patent is entitled to a priority date no later than May 1, 2008.

F. Patent Rule 3-1(f): Identification of Instrumentalities Practicing the Claimed Invention

At this time, Solas is not relying on an assertion that its own instrumentalities practice the claims of the Asserted Patents.

II. P.R. 3.2. Document Production Accompanying Disclosure

Pursuant to Patent Rule 3-2, Solas submits the following Document Production Accompanying Disclosure, along with an identification of the categories to which each of the documents corresponds.

A. Patent Rule 3-2(a) documents:

Solas is presently unaware of any documents sufficient to evidence any discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, the inventions recited in the Asserted Claims of the Asserted Patents prior to the application date or priority date for the Asserted Patents.

A diligent search continues for documents and Solas reserves the right to supplement this response.

B. Patent Rule 3-2(b) documents:

Solas is presently unaware of documents regarding the conception, reduction to practice, design, and development of each claimed invention of the Asserted Patents, which were created before the date of application for the patent in suit or the priority date identified above.

A diligent search continues for other documents and Solas reserves the right to supplement this response.

C. Patent Rule 3-2(c) documents:

Solas identifies the following documents as being the file histories for the Asserted Patents:
SOLAS_SAMSUNG105_0000001 - SOLAS_SAMSUNG105_0000498.

Dated July 12, 2021:

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