

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

STRATOSAUDIO INC.,	)	
	)	Case No. 6:20-CV-01125-ADA
Plaintiff,	)	
	)	
v.	)	<b>JURY TRIAL DEMANDED</b>
	)	
HYUNDAI MOTOR AMERICA	)	
	)	
Defendant.	)	
_____	)	

**PLAINTIFF’S PRELIMINARY INFRINGEMENT CONTENTIONS**

Plaintiff StratosAudio Inc. (“Plaintiff”) provides the following Preliminary Infringement Contentions to defendant Hyundai Motor America (hereinafter referred to as “Hyundai” or “Defendant”). This disclosure is based on the information available to Plaintiff as of the date of this disclosure, and Plaintiff reserves the right to amend this disclosure to the full extent consistent with the Court’s Rules and Orders.

**I. INFRINGEMENT**

Plaintiff asserts that Defendant infringes one or more of the following claims (collectively, “Asserted Claims”) of the following patents (collectively, “Asserted Patents”):

U.S. Patent No. 8,166,081 (“’081 patent”), claims 9-11, and 23

U.S. Patent No. 8,688,028 (“’028 patent”), claims 11, 14-16, and 18

U.S. Patent No. 8,903,307 (“’307 patent”), claims 11, 15, 16, and 18

U.S. Patent No. 9,584,843 (“’843 patent”), claims 10, 11, and 13

U.S. Patent No. 8,200,203 (“’203 patent”), claims 43, 47, 48, 51, and 52

U.S. Patent No. 9,294,806 (“’806 patent”), claims 5-8, and 10

U.S. Patent No. 9,355,405 (“’405 patent”), claims 12, and 14-16

Plaintiff asserts that the Asserted Claims are infringed by the various methods and apparatuses used, made, sold, offered for sale, or imported into the U.S. by Defendant, as identified in the claim charts attached hereto as Exhibits 1-7 (the “Accused Consoles”).

Exhibits 1-7, incorporated herein in their entirety by reference, identify each element of the Asserted Claims of the Asserted Patent found in the exemplary Accused Consoles.

Plaintiff’s analysis is based on certain limited information that is publicly available and Plaintiff’s own investigation prior to any discovery in this action. Plaintiff reserves the right to amend or supplement these disclosures to the full extent consistent with the Court’s Rules and Orders.

Plaintiff in no way intends that the Accused Consoles are limited to the methods and apparatuses that are identified in the Exhibits, but instead contends that the Accused Consoles are meant to refer to all methods and apparatuses that involve all similar products that practice at least one of the Asserted Claims. Unless otherwise stated, Plaintiff’s assertions of infringement apply to all models, variations, versions, and applications of each of the Accused Consoles since issuance of the Asserted Patents, and, on information and belief, that different models, variations, versions, and applications of each of the Accused Consoles all operate in the substantially the same manner for purposes of infringement of the Asserted Claims.

With respect to the Asserted Patents, each element of each Asserted Claim is considered to be literally present. Plaintiff also contends that each Asserted Claim is infringed or has been infringed under the Doctrine of Equivalents in Defendant’s Accused Consoles. Plaintiff also contends that Defendant directly and indirectly infringes the Asserted Claims. For example, the

Accused Consoles are provided by the Defendant to others (including distributors, dealers, and customers), who are actively encouraged and instructed (for example, through online instructions on their website, user manuals, and information and instructions supporting sales and services by others) by the Defendant to use the Accused Consoles in ways that directly infringe at least one claim of each of the Asserted Patents. Defendant therefore specifically intend for and induces their customers to practice at least one claim of each of the Asserted Patents through the others' normal and customary use of the Accused Consoles. Other theories of infringement are set forth in Exhibits 1-7.

## **II. PRIORITY DATE (I.E., EARLIEST DATE OF INVENTION)**

The Asserted Claims of the '081 patent are entitled to a priority date at least as early as February 5, 2008. The Asserted Claims of the '028 patent are entitled to a priority date at least as early as September 13, 2000. The Asserted Claims of the '307 patent are entitled to a priority date at least as early as September 13, 2000. The Asserted Claims of the '843 patent are entitled to a priority date at least as early as February 5, 2008. The Asserted Claims of the '203 patent are entitled to a priority date at least as early as March 21, 2003. The Asserted Claims of the '806 patent are entitled to a priority date at least as early as February 5, 2008. The Asserted Claims of the '405 patent are entitled to a priority date at least as early as February 5, 2008.

## **III. DOCUMENT PRODUCTION**

Documents Bates numbered STRATOS\_00000001- STRATOS\_00117791 are being produced concurrently herewith. These documents include documents related to the Accused Consoles, the priority of the Asserted Patent, as well as a copy of the file history for the Asserted Patents. Original copies of certain produced documents are available for inspection. Certain

email correspondences relating to the priority of the Asserted Patents are available for production pending the entry of Protective Order and Discovery Order to be negotiated by the parties.

Date: May 13, 2021

Respectfully submitted,

**WHITE & CASE LLP**

By: /s/ Jonathan Lamberson

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**ATTORNEYS FOR PLAINTIFF  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 13th day of May 2021, I served via FTP site the attorneys of record for Defendants.

/s/ Marcus Hidalgo

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