

**From:** Bailey Benedict <benedict@fr.com>  
**Sent:** Wednesday, June 28, 2023 7:12 PM  
**To:** Seth Reich; LGE/Constellation EDTX - Service; melissa@gillamsmithlaw.com  
**Cc:** constellation@caldwellcc.com; andrea@wsfirm.com  
**Subject:** RE: Constellation v LG - Final Election of Invalidity Theories/Equitable Defenses

Counsel,

Defendants' final election of equitable defenses is as follows: prosecution laches, unclean hands, and patent misuse.

Defendants' final election of invalidity theories and prior art references/combinations is described in the chart below:

Asserted Patent	Invalidity Theories and Prior Art References/Combinations
'761 Patent, claims 17, 21, 24, and 28	Single ref. §103: DeGaudenzi Article
'700 Patent, claims 1 and 5	Single ref. §103: DeGaudenzi Article
'509 Patent, claim 21	Single ref. §103: Bauch
'509 Patent, claim 23	§103: Bauch + Zhang
'922 Patent, claim 24	§103: Shen + Thomson + Cronie
'922 Patent, claim 44	§103: Shen + Thomson + Cronie

Regards,

**Bailey K. Benedict**  
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