

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

COBBLESTONE WIRELESS, LLC,

*Plaintiff,*

v.

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

*Defendants.*

Case No. 2:23-cv-00285-JRG-RSP

**JURY TRIAL DEMANDED**

**SAMSUNG ELECTRONICS CO. LTD. AND SAMSUNG  
ELECTRONICS AMERICA, INC.’S P.R. 3-3 AND 3-4  
INVALIDITY CONTENTIONS**

Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Defendants” or “Samsung”) hereby provide the following Preliminary Invalidity Contentions (“Contentions”) to Plaintiff Cobblestone Wireless LLC (“Plaintiff” or “Cobblestone”) for U.S. Patent Nos. 7,924,802 (“the ’802 patent”), 8,891,347 (“the ’347 patent”), 9,094,888 (“the ’888 patent”), 10,368,361 (“the ’361 patent”), and 8,554,196 (“the ’196 patent”) (collectively, the “Asserted Patents”).

**I. PRELIMINARY STATEMENT AND RESERVATION OF RIGHTS**

In its Infringement Contentions dated September 28, 2023, Cobblestone asserted the following 61 claims<sup>1</sup> (the “Asserted Claims”):

- Claims 1–4, 6–10, 13, 14, 17, and 21–24 of the ’802 patent;

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<sup>1</sup> Although Cobblestone’s infringement contentions originally identified claim 22 of the ’802 patent as an asserted claim, Cobblestone provided no claim chart for this claim. Samsung reserves all rights to object to any future amended infringement chart for claim 22 of the ’802 patent.

- Claims 1-4, 6-12, 14-17 of the '347 patent;
- Claims 9, 10, 12, 20, 21, and 23 of the '888 patent;
- Claims 10-13, 15, and 17 of the '361 patent;
- Claims 1-5, 7, 10, 12, 14, 17, 18, 20 and 21 of the '196 patent;

Samsung does not provide any Contentions directed to claims that Cobblestone has not asserted for purposes of infringement. To the extent Cobblestone may be permitted to assert additional claims in the future, Samsung reserves all rights to disclose new or supplemental contentions regarding such claims.

Because the same claim scope must apply for both infringement and invalidity, these Contentions are based on Cobblestone's assertions in its Infringement Contentions. Samsung does not thereby implicitly or explicitly agree with Cobblestone's construction of the claims. Samsung reserves all rights to disclose new or supplemental invalidity contentions, including to address any construction of the claims rendered by the Court, changed theories of infringement, and any evidence obtained during the course of discovery.

Subject to the rights reserved in these Contentions, all Asserted Claims are invalid under at least one or more of 35 U.S.C. §§ 102, 103, and/or 112. The Asserted Claims are invalid because they are anticipated and/or rendered obvious under 35 U.S.C. §§ 102 and 103. If Cobblestone contends or a fact-finder finds that one or more limitations of the Asserted Claims are not disclosed in the prior art identified as anticipatory, Samsung reserves the right to assert obviousness based on the identified references and/or to identify other references that would have rendered obvious the allegedly missing limitation. Furthermore, the obviousness combinations of references provided below and in the accompanying claim charts under 35 U.S.C. § 103 are exemplary only

and are not intended to be exhaustive. If or when Cobblestone challenges the disclosure of any of these references with respect to particular limitations of the Asserted Claims, Samsung reserves the right to supplement these Contentions to assert additional or different bases for obviousness. Samsung reserves the right to use any combination of the references set forth in these Contentions to demonstrate the obviousness of the Asserted Claims. Additionally, certain claims of the Asserted Patents are invalid for failure to comply with the written description, enablement, and definiteness requirements of 35 U.S.C. § 112.

Samsung expressly reserves the right to amend, correct, and/or supplement these Contentions in accordance with the Docket Control Order governing this case.

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These Contentions reflect Samsung's knowledge, investigation, and discovery as of the date of service. Samsung reserves the right to supplement these Contentions as appropriate and for any permissible reason. For example, pursuant to the Docket Control Order, Samsung reserves the right to supplement these Contentions after subsequent case events, including any disclosure by Cobblestone of amended or supplemental infringement contentions, any ruling by the Court on claim construction, or in response to arguments made and positions taken by Cobblestone during fact and expert discovery. Samsung also reserves the right to supplement these Contentions if it becomes aware of additional prior art, becomes aware of additional features of the prior art references cited below, or becomes aware of any other relevant information through discovery, including non-party discovery, or otherwise. Samsung also reserves the right to modify or supplement its Contentions based on the Court's construction of the claims.

In addition to the charts attached hereto, Samsung expressly incorporates by reference, as if expressly set forth in these Contentions, all invalidity positions, prior art, and claim charts asserted against Cobblestone in any Cobblestone lawsuit or IPR proceeding by Samsung, prior defendants, petitioners, and potential or actual licensees to the Asserted Patents. Samsung also incorporates any future discovery responses and expert reports in such litigations or proceedings.

Samsung's citations to disclosures in any particular prior art reference are not (and are not intended to be) exhaustive but rather illustrative. Samsung reserves the right to rely on uncited portions of the prior art references and on other publications and expert testimony as aids in understanding and interpreting the cited portions, as providing context thereto, as additional evidence that the prior art discloses a claim limitation or the alleged invention as a whole, as evidence of the state of the art at a particular time, as evidence of the obviousness factor of contemporaneous development by others, and as evidence of motivation to combine. Samsung also reserves the right to rely on uncited portions of the prior art references, other publications, and testimony, including expert testimony, to establish bases for combination of prior art references that render the charted claims obvious. Due to the related nature of the Asserted Patents, Samsung also reserves the right to rely on any cited portions of a prior art reference for one Asserted Patent against all Asserted Patents. Samsung also reserves the right to rely upon any documentary or testimonial evidence of the existence of any systems that embodied or practiced the disclosures found in the accompanying invalidity charts, for example as discussed in the prior art references cited herein, as such systems may qualify as prior art under 35 U.S.C. § 102(g).<sup>2</sup>

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<sup>2</sup> Citations herein refer to the pre-AIA version of Title 35 of the U.S. Code.

Samsung intends to rely on admissions concerning the scope of the prior art relevant to the Asserted Patents found in, *inter alia*: the patent prosecution histories for the Asserted Patents and related patents and/or patent applications (including all prior art cited therein); any deposition testimony of the named inventors on the Asserted Patents and related patents and/or patent applications in this matter or any other matter; evidence and testimony relating to the level of skill in the art; and the papers filed and any evidence submitted by Cobblestone in connection with this matter.

Samsung reserves the right to assert that the Asserted Claims are invalid under 35 U.S.C. § 102(f) in the event Samsung obtains additional evidence that the inventors named in any of the Asserted Patents did not invent the subject matter claimed therein. Should Samsung obtain such evidence, it will provide the name of the person(s) from whom and the circumstances under which the alleged invention or any part of it was derived.

These Contentions are not intended to include or otherwise reflect Samsung's claim interpretations. Because the Court has not yet construed any of the claims in this litigation, Samsung bases these Contentions at least on its present understanding of Cobblestone's view and application of the claim scope, to the extent that view can be inferred from Cobblestone's actual and/or apparent application of those claims. But Samsung does not adopt any constructions or interpretations impliedly or expressly in these Contentions. Moreover, Samsung's Contentions may reflect alternative positions as to claim construction and scope.

For the purposes of these Contentions, Samsung has made assumptions regarding possible meanings of indefinite claim terms. By making these assumptions, Samsung does not admit that any claim language satisfies 35 U.S.C. § 112. Similarly, the use of asserted claim terms herein

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