

Exhibit 8

From: raskinj@gtlaw.com
Sent: Tuesday, July 23, 2013 11:28 AM
To: Dan Weinberg
Cc: Richard Pettus; Justin MacLean; BookbinderJ@gtlaw.com; Qudus Olaniran; Dana Zottola
Subject: RE: BE v. Samsung

Dan,

Your email below fails to address all of the points in my July 18 email (including our proposal) and makes clear that our good faith attempts to resolve this issue amicably have been unsuccessful. As I said in my July 18 email, it is not possible for us to determine whether any products are representative of a category without first receiving supplemental infringement contentions that satisfy the local rules. Based on your statement that “BE believes that its initial infringement contentions meet the requirements of the Local Patent Rules and supplementation is not required” (making it clear that we still disagree on the fundamental issue), we cannot risk waiting to receive whatever supplements you decide to prepare before raising this issue with the Court. The prejudice on Samsung increases with each day that passes without receiving a detailed set of contentions placing Samsung on notice as to precisely what it is about its 177 products that allegedly infringe. Therefore, since it is clear that we will not be able to resolve this issue short of motion practice, we will be filing our motion to compel today.

Please call us if you have any questions.

Thanks,

Josh

From: Dan Weinberg [mailto:DWeinberg@ftklaw.com]
Sent: Tuesday, July 23, 2013 1:26 PM
To: Raskin, Joshua L. (Shld-NY-IP-Tech)
Cc: Pettus, Richard C. (Shld-NY-IP-Tech); MacLean, Justin A. (Assoc-NY-IP-Tech); Bookbinder, Julie (Assoc-NY-IP-Tech); Qudus Olaniran; Dana Zottola
Subject: RE: BE v. Samsung

Josh,

The camera products were not omitted, they were included in the Smart Phone/Media Players category. We’ve updated the category name to include cameras. We have identified 4 inadvertently omitted products, including one tablet, one smart phone, and two TVs. The attached chart has been updated with those prior omissions.

Under our proposal for a representative products stipulation, one accused device from the list of accused of devices within each of the product categories would be the representative product for all accused products within that product category. To eliminate any confusion, we propose the following representative products from the product categories identified in parenthesis.

Samsung Galaxy Note 10.1, Wi-Fi (Tablets)
Samsung LED 5300 Series Smart TV 32’ (Smart TVs)
Samsung Smart Blu-ray Player BD-E5700 (Smart Blu-Rays)
Samsung Smart Home Theater HT-E3500 (Smart Home Theater Systems)

Samsung ATIV Smart PC, XE500T1C (PC/Notebook/Ultrabook)

You asked whether BE will supplement its infringement contentions. As expressed on the telephone call last week and in prior correspondence on the issue, BE believes that its initial infringement contentions meet the requirements of the Local Patent Rules and supplementation is not required. As we understand it, Samsung contends additional information in the form of annotations to the claim charts is necessary to understand the allegations of infringement. I explained that BE would be willing to provide such amendments provided the parties make a stipulation regarding representative products. Such a stipulation appears to be mutually beneficial. For that reason, we agreed to and did provide a proposal for a representative products stipulation. Please let me know if the proposal is acceptable.

If you have any questions, please feel free to contact me.

Thanks,
Dan

From: raskinj@gtlaw.com [<mailto:raskinj@gtlaw.com>]
Sent: Monday, July 22, 2013 7:11 PM
To: Dan Weinberg
Cc: Richard Pettus; Justin MacLean; BookbinderJ@gtlaw.com; Qudus Olaniran
Subject: RE: BE v. Samsung

Dan,

OK, but please send your response as early tomorrow as possible since we cannot wait any longer to seek the Court's assistance.

Thanks,

Josh

From: Dan Weinberg [<mailto:DWeinberg@ftklaw.com>]
Sent: Monday, July 22, 2013 9:20 PM
To: Raskin, Joshua L. (Shld-NY-IP-Tech)
Cc: Pettus, Richard C. (Shld-NY-IP-Tech); MacLean, Justin A. (Assoc-NY-IP-Tech); Bookbinder, Julie (Assoc-NY-IP-Tech); Qudus Olaniran
Subject: RE: BE v. Samsung

Josh,

We will have a response for you on Tuesday, July 23. Thank you for your patience.

Thanks,
Dan

From: raskinj@gtlaw.com [<mailto:raskinj@gtlaw.com>]
Sent: Monday, July 22, 2013 2:23 PM
To: Dan Weinberg
Cc: Richard Pettus; Justin MacLean; BookbinderJ@gtlaw.com; Qudus Olaniran
Subject: RE: BE v. Samsung

Dan,

Please let us know if we can expect to receive a response to my email below. We reserve the right to proceed with filing a motion to compel and stay our discovery obligations pending new contentions at any time.

Thanks,

Josh

From: Raskin, Joshua L. (Shld-NY-IP-Tech)

Sent: Thursday, July 18, 2013 1:48 PM

To: DWeinberg@ftklaw.com

Cc: Pettus, Richard C. (Shld-NY-IP-Tech); MacLean, Justin A. (Assoc-NY-IP-Tech); Bookbinder, Julie (Assoc-NY-IP-Tech); OOlaniran@ftklaw.com

Subject: FW: BE v. Samsung

Dan,

This responds to your email of last evening to Rich. The table you have provided is not what we had expected following the meet and confer call on Monday. While we appreciate that you have attempted to categorize the 177 accused products (except for the accused camera products which we assume BE Tech has either dropped or inadvertently omitted), you have not proposed a representative product from each category.

Your email also does not address the main topic of the call (and the parties' prior correspondence), i.e., whether BE Tech is willing to supplement its infringement contentions to provide the level of detail required under Local Rule 3.1(c). Absent such supplementation to specifically identify the features which BE Tech contends to meet each claim limitation -- in both the BE Tech claim charts which merely repeat the claim language and the accompanying bare screenshots which do not include any ID/labeling of such features -- it is simply not possible to determine whether any products are actually representative of a category. More importantly, absent appropriate supplementation by BE Tech, Samsung remains prejudiced in its ability to provide responsive non-infringement contentions. Please confirm whether BE Tech agrees to supplement its infringement contentions to provide these details.

In light of the foregoing, we propose the following: we will hold off on filing our motion to compel for now if: (1) you promptly supplement your infringement contentions as to the products that you believe are representative of a given category; and (2) you agree to extend our deadline for providing non-infringement contentions (and supporting documentation) until 28 days from service of your supplemental infringement contentions. Once we receive your updated infringement contentions and we serve our non-infringement contentions, we will re-evaluate your representative product list.

Please let us know if you will agree to our proposal, or if you believe that another call would be productive. Otherwise, we reserve the right to proceed with filing a motion to compel and stay our discovery obligations pending new contentions.

Thanks,

Josh

Begin forwarded message:

From: Dan Weinberg <DWeinberg@ftklaw.com>

Date: July 17, 2013 11:26:27 PM EDT

To: Richard Pettus <pettusr@gtlaw.com>

Cc: Qudus Olaniran <QOlaniran@ftklaw.com>, Justin MacLean <macleanj@gtlaw.com>

Subject: BE v. Samsung

Richard,

Further to our discussion on Monday, attached please find a proposal for the division of products to facilitate a representative products stipulation narrowing the number of charts required for infringement and non-infringement contentions. The spreadsheet is organized into six product categories and identifies the accused products in each category.

For purposes of charting, we propose that a single chart of an accused product from each category would be representative of the other products identified in the category.

In addition, you mentioned bifurcating damages for trial. BE does not agree to bifurcation at this time.

Please let me know if you have any questions or comments.

Thanks,
Dan

Daniel Weinberg

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