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

**DEMARAY LLC,** 

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD (A KOREAN COMPANY), SAMSUNG ELECTRONICS AMERICA, INC., SAMSUNG SEMICONDUCTOR, INC., and SAMSUNG AUSTIN SEMICONDUCTOR, LLC,

Defendants.

Case No. 6:20-cv-00636-ADA

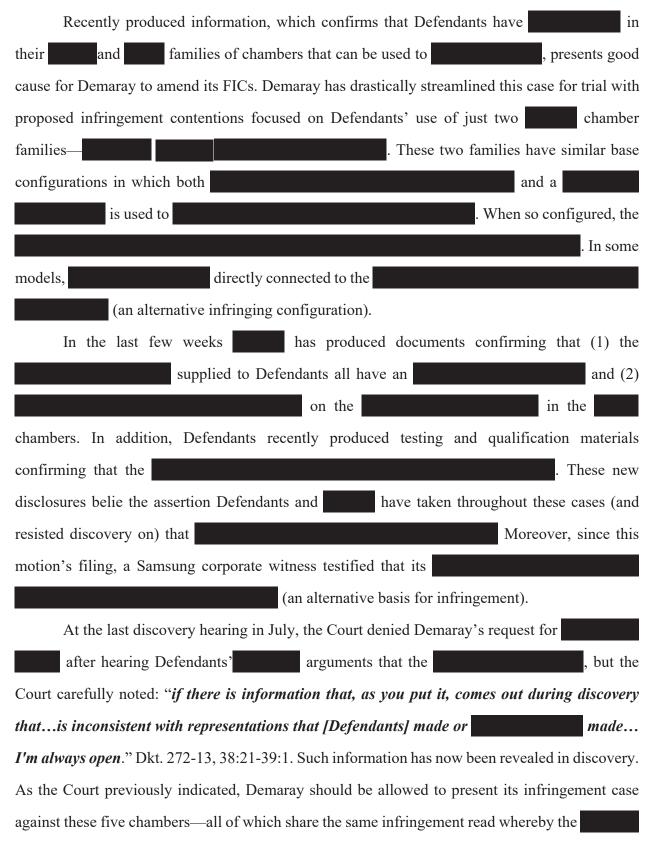
JURY TRIAL DEMANDED

PUBLIC VERSION

# DEMARAY LLC'S REPLY BRIEF IN SUPPORT OF ITS MOTION TO AMEND FINAL INFRINGEMENT CONTENTIONS



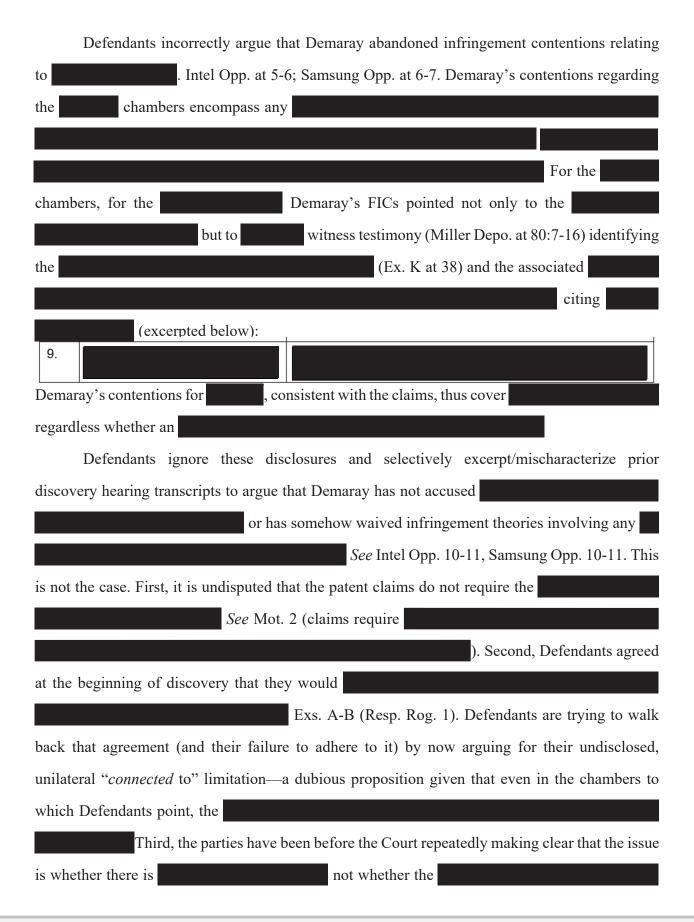
### I. <u>INTRODUCTION</u>



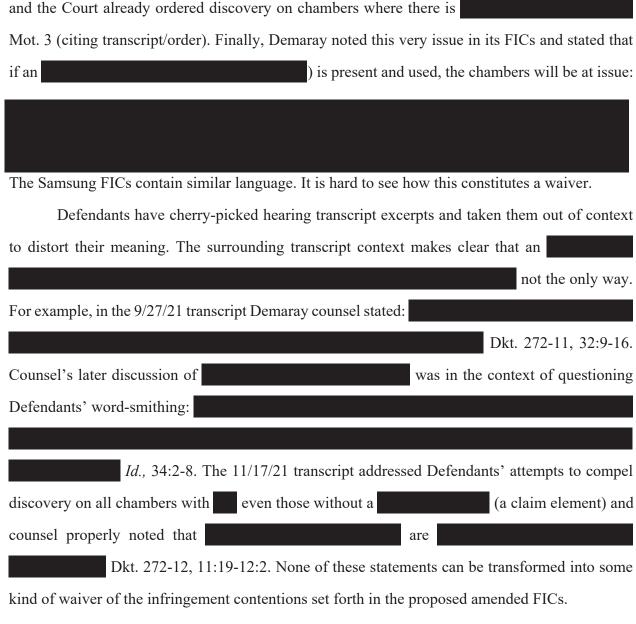


Given the overlap in theories directed at the
chambers (already at issue) and the additional chambers at issue on this motion, there is ample
room in the schedule to accommodate any additional discovery and no good reason for Demaray
to be required to litigate a separate infringement suit on the or chambers.
II. RECENT DISCOVERY CONFIRMS THAT DEFENDANTS' PRIOR
DISCLOSURES WERE INACCURATE
The discovery that Demaray just received from and not from Defendants,
confirms that the chambers all include an in addition
to the See Mot. at 6-7. Additionally, recent documents from and
Defendants indicate that the
Ex. E, 3:64-67; see also Exs. F-G.
Second, Demaray has been seeking depositions since the July 29, 2022 hearing in which
Defendants argued that they should not be compelled to provide the information sought because,
"obviously, certainlywe expect there will be depositions of the persons knowledgeable, and
[Demaray] can ask questions there." Dkt. 187, 14:11-13. That same day, Demaray began noticing
depositions—but because of Defendants' delays, technical fact depositions just started on
November 10 (the day before Demaray's motion).
On November 22, a Samsung corporate
representative confirmed the use of
Ex. Y, 95:6-9. This recent deposition testimony from
Defendants' witnesses is directly at odds with the position so forcefully stated earlier in the case
that an
III. DEMARAY HAS NOT ABANDONED INFRINGEMENT THEORIES BASED ON









### IV. <u>DEFENDANTS' PROSECUTION ESTOPPEL THEORY IS WITHOUT MERIT</u>

Defendants "estoppel" theory is also without merit, both procedurally and substantively. First, the argument is essentially a disguised summary judgment motion. While Demaray strenuously disagrees with Defendants, if Defendants choose to pursue an estoppel defense, it should be presented in a summary judgment motion or in an appropriate context on a complete record, not in connection with a case management or discovery dispute. Substantively, Defendants have mischaracterized the underlying assertions on which they rely. Defendants admit the cited



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