

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

RED ROCK ANALYTICS, LLC.

*Plaintiff,*

v.

SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA,  
INC., SAMSUNG SEMICONDUCTOR, INC.,  
and SAMSUNG AUSTIN  
SEMICONDUCTOR, LLC,

*Defendants*

Case No. 2:17-cv-00101-RWS-RSP

**JURY**

**DEFENDANTS' INVALIDITY CONTENTIONS**

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## Introduction

Pursuant to P.R. 3–3 and the Docket Control Order the Court has entered in this case (Dkt. 41), Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung Semiconductor, Inc., and Samsung Austin Semiconductor, LLC (collectively, “Samsung” or “Defendants”) provide the following Invalidity Contentions.

At this early stage of the case, Samsung’s investigation and analysis of potential prior art is not yet complete. Samsung notes that it has not completed discovery of Red Rock Analytics LLC (“Red Rock”), Dr. Cafarella, or of any third-parties who may possess relevant information pertaining to the identification and analysis of potential prior art or other theories of invalidation or unenforceability. Accordingly, Samsung expressly reserves its right to present additional items of prior art or theories of invalidity under 35. U.S.C. § 102(a), (b), (e), (f), (g) and/or § 103 to the extent that its ongoing discovery or investigation yields a basis for such a contention.

Samsung’s invalidity contentions are based on its current understanding of the asserted claims as applied by Red Rock in its infringement contentions. At least under Red Rock’s apparent constructions and infringement contentions, all of the elements of the asserted claims were already known or obvious before the respective priority date of each of the Asserted Patents. Samsung makes no admissions, express, or implied, concerning the scope or interpretation of the claims, and nothing in these disclosures should be interpreted as agreement with Red Rock’s implicit constructions or infringement theories. Samsung expressly reserves the right to propose its own claim construction positions and to oppose Red Rock’s claim construction positions in accordance with the deadlines set forth by the Court in the Docket Control Order.

Samsung also reserves the right to prove invalidity of the asserted claims on bases other than those required to be disclosed in these disclosures pursuant to Patent Rule 3–3. For instance, Samsung reserves the right to contend that one or more asserted claims are invalid

because they are ineligible subject matter and thus fail to comply with 35. U.S.C. § 101.

Samsung also reserves the right to assert that the patent is invalid due to incorrect inventorship per 35. U.S.C. § 116/256.

Samsung further reserves the right to modify or add additional contentions in the event that Red Rock provides amended infringement contentions, or in response to the Court's anticipated claim construction order.

## **I. RED ROCK'S ASSERTED PATENTS AND CLAIMS**

The patent asserted by Red Rock is U.S. Patent No. 7,346,313 (the "Asserted Patent" or "313 Patent"). Red Rock asserts claims 1 through 52 and 59 through 74 (hereinafter the "Asserted Claims").

## **II. IDENTIFICATION OF PRIOR ART REFERENCE PER PATENT RULE 3-3(A)**

In this section, Samsung identifies each item of prior art that it alleges anticipates each Asserted Claim under 35 U.S.C. § 102, or renders it obvious under 35 U.S.C. § 103. *See* P. R. 3-3(a). Red Rock has admitted that "each of the Asserted Claims is entitled to a filing date of March 4, 2002." Red Rock's July 12, 2017 P. R. 3-1 Disclosures at 3. Accordingly, there is no dispute that the following patents and publications are prior art to the Asserted Patent under 35 U.S.C. § 102(a), (b) and/or (e):

- U.S. Patent No. 5,381,108 ("Whitmarsh")
- U.S. Patent No. 5,933,448 ("Katisko")
- U.S. Patent No. 5,995,541 ("Navid")
- U.S. Patent No. 6,091,941 ("Moriyama")
- U.S. Patent No. 6,330,290 ("Glas")
- U.S. Patent No. 6,717,981 ("Mohindra")

- U.S. Patent No. 6,898,252 (“Yellin”)
- U.S. Patent No. 6,940,916 (“Warner”)
- Japanese Patent Publication No. H10-327209 (“Kabashima”)
- M. Faulkner, T. Mattsson, & W. Yates, *Automatic Adjustment of Quadrature Modulators*, 27 ELECTRONICS LETTERS 214 (1991) (“Faulkner”)
- John K. Cavers, *Adaptive Compensation for Imbalance and Offset Losses in Direct Conversion Transceivers*, 42 IEEE TRANSACTIONS ON VEHICULAR TECHNOLOGY 581, 581 (1993) (“Cavers I”)
- David A. Noon et al., *Correction of I/Q Errors in Homodyne Step Frequency Radar Refocuses Range Profiles*, 2 INT’L CONFERENCE ON ACOUSTICS, SPEECH, & SIGNAL PROCESSING 369 (1995) (“Noon”)
- Asad A. Abidi, *Direct Conversion Radio Transceivers for Digital Communications*, 30 IEEE J. OF SOLID-STATE CIRCUITS 1399, 1401 (1995) (“Abidi”)
- John K. Cavers, *A Fast Method for Adaptation of Quadrature Modulators and Demodulators in Amplifier Linearization Circuits*, Vehicular Technology Conference, Mobile Technology for the Human Race, Apr. 28 to May 1, 1996 (“Cavers II”)
- John K. Cavers, *New Methods for Adaptation of Quadrature Modulators and Demodulators in Amplifier Linearization Circuits*, 46 IEEE TRANSACTIONS ON VEHICULAR TECHNOLOGY 707 (1997) (“Cavers III”)
- Jack P.F. Glas, *Digital I/Q Imbalance in a Low-IF Receiver*, 3 IEEE GLOBECOM 1461 (1998) (“Glas Paper”).
- Ashkan Mashhour et al., *On the Direct Conversion Receiver—A Tutorial*, MICROWAVE J., Jun. 2001 (“Mashhour”)

The following claims are not entitled to the priority date of the ’313 Patent’s provisional application because the provisional application does not provide written description support for them: 8, 9, 10, 12, 13, 14, 18, 19, 20, 23, 24, 25, 27, 28, 29, 34, 35, 36, 45, 46, 47, 49, 50, 51, 60, 61, 62, 64, 65, 66, 71, 72, and 73. Samsung also contends that the as-filed application does not

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