

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

BROADPHONE LLC,

Plaintiff,

V.

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

Defendants.

Case No. 2:23-cv-00001-JRG-RSP

**PLAINTIFF'S DISCLOSURE OF
ASSERTED CLAIMS AND
INFRINGEMENT CONTENTIONS**

JURY TRIAL DEMANDED

**PLAINTIFF BROADPHONE LLC'S DISCLOSURE OF
ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS**

Pursuant to P.R. 3-1 and P.R. 3-2, Plaintiff Broadphone, LLC ("Broadphone") hereby provides its disclosure of asserted claims and infringement contentions and its accompanying document production. This disclosure is based on the information available to Broadphone as of the date of this disclosure, before Broadphone has received any discovery on the design or operation of Defendants' products. Broadphone reserves the right to amend this disclosure to the full extent permitted under the Court's rules and orders.

**P.R. 3-1: DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT
CONTENTIONS**

P.R. 3-1(A): ASSERTED CLAIMS

Broadphone asserts that Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, "Samsung") infringe one or more of the following claims, directly, by inducement, and/or by contributory infringement:

U.S. Patent No.	Asserted Claims
8,170,583	1-10, 17-19, and 20
8,594,698	1-7, 11-13, and 15-16
10,341,811	1, 4, 5, 15, 18, 19, 24, 25, and 28

Collectively, these two patents are referred to herein as the Asserted Patents, and these claims as the Asserted Claims.

P.R. 3-1(B): ACCUSED PRODUCTS OF WHICH BROADPHONE IS AWARE

Broadphone is aware of the following accused products that infringe upon each Asserted Claim, based upon information presently available to Broadphone and its investigation to date. Broadphone's infringement claims are not limited to these listed products and specifically extend to all products and apparatuses of Defendants similar to the listed products that include the claimed elements. Unless otherwise stated, Broadphone's infringement assertions apply to all variations, versions, editions, and applications of each of the listed products.

- Galaxy SmartTag devices, including, but not limited to the SmartTag, SmartTag+, and all variations or iterations thereof
- Galaxy Tab tablet devices, including, but not limited to the S9, S9+, S9 Ultra, S8, S8+, S8 Ultra, S6 Lite 2022, S7 FE, S6 Lite, S6 5G, S7+ 5G, S7+, S7 5G, S7,S5e, S6, S4, S3, and all variations or iterations thereof
- Galaxy mobile phone devices, including, but not limited to the S8, S8+, S8 Active, S9, S9+, S10, S10+, S10 5G, S10 Lite, S10e, S20, S20+, S20+ BTS Edition, S20 Ultra, S20 FE, S20, S21, S21+, S21 Ultra, S21 FE, S22, S22+, S22 Ultra, S23, S23+, S23 Ultra, Z Fold 5, Z Fold 4, Z Fold 3, Z Fold 2, Fold, Z Flip 5, Z Flip 4, Z Flip 3, Z Flip, A3, A5, A6, A6+, A7, A8, A8+, A8 Star, A9, A2 Core, A10e, A10, A10s, A20, A20s, A30, A30s, A40, A40s, A50, A50s, A60, A70, A70s, A80, A90, A01 Core, A01, A11, A21, A21s, A31, A41, A51, A71, A51 5G, A71 5G, A52s 5G, A73 5G, A23 5G, A02, A02s, A12, A22, A22 5G, A32, A32 5G, A42 5G, A52, A52 5G, A52s 5G, A72, A03 Core, A03, A03s, A13, A13 5G, A23, A23 5G, A33 5G, A53 5G, A73 5G, A04e, A04, A04s, A14, A14 5G, A24, A34 5G, A54 5G, Note 8, Note 9, Note 10, Note 10+, Note 10 Lite, Note 20, Note 20 Ultra, and all variations or iterations thereof

P.R. 3-1(C): CLAIM CHARTS

Broadphone's analysis of Defendants' products is based upon information that is publicly available and based on Broadphone's own investigation prior to any discovery in this action. These infringement contentions are based on available public information and reasonable inferences drawn from that information.

Broadphone reserves the right to amend or supplement these disclosures for any reason that may be permitted under the Court's rules and orders. For example, Broadphone reserves the right to amend or supplement based upon discovery of non-public information that Broadphone anticipates receiving from Defendants during discovery, including evidence of the structure, function, and operation of the Accused Products. As another example, the Asserted Claims recite features that are implemented by hardware structures and logic, and Broadphone's current positions on infringement are set forth without the benefit of access to Defendants' source code, schematics, drawings, and other proprietary specifications or information, which cannot be obtained through publicly available information for the Accused Products. Therefore, it may be necessary for Broadphone to supplement its positions on infringement after a complete production of such proprietary information by Defendants. As another example, Broadphone's positions on infringement for specific claims will depend on the claim constructions adopted by the Court. Because said constructions have not yet been made, Broadphone cannot take a final position on the bases for infringement of the Asserted Claims.

Attached and incorporated herein in their entirety are charts identifying where each element of the Asserted Claims are found in the Accused Products.

Unless otherwise indicated, the information provided that corresponds to each claim element is considered to indicate that each claim element is found within each of the different variations, versions, editions, and applications of each respective Accused Product.

P.R. 3-1(D): LITERAL INFRINGEMENT AND DOCTRINE OF EQUIVALENTS

Broadphone contends that each element of each Asserted Claim is literally present in each Accused Product. In the alternative, Broadphone contends that certain elements are present under the doctrine of equivalents, as set forth in its P.R. 3-1(c) claim charts. To the extent that Defendants identify specific elements of the Asserted Claims that they contend are not literally present in any Accused Product, Broadphone contends that such elements are present under the doctrine of equivalents.

P.R. 3-1(E): PRIORITY DATES

Consistent with the priority claims stated on the face of each Asserted Patent, Broadphone contends that each Asserted Patent is entitled to a priority date no later than **Sep. 19, 2006**. Broadphone reserves the right to assert an even earlier priority date for each Asserted Patent should further investigation, discovery, or Defendants' invalidity contentions make such supplementation appropriate.

P.R. 3-1(F): IDENTIFICATION OF INSTRUMENTALITIES PRACTICING THE CLAIMED INVENTION

Based on its investigation to date and recognizing the early stage of this action, Broadphone does not identify any of its own instrumentalities as potentially practicing each Asserted Claim. Broadphone reserves the right to supplement this response should further investigation, discovery, or the Court's claim construction rulings make such supplementation appropriate.

P.R. 3-2: DOCUMENT PRODUCTION ACCOMPANYING DISCLOSURE

Broadphone has conducted and continues to conduct a diligent search for documents to produce in this action. Broadphone reserves the right to supplement its production and the responses below as discovery progresses.

P.R. 3-2(A) DOCUMENTS

Broadphone not aware of any documents in its possession, custody, or control related to the subject matter of P.R. 3-2(a).

P.R. 3-2(B) DOCUMENTS

Broadphone not aware of any documents in its possession, custody, or control related to the subject matter of P.R. 3-2(b).

P.R. 3-2(C) DOCUMENTS

Broadphone directs Defendants to the following portions of its production containing documents related to the subject matter of P.R. 3-2(c): BROADPHONE-SAMSUNG-00000001-1058.

Date: October 5, 2023

Respectfully submitted,

/s/ Reza Mirzaie

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