UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

DARELTECH, LLC, Plaintiff, v. SAMSUNG ELECTRONICS CO. LTD. AND SAMSUNG ELECTRONICS AMERICA, INC., Defendants.	Civil Action No.: 4:19-CV-00702
SAMSUNG ELECTRONICS CO. LTD. AND SAMSUNG ELECTRONICS AMERICA, INC., Counterclaim-Plaintiffs, v. DARELTECH, LLC, Counterclaim-Defendant.	

PLAINTIFF/COUNTERCLAIM DEFENDANT'S OBJECTIONS AND RESPONSES TO DEFENDANT/COUNTERCLAIM PLAINTIFFS' REQUESTS FOR ADMISSION (NOS. 1-6)

Dareltech, LLC ("Dareltech"), by and through the undersigned counsel, serves the following Objections and Responses to the First Set of Requests for Admission propounded by Defendants/Counterclaim Plaintiffs Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, "Defendants" or "Samsung").

Dareltech made a good faith effort to respond to these Requests for Admission based on information available at the time. Dareltech reserves the right to amend, supplement, correct, or clarify any response in accordance with local practice, the Federal Rules of Civil Procedure, the Local Rules of the Eastern District of Texas, and any other applicable rules.

GENERAL OBJECTIONS

The following General Objections are made with respect to Defendants' Requests for Admission:

1. Dareltech objects to each Request and Instruction to the extent it seeks to impose obligations beyond or inconsistent with those imposed by the Federal Rules of Civil Procedure, the Local Rules of this Court, applicable Orders of this Court, or any stipulation or agreement of the parties.

2. Dareltech objects to each and every Request to the extent it seeks documents or information protected by the attorney-client privilege, work-product doctrine, common-interest privilege, or any other applicable privilege or immunity. Any production or disclosure of privileged information or any privileged document by Dareltech is unintentional, and Dareltech does not waive any applicable objection or privilege as a result of any such production or disclosure.

3. Dareltech objects to each and every Request to the extent that it seeks information that is cumulative or duplicative of information, disclosures, or discovery already provided by Dareltech.

4. Dareltech objects to the Instructions and Requests containing instructions or definitions that enlarge, expand, or alter in any way, the plain meaning or scope of any Interrogatory on the

ground that such enlargement, expansion, or alteration renders the interrogatory vague, ambiguous, unintelligible, overly broad, unduly burdensome, and uncertain.

5. These General Objections are applicable to, and hereby incorporated in their entirety, into each and every one of the following Specific Objections and Responses, whether specifically raised below or not. The following Objections and Responses shall not operate as a waiver in whole or part of these General Objections.

SPECIFIC OBJECTIONS AND RESPONSES TO REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO.1:

Admit that the term "grayscale" does not appear in application number 14/058,731 filed on Oct. 21, 2013, now U.S. Patent No. 8,717,328.

RESPONSE TO REQUEST FOR ADMISSION NO. 1:

In addition to its General Objections, which it hereby incorporates by reference, Dareltech objects to this Request to the extent it seeks information that can be obtained as easily by Samsung, is already in Samsung's possession, or is publicly available. Dareltech also objects to this Request to the extent it seeks information and/or responses that are dependent on the Court's construction of the asserted claims of the patents-in-suit.

Subject to and without waiving its objections, Dareltech responds that while it is admitted that the word "grayscale" does not appear within the text of application number 14/058,731 ("the '731 application"), filed on October 21, 2013, the '731 application discloses several grayscale figures (*e.g.* Figure 4) which reflect a display area capable of displaying content in grayscale.

Dareltech reserves the right to supplement its theories relating to written description and/or enabling disclosure as additional information becomes available. In particular, Dareltech has not yet received Samsung's Invalidity Contentions which, under Patent Rule 3-3, shall

include any grounds of invalidity based on indefiniteness under 35 U.S.C. 112(2) or enablement or written description under 35 U.S.C. 112(1) of any of the asserted claims.

REQUEST FOR ADMISSION NO.2:

Admit that the term "grayscale" appears in application number 14/257,888 filed on Apr. 21, 2014, now U.S. Patent No. 9,075,612 (e.g., at Col. 6, line 23).

RESPONSE TO REQUEST FOR ADMISSION NO. 2:

In addition to its General Objections, which it hereby incorporates by reference, Dareltech objects to this Request to the extent it seeks information that can be obtained as easily by Samsung, is already in Samsung's possession, or is publicly available. Dareltech also objects to this Request to the extent it seeks information and/or responses that are dependent on the Court's construction of the asserted claims of the patents-in-suit. Dareltech also objects to this Request on the grounds that the reference to "Col. 6, line 23" is a portion of text in the issued patent that resulted from application number 14/257,888 ("the '888 application") and does not appear in the underlying application that is the subject of the Request.

Subject to and without waiving its objections, Dareltech admits that the word "grayscale" appears within the text of the '888 application, filed on April 21, 2014; however, the term does not appear in Col. 6, line 23 of the '888 application because the application only has paragraph numbers and not columns and therefore no such location pertaining to a column and line exists.

Dareltech reserves the right to supplement its theories relating to written description and/or enabling disclosure as additional information becomes available. In particular, Dareltech has not yet received Samsung's Invalidity Contentions which, under Patent Rule 3-3, shall include any grounds of invalidity based on indefiniteness under 35 U.S.C. 112(2) or enablement or written description under 35 U.S.C. 112(1) of any of the asserted claims.

REQUEST FOR ADMISSION NO.3:

Admit that the term "unlock image" does not appear in application number 14/058,731 filed on Oct. 21, 2013, now U.S. Patent No. 8,717,328.

RESPONSE TO REQUEST FOR ADMISSION NO. 3:

In addition to its General Objections, which it hereby incorporates by reference, Dareltech objects to this Request to the extent it seeks information that can be obtained as easily by Samsung, is already in Samsung's possession, or is publicly available. Dareltech also objects to this Request to the extent it seeks information and/or responses that are dependent on the Court's construction of the asserted claims of the patents-in-suit.

Subject to and without waiving its objections, Dareltech responds that while it is admitted that the phrase "unlock image" does not appear within the text of application number 14/058,731 ("the '731 application"), filed on October 21, 2013, the '731 application discloses "unlocking the device" and an "unlock process" (*e.g.* [00114]).

Dareltech reserves the right to supplement its theories relating to written description and/or enabling disclosure as additional information becomes available. In particular, Dareltech has not yet received Samsung's Invalidity Contentions which, under Patent Rule 3-3, shall include any grounds of invalidity based on indefiniteness under 35 U.S.C. 112(2) or enablement or written description under 35 U.S.C. 112(1) of any of the asserted claims.

REQUEST FOR ADMISSION NO.4:

Admit that the term "unlock image" appears in application number 14/257,888 filed on Apr. 21, 2014, now U.S. Patent No. 9,075,612 (e.g., at Col. 2, line 26).

RESPONSE TO REQUEST FOR ADMISSION NO. 4:

In addition to its General Objections, which it hereby incorporates by reference, Dareltech objects to this Request to the extent it seeks information that can be obtained as easily by Samsung, is already in Samsung's possession, or is publicly available. Dareltech also objects to this Request to the extent it seeks information and/or responses that are dependent on the Court's construction of the asserted claims of the patents-in-suit. Dareltech also objects to this Request on the grounds that the reference to "Col. 2, line 26" is a portion of text in the issued patent that resulted from application number 14/257,888 ("the '888 application") and does not appear in the underlying application that is the subject of the Request.

Subject to and without waiving its objections, Dareltech admits that the word "unlock image" appears within the text of the '888 application, filed on April 21, 2014; however, the term does not appear in Col. 2, line 26 of the '888 application because the application only has paragraph numbers and not columns and therefore no such location pertaining to a column and line exists.

Dareltech reserves the right to supplement its theories relating to written description and/or enabling disclosure as additional information becomes available. In particular, Dareltech has not yet received Samsung's Invalidity Contentions which, under Patent Rule 3-3, shall include any grounds of invalidity based on indefiniteness under 35 U.S.C. 112(2) or enablement or written description under 35 U.S.C. 112(1) of any of the asserted claims.

REQUEST FOR ADMISSION NO.5:

Admit that the term "unlock gesture" does not appear in application number 14/058,731 filed on Oct. 21, 2013, now U.S. Patent No. 8,717,328.

RESPONSE TO REQUEST FOR ADMISSION NO. 5:

In addition to its General Objections, which it hereby incorporates by reference, Dareltech objects to this Request to the extent it seeks information that can be obtained as easily by Samsung, is already in Samsung's possession, or is publicly available. Dareltech also objects to this Request to the extent it seeks information and/or responses that are dependent on the Court's construction of the asserted claims of the patents-in-suit.

Subject to and without waiving its objections, Dareltech responds that while it is admitted that the phrase "unlock gesture" does not appear within the text of application number 14/058,731 ("the '731 application"), filed on October 21, 2013, the '731 application discloses "unlocking the device" and an "unlock process" (*e.g.* [00114]).

Dareltech reserves the right to supplement its theories relating to written description and/or enabling disclosure as additional information becomes available. In particular, Dareltech has not yet received Samsung's Invalidity Contentions which, under Patent Rule 3-3, shall include any grounds of invalidity based on indefiniteness under 35 U.S.C. 112(2) or enablement or written description under 35 U.S.C. 112(1) of any of the asserted claims.

REQUEST FOR ADMISSION NO.6:

Admit that the term "unlock gesture" appears in application number 14/257,888 filed on Apr. 21, 2014, now U.S. Patent No. 9,075,612 (e.g., at Col. 2, line 25).

RESPONSE TO REQUEST FOR ADMISSION NO. 6:

In addition to its General Objections, which it hereby incorporates by reference, Dareltech objects to this Request to the extent it seeks information that can be obtained as easily by Samsung, is already in Samsung's possession, or is publicly available. Dareltech also objects to this Request to the extent it seeks information and/or responses that are dependent on the Court's construction of the asserted claims of the patents-in-suit. Dareltech also objects to this

Request on the grounds that the reference to "Col. 2, line 25" is a portion of text in the issued patent that resulted from application number 14/257,888 ("the '888 application") and does not appear in the underlying application that is the subject of the Request.

Subject to and without waiving its objections, Dareltech admits that the word "unlock gesture" appears within the text of the '888 application, filed on April 21, 2014; however, the term does not appear in Col. 2, line 25 of the '888 application because the application only has paragraph numbers and not columns and therefore no such location pertaining to a column and line exists.

Dareltech reserves the right to supplement its theories relating to written description and/or enabling disclosure as additional information becomes available. In particular, Dareltech has not yet received Samsung's Invalidity Contentions which, under Patent Rule 3-3, shall include any grounds of invalidity based on indefiniteness under 35 U.S.C. 112(2) or enablement or written description under 35 U.S.C. 112(1) of any of the asserted claims.

Dated: August 19, 2019

/s/ David L. Hecht
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CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2019, a true and correct copy of the foregoing document has been forwarded by electronic mail to all counsel of record for the Defendant.

By: /s/ David L. Hecht
David L. Hecht