

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

ACQIS LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
ET AL.

Defendants.

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Civil Action No. 2:20-cv-00295

JURY TRIAL DEMANDED

**DEFENDANTS' P.R. 3-3 AND 3-4 INVALIDITY CONTENTIONS AND DISCLOSURES
AND SUBJECT MATTER ELIGIBILITY CONTENTIONS**

Pursuant to Rule 3-3 of the Patent Local Rules for the Eastern District of Texas, the Standing Order Regarding Subject-Matter Eligibility Contentions, and the Court's Docket Control Order (Dkt. No. 32), Defendants Samsung Electronics Co., Ltd. ("SEC") and Samsung Electronics America, Inc. ("SEA") (collectively, "Samsung" or "Defendants") submit the following Invalidity and Subject Matter Eligibility Contentions to Plaintiff ACQIS, LLC ("Plaintiff" or "ACQIS").

The Invalidity Contentions address the following claims of U.S. Patent Nos. 8,977,797; 9,529,768; 9,703,750; RE44,654; and RE45,140 (collectively, the "Patents-in-Suit" or "Asserted Patents"), which are alleged by ACQIS to be infringed by Defendants in ACQIS's Disclosure of Asserted Claims and Infringement Contentions ("Infringement Contentions"):

Asserted Patent No.	Asserted Claims
8,977,797	7-9, 14, 16, 17, 33, 34, 36, 38
9,529,768	1-6, 13-19, 21-22, 25, 33, 35-37, 39-40
9,703,750	1-7, 10, 11, 21-24, 31-35, 37, 44-50
RE44,654	20-27, 35, 36
RE45,140	14, 15, 17-23, 26, 27-31, 34-38

The Asserted Claims of the Patents-in-Suit are rendered obvious by the combinations identified and detailed in Exhibits A-E and Appendix F. More specifically:

For the '797 patent, Defendants contentions that the Asserted Claims are obvious are set forth in the claim charts attached as Exhibits A. In this regard, as reflected in the claim charts, Defendants contend (among other things) that for some, but not all, claim limitations, to the extent the reference in question does not disclose the limitation, the reference “in view of the knowledge of a person of ordinary skill in the art and/or the references disclosed in these invalidity contentions, including one or more of” certain specified references charted as Exhibits A and Appendix F, renders the limitation obvious. This identification of additional references is limited to the *corresponding* claim limitation addressed in any of the other charted references.

For the '768 patent, Defendants contentions that the Asserted Claims are obvious are set forth in the claim charts attached as Exhibits B.

For the '750 patent, Defendants contentions that the Asserted Claims are obvious are set forth in the claim charts attached as Exhibits C.

For the '654 patent, Defendants contentions that the Asserted Claims are obvious are set forth in the claim charts attached as Exhibits D.

For the '140 patent, Defendants contentions that the Asserted Claims are obvious are set forth in the claim charts attached as Exhibits E.

The Asserted Claims of the Patents-in-Suit are rendered obvious by the combinations identified and detailed in Exhibits A–E and Appendix F.

C. Disclosures Pursuant to P.R. 3-3(c)

The claim charts in the Exhibits and Appendices identify where in each of the charted prior art references the limitations of the Asserted Claims of the Patents-in-Suit are found, and

Exhibit E-1
Invalidity Claim Chart for U.S. Patent No. RE35,140 (“’140 patent”)
Based on U.S. Provisional 60/083,886 (“Chu’886”) and U.S. Patent Application Number 6,345,330 (“Chu’330”)

U.S. Pat. Prov. App. Pub. 60/083,886 (“Chu’886”) was filed on May 1, 1998, and published by at least February 5, 2002 based on the publication of U.S. Patent No. 6,345,330 (“Chu’330”), which makes reference to Chu’886. Chu’886 is prior art under at least 35 U.S.C. § 102 (b). Application No. 09/149,882 issued as Chu’330 on February 5, 2002. Chu’330 is prior art under at least 35 U.S.C. § 102 (b).

Both references pertain to analogous art, particularly cable-friendly, low-pin count, interconnection bus between computer modules. Both references use an XIS bus as this interconnection bus. Chu’886 and Chu’330 name the same inventor. Chu’330’s XPBus uses LVDS channels. Design incentives and market forces would have motivated POSITAs to use the Chu’330’s LVDS channels as Chu’886’s interconnection bus because an “LVDS channel is more cable friendly, faster, consumes less power, and generates less noise, including electromagnetic interferences (EMI), than a PCI channel.” A POSITA would have found using an LVDS channel to be an obvious modification to improve efficiency and Chu’886’s desired goal of a cable-friendly, low-pin count, interconnection bus. A POSITA would have had a reasonable expectation of success in doing so, because Chu’886 discloses using an XIS Bus with an XPBus.

Claim Language	Exemplary Disclosure From Chu’886 and Chu’330
[14.pre] A method of improving performance of a computer, comprising:	The preamble to claim 14 is not a limitation because it merely recites a purpose or intended use of the claimed method. <i>TomTom, Inc. v. Adolph</i>, 790 F.3d 1315, 1323-24 (Fed. Cir. 2015). Nonetheless, Chu’886 in view of Chu’330 discloses a method of improving performance of a computer. Chu’886 discloses guiding principles of invention in the ACM are high speed, high bandwidth busses for CPU, Main memory and Graphics Subsystem, typically each bus bandwidth is greater than 150 Megabytes/sec. Chu’886 5:4-8: The general guiding principals of invention in the ACM are: 1) Small size suitable even for a portable computer,

Exhibit E-2

Invalidity Claim Chart for U.S. Patent No. RE45,140 (“’140 reissue patent”)

Based on U.S. Patent Application Number 8,253,750 (“Huang”) and U.S. Patent Application Number 6,345,330 (“Chu’330”)

Application No. 12/832,830 filed on July 8, 2010 issued as U.S. Patent No. 8,253,750 (“Huang”) on August 28, 2012. Huang is prior art under at least 35 U.S.C. § 102 (e). Application No. 09/149,882 issued as U.S. Patent No. 6,345,330 (“Chu’330”) on February 5, 2002. Chu’330 is prior art under at least 35 U.S.C. § 102 (b).

Both references pertain to analogous art-- integrated circuits with processors and interfaces for high-speed data transfer with other computing systems. Huang, 2:52-54; Chu’330, FIG. 2. Both references transfer video data in computer systems. Huang, 1:54-57; Chu’330, 6:15-16, FIG. 2. Both references employ LVDS channels to transfer data. Huang, FIG.4; Chu’330, 2:10-15. Huang discloses a PCIe interface, which as known in the art uses LVDS channels. Huang discloses other LVDS channels and Chu’330 teaches replacing internal computer bus lines with LVDS channels. Design incentives and market forces would have motivated POSITA’s to use the LVDS channels taught by Chu’330 as the bus connections of Huang because Chu’330 details that LVDS lines are more cable friendly, faster, consumes less power, and generates less noise, including EMI. Chu’330, 2:12-15. A POSITA would have found using LVDS channels to be an obvious modification to improve efficiency and Huang’s desired goal of a highly integrated device. Huang, 1:46-50. A POSITA would have had a reasonable expectation of success in doing so, because Huang itself discloses using PCIe channels and other LVDS channels. The combination of these references would have predictably provided a more efficient device.

Claim Language	Exemplary Disclosure From Huang and Chu’330
[14.pre] A method of improving performance of a computer, comprising:	The preamble to claim 26 is not a limitation because it merely recites a purpose or intended use of the claimed method. <i>TomTom Inc. v. Adolph</i>, 790 F.3d 1315, 1323-24 (Fed. Cir. 2015). To the extent that the PO alleges that the preamble is a limitation, Huang in view of Chu’330 discloses a method of improving performance of a computer. Huang discloses “a highly integrated digital media processor” that “is capable of performing parallel processing of multiple format audio and video signals.” Huang, 3:54-57. Huang further discloses that “inputs from a wide variety of sources may be received by a digital media processor, and outputs provided to a wide variety of devices.”