

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

**ERICSSON INC. AND
TELEFONAKTIEBOLAGET LM ERICSSON,**

Plaintiff,

vs.

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

Defendants.

Civil Action No. 2:20-cv-380-JRG

ERICSSON'S RESPONSE TO SAMSUNG'S NOTICE OF CLARIFICATION

Ericsson provides this short response to Samsung's Notice of Clarification (Dkt. No. 47), which was filed without notice earlier tonight.

First, Samsung did not disclose its contemplated ITC Complaint before or during the hearing on January 7, 2021. Ericsson only learned of its existence when a companion EDTX counterclaim was filed on the docket minutes after the conclusion of the hearing. *See* Case No. 2:21-cv-1, Dkt. No. 16 (E.D. Tex. Jan. 7, 2021).

Second, regardless of whether the Asserted Patents are actually standard-essential, Samsung does not dispute that its ITC infringement accusations are directed at Ericsson's "4G and 5G base station equipment." *Id.* at Counterclaims, ¶ 44.

Third, Samsung's Notice of Clarification is irrelevant to the scope of the Court's Preliminary Injunction. As explained at the hearing, it is inequitable for Samsung to have the ability to assert its 4G and 5G essential patents at the ITC while Ericsson is practically precluded from doing the same.

Fourth, Samsung's Notice – which it did not confer with Ericsson – does not seek any relief from the Court, including reconsideration of any aspects of the Preliminary Injunction. To the extent Samsung seeks reconsideration, Ericsson opposes.

Dated: January 11, 2021.

McKool Smith, P.C.

/s/ Theodore Stevenson, III

Theodore Stevenson, III
Texas State Bar No. 19196650
tstevenson@mckoolsmith.com
Nicholas Mathews
Texas State Bar No. 24085457
nmathews@McKoolSmith.com
McKool Smith, P.C.
300 Crescent Court Suite 1500
Dallas, TX 75201
Telephone: (214) 978-4000
Telecopier: (214) 978-4044

Christine Woodin
Texas State Bar No. 24199951
California Bar No. 295023
cwoodin@mckoolsmith.com
McKool Smith, P.C.
300 South Grand Avenue, Suite 2900
Los Angeles, California 90071
Telephone: (213) 694-1200
Telecopier: (213) 694-1234

Blake Bailey
Texas State Bar No. 24069329
bbailey@mckoolsmith.com
McKool Smith, P.C.
600 Travis Street, Suite 7000
Houston, TX 77002
Telephone: (713) 485-7300
Telecopier: (713) 485-7344

Samuel F. Baxter
Texas State Bar No. 01938000
sbaxter@McKoolSmith.com
Jennifer L. Truelove
Texas State Bar No. 24012906
jtruelove@McKoolSmith.com
McKool Smith, P.C.
300 Crescent Court, Suite 1500
Dallas, TX 75201
Telephone: (903) 923-9001

ATTORNEYS FOR PLAINTIFFS

**ERICSSON INC. AND
TELEFONAKTIEBOLAGET LM
ERICSSON**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system on January 11, 2021.

/s/ Nicholas Mathews

Nicholas Mathews