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**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

**Before The Honorable Monica Bhattacharyya
Administrative Law Judge**

In the Matter of

**CERTAIN OUTDOOR AND SEMI-
OUTDOOR ELECTRONIC
DISPLAYS, PRODUCTS
CONTAINING SAME, AND
COMPONENTS THEREOF**

Inv. No. 337-TA-1331

**RESPONDENTS' MOTION FOR SUMMARY DETERMINATION OF
NONINFRINGEMENT**

Pursuant to Commission Rule 210.18 and Ground Rule 3.3, Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, "Samsung Electronics"), Samsung SDS Co. Ltd. and Samsung SDS America, Inc. (collectively, "Samsung SDS"), Industrial Enclosures Corporation d/b/a Palmer Digital Group ("Palmer"), Coates Signco Pty Limited and Coates US Inc., (collectively, "Coates"; collectively with respondents, "Respondents"), respectfully move for summary determination that products falling within the scope of the Notice of Investigation, which were timely disclosed, and for which there is substantial noninfringement evidence, be adjudicated as noninfringing.

Ground Rule 3.2 Certification

Pursuant to Ground Rule 3.2, counsel for Respondents Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung SDS Co. Ltd., Samsung SDS America, Inc., Coates Signco Pty Limited, Coates US Inc., and Industrial Enclosures Corporation d/b/a Palmer Digital Group (collectively, "Respondents") certify that they have conferred with counsel for Complainant

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Manufacturing Resources International, Inc (“MRI”). MRI maintains their opposition to this motion.

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DATED: April 27, 2023

Respectfully Submitted,

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**RESPONDENTS' MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT
OF ITS MOTION FOR SUMMARY DETERMINATION OF NONINFRINGEMENT**

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Exhibit 16	D. Machleidt Email N. Birbach & P. McCarthy "MRI/Samsung proposed product inspection" (Nov. 21, 2022)

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Exhibit 17	MRI's First Supplemental Responses to Respondents' First Set of Interrogatories (Nos. 1-28) (excerpted)
Exhibit 18	MRI's Second Supplemental Responses to Respondents' First Set of Interrogatories (Nos. 1-28) (excerpted)
Exhibit 19	MRI's First Set of Interrogatories to Samsung Respondents (excerpted)
Exhibit 20	A. Shah Email to P. McCarthy "RE: 337-TA-1331: Summary Determination Motion" (Apr. 13, 2023)

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I. INTRODUCTION

Respondents move for summary determination of noninfringement on three distinct, but highly-related issues:

- a. That the OH24B Product does not infringe any asserted claim;
- b. That currently sold OM Products (OM46B, OM46N, OM55B, OM55N, OM75A) do not infringe any asserted claim; and
- c. That products which were accused of infringing only a subset of claims do not infringe any of the other asserted claims for which there is no infringement evidence.

For each, the undisputed facts are the same. Namely, each noninfringing product identified in this motion falls within the scope of the Notice of Investigation and was timely disclosed. Each product has also been imported and subject to substantial discovery, including production of detailed technical documents that are of the same type that MRI relies on to create its infringement theories for other products. MRI, however, has not set forth any infringement contentions or evidence regarding the subject products. In contrast to MRI's failure to present an infringement case on the subject products, Respondents have provided a detailed noninfringement case, including one that is now memorialized with expert testimony. Notably, MRI did not question Respondents' expert witness on the above issues at his deposition. Crucially, MRI has not rebutted Respondents' noninfringement positions substantively or procedurally.

As such, this motion hinges on the legal question of whether the ALJ should adjudicate noninfringement when there is substantial and unrebutted evidence of noninfringement. Respondents propose that the ALJ should, because all relevant and recent precedent supports such an adjudication. Despite the one-sided nature of the facts here, MRI still opposes. Respondents requested an understanding of MRI's bases for opposition, and MRI failed to provide a meaningful

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response. Instead, MRI cited a single case where an ALJ could not reach an adjudication because the respondent in that investigation failed to present any evidence of noninfringement. Respondents explained to MRI that this precedent is distinguishable from the line of precedent on which Respondents rely. Respondents presented their noninfringement case early and maintain it still. MRI was unable to provide any different basis for its opposition. Ex. 20 at 1-2 (email memorializing the parties' meet and confer where MRI confirmed that "MRI's proposed opposition hinges on precedent where the respondent(s) failed to address non-infringement" and requesting an update if "MRI has a different basis for opposing"). All precedent confirming that unrebutted noninfringement evidence results in a finding of noninfringement should be applied here.

Additionally, in *Certain Human Milk Oligosaccharides* (Inv. No. 337-TA-1120), the Commission confirmed that it strives to prevent subsequent proceedings that could have been resolved in the first instance in the original investigation. MRI's position defies this practical goal as well. Indeed, allowing MRI to escape the unrebutted evidence now could force the Respondents and the ALJ to waste unnecessary hearing time on the unrebutted evidence. And, if the unrebutted evidence goes completely unadjudicated, it could result in sunk resources at Customs or the Commission in post-remedy proceedings. The time for adjudication is now.

Respondents respectfully request a finding of noninfringement for the products and claims identified in this motion.

II. STATEMENT OF UNDISPUTED MATERIAL FACTS

MRI filed its Complaint on August 19, 2022, alleging that several of Respondents' outdoor and semi-outdoor electronic display products, and components thereof, infringe U.S. Patent Nos. 8,854,595 (the "'595 Patent"); 9,173,322 (the "'322 Patent"); 9,629,287 (the "'287 Patent");

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10,506,740 (the “’740 Patent”); 11,013,142 (the “’142 Patent”) (collectively, the “Asserted Patents”). In its Notice of Institution, the Commission defined the scope of this investigation as “outdoor and semi-outdoor electronic displays, products containing same (housings, enclosures, kiosks, and menu boards), and component thereof (systems for cooling electronic displays).” Ex. 2 at 2. On September 26, 2022, MRI served its first set of interrogatories, including, in relevant part, for an interrogatory asking Respondents to name each and every model of the Accused Products, defined as “outdoor and semi-outdoor electronic displays and products containing same,” including new and planned iterations. Ex. 19 at 3, 8 (Interrogatory No. 1). Respondents disclosed all such products in a series of responses to these interrogatories on October 17, 2022, November 18, 2022, and January 20, 2023. Ex. 1 at 8-12; Ex. 3 at 3-9; Ex 15 at 3-8. In accordance with the Procedural Schedule, MRI disclosed its initial infringement contentions on December 14, 2022 and final contentions on March 3, 2023, and supplemented the final contentions on March 13, 2023. Respondents disclosed their noninfringement contentions on January 20, 2023, and final contentions on March 24, 2023. Since then, the parties exchanged expert witness reports on March 31, 2023, and rebuttals to those reports on April 14, 2023. MRI has never argued that any of Respondents’ disclosures were untimely or otherwise improper. For the products described below Respondents have set forth contentions as well as supporting expert testimony that confirms the Subject Products do not infringe. Those noninfringement arguments are wholly un rebutted. MRI also did not challenge Respondents’ expert’s opinions on these products at his deposition on April 20, 2023, despite receiving notice of Respondents’ intention to file this motion for summary determination as early as April 11. Ex. 20 at 4.

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A. The OH24B Product

The OH24B Product is an outdoor digital display product that was first imported by Samsung Electronics in 2022. The OH24B Product was disclosed to MRI by at least by October 17, 2022 when Samsung identified the OH24B Product in response to MRI's Interrogatory No. 1. Ex. 1 at 9. According to MRI, all products listed in Samsung's responses to interrogatories are within the scope of this Investigation. Ex. 5 at 21. Because the OH24B Product was listed in Samsung's interrogatory responses, the OH24B Product falls within the scope of the Notice of Investigation by MRI's own definition.

Respondents fully disclosed the technical features and functionality of the OH24B Product in technical documents produced on the dates set forth below:

Document	Bates No.	Production Date
OH24B User Manual	SEITC0028846	1/9/2023
OH24B Training Manual	SEITC0028659	1/9/2023
OH24B Service Manual	SEITC0028767	1/9/2023
OH24B CAD	SEITC0028960	1/12/2023
OH24B Review	SEITC0027941	1/9/2023

Importantly, these documents are the same type of documents MRI relies on to show alleged infringement for all products that MRI argues infringe its patents.

The disclosure of the OH24B Product is also apparent from the Inventory and Importation Stipulations entered into by MRI and Samsung Electronics on March 7, 2023. *See* Ex. 4. In that document, Samsung stipulated that [REDACTED]

[REDACTED] s. *Id.* at 2, 6.

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Despite knowing about the OH24B Product, examining its technical configuration, and having a full opportunity to create infringement contentions against the product, MRI never has. MRI did not chart the OH24B Product against any Asserted Patent in its initial contentions. *See e.g.*, Ex. 17 at 22-27; Ex. 6; Ex. 7. Nor did MRI identify the OH24B Product as an infringing product on a list of alleged infringing products set forth on the cover page of its claim charts. *Id.* MRI's final infringement contentions do not mention the OH24B Product. *See e.g.*, Ex. 18 at 41-49; Ex. 8; Ex. 9. Not surprisingly, MRI's experts also do not address the OH24B Product. *See e.g.*, Ex. 10 at ¶¶64, 226; Ex. 11 at ¶100.

In contrast, Respondents have consistently set forth contentions and evidence that show in detail why the OH24B Product does not infringe any Asserted Claim. In their initial noninfringement contentions served January 20, 2023, Respondents provided clear noninfringement arguments for the OH24B Product. Ex. 12 at 29, 52, 71, 77, 79. In their final noninfringement contentions served March 24, 2023, Respondents maintained their noninfringement positions across all asserted claims of the Asserted Patents. Ex. 13 at 30-31, 63, 91-93, 108, 115-116. Similarly, Respondents' noninfringement expert Dr. Neikirk has provided specific opinions demonstrating why the OH24B Product does not infringe any asserted claim. Ex. 14 at ¶¶197-201, 289-295, 350-354, 425-429, 461-466. MRI has never accused the OH24B Product of infringing any of the Asserted Patents.

With respect to the '595 patent, the OH24B Product does not infringe claims 1 or 4 because

[REDACTED]

[REDACTED]

[REDACTED]. The OH24B Product also does not infringe claim 4 of the '595 patent because [REDACTED]

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[REDACTED]

[REDACTED] Because claims 7 and 8 of the '595 patent depend from independent claim 4, the OH24B Product likewise does not infringe those dependent claims. *Id.* at ¶200.

With respect to the '322 patent, the OH24B Product does not infringe claim 4 because [REDACTED]

[REDACTED]

[REDACTED]. The OH24B Product does not infringe claim 4 of the '322 patent because [REDACTED]

[REDACTED]

[REDACTED]. *Id.* at ¶291. The OH24B Product does not infringe claim 9 of the '322 patent because [REDACTED]

[REDACTED]

[REDACTED]. Because claims 5 and 8 of the '322 patent depend from independent claim 4 and claims 12, 13, and 16 of the '322 patent depend from independent claim 9, the OH24B Product likewise does not infringe those dependent claims. *Id.* at ¶¶292, 294.

With respect to the '287 patent, the OH24B Product does not infringe claim 12 because [REDACTED]

[REDACTED]

[REDACTED]. The OH24B Product also does not infringe claim 12 because [REDACTED]

[REDACTED]

[REDACTED]. Because claim 15 of the '287 patent depends from

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independent claim 12, the OH24B Product likewise does not infringe that dependent claim. *Id.* at ¶353.

With respect to the '740 patent, the OH24B Product does not infringe claim 1 of the '740 patent because [REDACTED]

[REDACTED]

[REDACTED]. The OH24B Product does not infringe claim 1 of the '740 patent because [REDACTED]

[REDACTED]

[REDACTED]. Because claims 5 and 6 of the '740 patent depend from independent claim 1, the OH24B Product likewise does not infringe those dependent claims. *Id.* at ¶428.

With respect to the '142 patent, the OH24B Product does not infringe claims 1, 6, or 12 of the '142 patent because [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. The OH24B Product does not infringe claims 3 or 6 of the '142 patent because [REDACTED]

[REDACTED].

Because claims 2 and 3 of the '142 patent depend from independent claim 1 and claims 8, 10, and 11 of the '142 patent depend from independent claim 6, the OH24B Product likewise does not infringe those dependent claims. *Id.* at ¶¶463, 465.

MRI has known these noninfringement positions throughout the investigation. Yet, it has failed to rebut any of these positions. MRI's experts have not expressed an opinion on the OH24B,

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nor did MRI elicit any testimony contrary to the above during its deposition of Dr. Neikirk. Accordingly, the OH24B Product does not infringe the Asserted Patents.

B. The Currently Sold Samsung OM Products

The OM46N, OM55N, OM46B, OM55B, and OM75A Products (“OM Products”) are semi-outdoor displays. They were disclosed to MRI as early as November 18, 2022 when Samsung identified the OM46N, OM55N, OM46B, and OM55B Products as outdoor or semi-outdoor electronic displays in response to MRI’s Interrogatory No. 1. Ex. 15 at 8. On January 20, 2023, Samsung also identified the OM75A Product as an outdoor or semi-outdoor electronic display in response to MRI’s Interrogatory No. 2. Ex. 3 at 9. As such, MRI’s own interrogatory responses acknowledge that the products identified by Samsung Electronics in response to these interrogatories fall within the scope of the Notice of Investigation. Ex. 5 at 21.

The disclosure of the OM Products can also be seen from the table below that describes the documents related to the OM Products and the dates on which those documents were produced:

Document	Bates No.	Production Date
OM46N/OM55N User Manual	SEITC0022602	11/23/2022
OM46B/OM55B Quick Setup Guide	SEITC0029314	2/7/2023
OM46B/OM55B Training Manual	SEITC0024778	11/23/2022
OM46B Exploded View	SEITC0022283	11/23/2022
OM46B/OM55B Service Manual (Disassembly)	SEITC0022843	11/23/2022
OM46N/OM55N Service Manual (Disassembly)	SEITC0023442	11/23/2022

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OM46B/OM55B Service Manual (Product Specifications)	SEITC0022857	11/23/2022
OM46N/OM55N Service Manual (Product Specifications)	SEITC0023480	11/23/2022
OM75A Quick Setup Guide	SEITC0029425	2/7/2023
OM75A Training Manual	SEITC0025998	11/23/2022

As with the OH24B Product, these are the same types of documents MRI relies on to allege infringement for other products. MRI dropped its pursuit of inspection of these OM products. *See* Ex. 16.

The parties stipulated that the OM Products were “Subject Products” and at least one unit of each was imported into the United States. Ex. 4 at 2, 5-6.

None of MRI’s infringement contentions mention the OM Products. *See e.g.*, Ex. 6; Ex. 7; Ex. 8; Ex. 9; Ex. 17 at 22-27; Ex. 18 at 41-49. While MRI does argue that certain legacy OM products the OM46F and OM55F Products infringe certain claims of the ’595, ’322, and ’287 patents, MRI has never alleged that the later introduced OM46N, OM55N, OM46B, OM55B, and OM75A Products infringe any of the Asserted Patents. *See e.g.*, Ex. 8; Ex. 9. That is because [REDACTED]

[REDACTED]

[REDACTED]. Ex. 13 at 3-4.

Indeed, Respondents have consistently explained that the OM Products do not infringe any asserted claim of the Asserted Patents. For example, in their final noninfringement contentions served March 24, 2023, Respondents noted that MRI had failed to provide infringement claim charts against the OM Products and provided noninfringement arguments for those products. Ex.

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13 at 32-36, 64-69, 93-96, 108-112, 116-123. MRI has never accused OM Products of infringing any Asserted Patent.

Dr. Neikirk demonstrates why these products do not infringe the Asserted Patents. Ex. 14 at ¶¶202-212, 296-308, 355-364, 430-437, 467-480. Respondents' noninfringement assertions are set forth below:

As to the '595 patent, the OM Products do not infringe claims 1 or 4 of the '595 patent because [REDACTED]

[REDACTED]

[REDACTED]. The OM Products also do not infringe claim 1 or 4 of the '595 patent because [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. The OM46N, OM55N, OM46B, and OM55B Products do not infringe claim 4 of the '595 patent because [REDACTED]

[REDACTED]

[REDACTED]. Because claims 7 and 8 of the '595 patent depend from independent claim 4, the OM Products likewise do not infringe those dependent claims. *Id.* at ¶¶206, 211.

As to the '322 patent, the OM Products do not infringe claim 4 of the '322 patent because

[REDACTED]

[REDACTED]

[REDACTED]. The OM Products do not infringe claims 4 or 9 of the '322 patent because [REDACTED]

[REDACTED]

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[REDACTED]
[REDACTED]. The OM46N, OM55N, OM46B, and OM55B Products do not infringe claim 4 of the '322 patent because [REDACTED]

[REDACTED]
[REDACTED]. The OM Products also do not infringe claim 9 of the '322 patent because [REDACTED]

[REDACTED]. Because claims 5 and 8 of the '322 patent depend from independent claim 4 and claims 12, 13, and 16 of the '322 patent depend from independent claim 9, the OM Products likewise do not infringe those dependent claims. *Id.* at ¶¶300, 302, 307.

As to the '287 patent, the OM46N, OM55N, OM46B, and OM55B Products do not infringe claim 12 of the '287 patent because [REDACTED]

[REDACTED]. The OM Products do not infringe claim 12 of the '287 patent because [REDACTED]

[REDACTED]
Because claim 15 of the '287 patent depends from independent claim 12, the OM Products likewise do not infringe those dependent claims. *Id.* at ¶¶358, 363.

As to the '740 patent, the OM Products also do not infringe claim 1 of the '740 patent because [REDACTED]

[REDACTED]. Because claims 5 and 6 of the '740

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patent depend from independent claim 1, the OM Products likewise do not infringe those dependent claims. *Id.* at ¶¶432, 436.

As to the '142 patent, the OM Products do not infringe claims 1, 6, or 12 of the '142 patent because [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. The OM Products do not infringe claims 1,

6, 8, 10, 11, or 12 of the '142 patent because [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. The OM Products do not infringe claims 3 or 6

of the '142 patent because [REDACTED]. Because claims 2 and 3 of the '142 patent depend from independent claim 1 and claims 8, 10, and 11 of the '142 patent depend from independent claim 6, the OM Products likewise do not infringe those dependent claims. *Id.* at ¶¶470, 472, 477, 479.

MRI has known these noninfringement positions throughout the investigation. Yet, it has failed to address any of these positions. MRI's experts have not expressed an opinion on the OM Products, nor did MRI elicit any testimony contrary to the above during its deposition of Dr. Neikirk. Accordingly, the currently sold OM Products do not infringe.

C. The Currently Sold OH46/55 and OH75/85 Products

The primary accused products in this Investigation are Samsung's OH46F, OH46B, OH55F, OH55A-S, OH75F, OH75A, OH85F and OH85N. At present, there are 24 asserted infringement claims across five Asserted Patents. MRI alleges that the OH 46 and 55 inch products (the "OH46/55 Products") infringe a subset of claims in three Asserted Patents and that the OH 75 and 85 inch products (the "OH75/85 Products") include a entirely non-overlapping subset of claims in four Asserted Patents. Respondents have consistently set forth unrebutted detailed reasoning why the OH46/55 Products do not infringe the subset of claims asserted against the OH75/85 Products and vice versa.

In its initial contentions, MRI alleged [REDACTED]. In its initial and final contentions, MRI alleges [REDACTED].

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Respondents produced technical documents describing the features and functionality in the OH75/85 and OH46/55 Products on the dates set forth below:

Document	Bates No.	Production Date
OH85F User Manual	SEITC0004234	10/28/2022
OH85F Training Manual	SEITC0017571	10/28/2022
OH85F Quick Start Guide	SEITC0017019	10/28/2022
OH85F Exploded View	SEITC0004817	10/28/2022
OH85F CAD Files	SEITC0028968	1/13/2023
OH85N CAD Files	SEITC0028969	1/13/2023
OH75F Installation Guide	SEITC0028033	1/9/2023
OH75F Exploded View	SEITC0004577	10/28/2022
OH75A CAD Files	SEITC0028966	1/13/2023
OH75F CAD Files	SEITC0028967	1/13/2023
OH46F / OH55F Installation Guide	SEITC0028014	1/9/2023
OH46F / OH55F Training Manual	SEITC0017205	10/28/2022
OH55A Training Manual	SEITC0017339	10/28/2022
OH46B Training Manual	SEITC0017096	10/28/2022
OH46B CAD Files	SEITC0028961	1/13/2023
OH46F CAD Files	SEITC0028962	1/13/2023
OH55AS CAD Files	SEITC0028963	1/13/2023
OH55F CAD Files	SEITC0028964	1/13/2023

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MRI dropped its pursuit of inspection of these OH products. *See e.g.*, Ex. 16.

The breakdown of MRI’s infringement assertions against the Accused Products are set forth below:

OH46/55	Overall Asserted Claims	Accused Claims	Non-Accused Claims
'595 Patent	1, 4, 7, 8	1	4, 7, 8
'322 Patent	4, 5, 8, 9, 12, 13, 16	9, 12, 13, 16	4, 5, 8
'287 Patent	12, 15	12, 15	N/A
'740 Patent	1, 5, 6	N/A	1, 5, 6
'142 Patent	1, 2, 3, 6, 8, 10, 11, 12	N/A	1, 2, 3, 6, 8, 10, 11, 12
OH75/85	Overall Asserted Claims	Accused Claims	Non-Accused Claims
Dd '595 Patent	1, 4, 7, 8	4, 7, 8	1
'322 Patent	4, 5, 8, 9, 12, 13, 16	4, 5, 8	9, 12, 13, 16
'287 Patent	12, 15	N/A	12, 15
'740 Patent	1, 5, 6	1, 5, 6	N/A
'142 Patent	1, 2, 3, 6, 8, 10, 11, 12	1, 2, 3, 6, 8, 10, 11, 12	N/A

Tracking its own contentions in the case, MRI’s experts do not provide infringement allegations for the OH46/55 and OH75/85 Products against any above identified “Non-Accused Claims.” *See e.g.*, Ex. 10 at ¶¶64, 226, Ex. 11 at ¶¶7-8, 100-101.

In contrast, Respondents have consistently argued that all “Non-Accused Claims” are not infringed. Respondents’ expert, Dr. Neikirk soundly identifies various reasons why the “Non-

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Accused Claims” are not infringed by the relevant products. Ex. 14 at ¶¶144-148, 194-196, 271-274, 285-288, 347-349, 372-375, and 442-447.

1. Respondents’ Disclosed Noninfringement Theories for the OH46/55 Products

As to the ’595 patent, the OH46/55 Products do not infringe claim 4 of the ’595 patent because [REDACTED]

[REDACTED]. The OH46/55 Products lack

“a fan positioned to draw air through the constricted connection channel” because [REDACTED]. As claims 7 and 8 are dependent

upon claim 4, they are not infringed. With respect to claim 7, [REDACTED]

[REDACTED]. Regarding claim 8, the OH46/55 Products [REDACTED]

[REDACTED].

As to the ’322 patent, the OH46/55 Products do not infringe claim 4 of the ’322 patent because [REDACTED]

[REDACTED]. As discussed, [REDACTED], the products do not practice

these limitations. Similarly, the OH46/55 Products [REDACTED]

[REDACTED]. The OH46/55 Products do not infringe claims 5 and 8, because they are dependent upon claim 4. *Id.* at ¶273.

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As to the '740 patent, the OH46/55 Products do not infringe claim 1 of the '740 patent.

[REDACTED]

[REDACTED]

[REDACTED] The OH46/55 Products do not infringe claims 5 and 6 because these claims are dependent upon claim 1, which the products do not infringe. *Id.* at ¶374.

As to the '142 patent, the OH46/55 Products do not infringe claim 1 of the '142 patent

[REDACTED]

[REDACTED]. For the same reasons, claim 6, (“a closed loop gas circulation pathway contained within the housing, wherein a portion of said closed loop gas circulation pathway passes between said transparent cover panel and said electronic image assembly”) and claim 12, (“a closed loop airflow pathway within said housing, wherein at least a portion of said closed loop airflow pathway extends between an electronic image assembly and a cover panel forming a front portion of said housing and spaced apart from said electronic image assembly”) cannot be met. *Id.* Claim 2 is not infringed at least because it depends upon claim 1, which was not infringed. *Id.* at ¶444. The OH46/55 Products do not infringe claim 3 at least because 1) claim 3 depends upon claim 1 which the products do not infringe, and 2) the OH46/55 Products do not have heat exchangers and therefore cannot practice “a heat exchanger located rearward of the electronic image assembly.” *Id.* at ¶¶444-445. Similarly, because claim 6 requires “a heat exchanger located rearward of the electronic image assembly,” [REDACTED]

[REDACTED]. Regarding claims 8, 10, and 11, these are not infringed at least because these are dependent upon claim 6, which is not infringed. *Id.* at ¶446.

2. Respondents' Disclosed Noninfringement Theories for the OH75/85 Products

As to the '595 patent, the OH75/85 Products do not infringe claim 1 of the '595 patent because [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

they do not infringe claim 1. *Id.* at ¶¶181-186, 195.

As to the '322 patent, the OH75/85 Products do not infringe claims 9, 12, 13, and 16, of the '322 patent [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The OH75/85 Products do not infringe claims 12, 13, or 16 because each of these are dependent upon claim 9, which is not infringed. *Id.* at ¶287.

As to the '287 patent, the OH75/85 Products do not infringe claim 12 of the '287 patent [REDACTED]

[REDACTED]. Therefore, claim 15 is not infringed because it depends upon claim 12, which is also not infringed. *See id.*

MRI has known of these noninfringement positions throughout the investigation. Yet, it has failed to rebut any of these positions. MRI's experts have not expressed an opinion on the Non-Accused Claims with respect to the OH46/55 or OH75/85 Products, nor did MRI elicit any testimony contrary to the above during its deposition of Dr. Neikirk. Accordingly, the OH46/55 and OH75/85 Products do not infringe the respective Non-Accused Claims.

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III. RELEVANT LEGAL STANDARD

Under Commission Rule 210.18, a “party may move with any necessary supporting affidavits for a summary determination in its favor upon all or any part of the issues to be determined in the investigation.” 19 C.F.R. § 210.18(a). “The determination sought by the moving party shall be rendered if pleadings and any depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a summary determination as a matter of law.” 19 C.F.R. § 210.18(b). “If the movant satisfies its initial burden the burden then shifts to the non-movant to demonstrate specific facts showing that there is a genuine issue for trial.” *Certain Photovoltaic Cells & Prods. Containing the Same*, Inv. No. 337-TA-1151, Order 40 at 12 (Apr. 10, 2020) (EDIS Doc. ID 707485) (citing *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986)).

The summary determination standard is analogous to Fed. R. Civ. P. 56(c), under which “summary judgment is required where a party fails to make a showing “sufficient to establish the existence of an element essential to that party’s case, and on which that party will bear the burden of proof at trial.” *Certain Carbon & Alloy Steel Prods.*, Inv. No. 337-TA-1002, 2017 WL 5167413, Order 103 at *11 (Oct. 2, 2017) (citing *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986)). Thus, a complainant who fails to set forth an infringement theory cannot establish infringement. *Certain Two-Way Radio Equip. & Sys., Related Software & Components Thereof*, Inv. No. 337-TA-1053, Comm’n Op. at 27 (Dec. 18, 2018) (EDIS Doc. ID 664543) (“because [complainant] failed to put forward evidence on infringement it did not carry its burden to prove infringement by a preponderance of the evidence.”). Notably, summary determination is appropriate where a complainant fails to introduce evidence of infringement of a single claim limitation. *See Certain*

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Electrochem. Glucose Monitoring Sys. & Components Thereof, Inv. No. 337-TA-1075, Order 33 at 11 (June 7, 2018) (EDIS Doc. ID 647092) (granting summary determination of noninfringement because complainant “did not disclose in its responses to contention interrogatories that the [] limitation is met” and therefore “cannot introduce evidence of infringement of this claim element.”).

Adjudication of noninfringement is appropriate for unaccused products that are within the scope of the investigation. In fact, the “Commission encourage[s] respondents . . . to put forward products . . . for adjudication even if they are not expressly accused by the complainant.” *Certain Two-Way Radio Equip.*, Inv. No. 337-TA-1053, Comm’n Op. at 23; *see also Certain Audio Players & Controllers, Components Thereof, & Prods. Containing the Same*, Inv. No. 337-TA-1191, Comm’n Op. at 25 n.19 (Feb. 1, 2022) (EDIS Doc. ID 762093) (“Where a product has not been accused by the complainant, it is incumbent upon a respondent to put a particular product at issue during discovery, and in its substantive arguments before the ALJ, if it wants a particular product to be explicitly adjudicated as not infringing.”).

There is good policy reason for the Commission’s directive. The Commission aims to “prevent subsequent and potentially burdensome proceedings that could have been resolved in the first instance in the original Commission investigation.” *Certain Human Milk Oligosaccharides & Methods Producing the Same*, Inv. No. 337-TA-1120, Comm’n Op. at 18 (June 8, 2020) (EDIS Doc. ID 712205). Adjudication of products which were disclosed and subject to discovery is proper, because such products may fall within the scope of any exclusion order that may issue. *Certain Elec. Digit. Media Devices & Components Thereof*, Inv. No. 337-TA-796, Comm’n Op. at 104-105 (Sept. 6, 2013) (EDIS Doc. ID 517720) (“When confronted with [respondent’s] evidence of noninfringement, [complainant] had an obligation to either present evidence of

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infringement or withdraw its allegations concerning these products.”); *see also Certain Road Constr. Machs. & Components Thereof*, Inv. No. 337-TA-1088, Initial Determination at 23-24 (Feb. 14, 2019) (EDIS Doc. ID 670148) (finding noninfringement where respondent “offered evidence of the structure and operation of these machines, including expert testimony of noninfringement” and complainant did not accuse the machines of infringing the patent.).

MRI has not argued that Respondents’ products that are the subject of this motion are not ripe for adjudication. Nevertheless, there are four factors (the *Oligosaccharides* factors) for determining “whether a respondent has met its burden for adjudication of a redesigned or alternative product”: “(1) whether the product is within the scope of the investigation; (2) whether it has been imported; (3) whether it is sufficiently fixed in design; and (4) whether it has been sufficiently disclosed by respondent during discovery.” *Certain Human Milk Oligosaccharides*, Inv. No. 337-TA-1120, Comm’n Op. at 18; *see also Certain Flocked Swabs, Prods. Containing Flocked Swabs, & Methods of Using Same*, Inv. No. 337-TA-1279, Initial Determination at 31 (Oct. 28, 2022) (EDIS Doc. ID 783374); *Certain Mobile Devices with Multifunction Emulators*, Inv. No. 337-TA-1170, Initial Determination at 9 (Mar. 16, 2021) (EDIS Doc. ID 737116).

Despite Respondents’ urgings, MRI has identified no Commission precedent finding that it is improper to adjudicate a product as noninfringing where the complainant fails to respond to a respondent’s noninfringement evidence. *See generally* Ex. 20. Instead, MRI relies on *Certain RF Capable Integrated Circuits and Products Containing the Same* for support in opposing this motion. Inv. No. 337-TA-982, Order 14 (Aug. 4, 2016) (EDIS Doc. ID 587297). There, ALJ Essex could not provide an adjudication because “there [was] no affirmative showing of noninfringement by [the respondent].” *Id.* at 10. Unlike here, the respondents in that case did not

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“submit[] any noninfringement contentions or expert reports on the noninfringement.” *Id.* As such, Inv. No. 337-TA-982, Order 14 is not applicable to the undisputed facts of this case.

IV. ARGUMENT

Summary determination is appropriate because Respondents have set forth detailed noninfringement theories as to the OH24B Product, OM Products, OH46/55 Products, and OH75/85 Products which MRI has never rebutted. This motion is ripe for determination because the parties have exchanged infringement and noninfringement contentions, MRI deposed several corporate witnesses, and expert discovery is complete.

A. The Disclosed, But Not Accused OH24B Product Does Not Infringe Any Asserted Patent

Summary determination of noninfringement of the OH24B Product should be granted because each *Oligosaccharides* factor weighs in favor of adjudication and MRI cannot carry its burden of proof on infringement. MRI has no evidence of infringement, whereas Respondents have undisputed evidence to the contrary. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] As such, adjudication of the OH24B Product is proper in this investigation.

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MRI has not set forth any infringement theories against the OH24B Product for any of the Asserted Patents despite extensive discovery and ample opportunity to do so. Meanwhile, Respondents have set forth noninfringement positions for the OH24B Product with respect to each of the Asserted Patents. *See supra* § II.A. Because MRI has not set forth any infringement theories for the OH24B Product, it cannot “carry its burden to prove infringement by a preponderance of the evidence.” *See Certain Two-Way Radio Equip., Inv. No. 337-TA-1053, Comm’n Op. at 27.*

Therefore, as each of the four *Oligosaccharides* factors have been satisfied and MRI has not asserted that the OH24B Product infringes any Asserted Patent, summary determination of noninfringement for the OH24B Product should be granted.

B. The Disclosed, But Not Accused OM Products (OM46B, OM46N, OM55B, OM55N, OM75A) Do Not Infringe Any Asserted Patent

Summary determination of noninfringement of the OM Products should be granted because each *Oligosaccharides* factor weighs in favor of adjudication and MRI cannot carry its burden of proving infringement. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Thus, the *Oligosaccharides* importation factor is satisfied. The OM Products are fixed in design as each of the OM46B, OM46N, OM55B, OM55N, and OM75A are commercially available, and therefore each satisfies the third factor. Each OM Product has also been subject to

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extensive discovery in accordance with the fourth *Oligosaccharides* factor. Respondents have produced numerous documents describing the features of each OM Product, disclosed each OM Product in their Final Non-Burden Contentions, and offered each OM Product for inspection to MRI. *See supra* § II.B. Furthermore, Respondents' expert has explained why each OM Product does not infringe in his rebuttal report. *See supra* § II.B.

MRI has not set forth any infringement theories against the OM Products for any of the Asserted Patents despite extensive discovery and ample opportunity to do so. Meanwhile, Respondents have set forth noninfringement positions for the OM Products with respect to each of the Asserted Patents. *See supra* § II.B. Because MRI has not set forth any infringement theories for the OM Products, it cannot satisfy its burden to prove infringement of the Asserted Patents by a preponderance of the evidence. *See Certain Two-Way Radio Equip.*, Inv. No. 337-TA-1053, Comm'n Op. at 27.

Therefore, as each of the four *Oligosaccharides* factors have been satisfied and MRI has not asserted that the OM Products infringe any Asserted Patent, summary determination of non-infringement for the OM Products should be granted.

C. The Products Which Were Accused of Infringing Only a Subset of Claims Do Not Infringe Any Asserted Claim For Which They Are Not Accused

Summary determination of noninfringement of the OH75/85 and OH46/55 Products should be granted because each factor weighs in favor of adjudication. These products are clearly within the scope of the investigation and meet each of the *Oligosaccharides* factors because [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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█ Here, MRI has indisputably had extensive discovery of each of these products.

Despite this discovery, MRI has not asserted infringement theories for the “Non-Accused Claims.”

OH46/55	Overall Asserted Claims	Accused Claims	Non-Accused Claims
'595 Patent	1, 4, 7, 8	1	4, 7, 8
'322 Patent	4, 5, 8, 9, 12, 13, 16	9, 12, 13, 16	4, 5, 8
'287 Patent	12, 15	12, 15	N/A
'740 Patent	1, 5, 6	N/A	1, 5, 6
'142 Patent	1, 2, 3, 6, 8, 10, 11, 12	N/A	1, 2, 3, 6, 8, 10, 11, 12
OH75/85	Overall Asserted Claims	Accused Claims	Non-Accused Claims
'595 Patent	1, 4, 7, 8	4, 7, 8	1
'322 Patent	4, 5, 8, 9, 12, 13, 16	4, 5, 8	9, 12, 13, 16
'287 Patent	12, 15	N/A	12, 15
'740 Patent	1, 5, 6	1, 5, 6	N/A
'142 Patent	1, 2, 3, 6, 8, 10, 11, 12	1, 2, 3, 6, 8, 10, 11, 12	N/A

The claims where MRI could not develop an infringement theory are identified on a product-by-product basis above as the “Non-Accused Claims.” Respondents have identified a number of reasons why the OH75/85 and OH46/55 Products do not infringe. Respondents’

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reasoning has been consistently articulated in its non-burden contentions and now is the subject of un rebutted expert testimony. *See supra* § II.C. Based on the fact that Respondents' noninfringement evidence for these "Non-Accused Claims" is un rebutted, MRI cannot satisfy its burden to prove infringement of the Asserted Patents by a preponderance of the evidence and summary determination of noninfringement for each of the Non-Accused Claims is proper. *See Certain Two-Way Radio Equip.*, Inv. No. 337-TA-1053, Comm'n Op. at 27.

V. CONCLUSION

For the reasons discussed above, Respondents respectfully request that the ALJ grant the motion for summary determination of noninfringement.

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DATED: April 27, 2023

Respectfully Submitted,

/s/ Patrick J. McCarthy

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been served on May 4, 2023, as indicated, on the following:

<p>The Honorable Katherine M. Hiner Acting Secretary to the Commission U.S. International Trade Commission 500 E Street, S.W., Room 112 Washington, DC 20001-5327</p>	<p>VIA EDIS</p>
<p>The Honorable Monica Bhattacharyya Administrative Law Judge U.S. International Trade Commission 500 E Street, S.W., Room 317 Washington, D.C. 20436 Bhattacharyya337@usitc.gov</p>	<p>VIA EDIS and EMAIL</p>
<p><i>Counsel for Complainant Manufacturing Resources International, Inc.</i></p> <p>Aarti Shah KILPATRICK TOWNSEND & STOCKTON LLP 607 14th Street, NW, Suite 900 Washington, DC 20005 Telephone: (202) 508-5800</p> <p>Dario A. Machleidt Kathleen R. Geyer KILPATRICK TOWNSEND & STOCKTON LLP 1420 Fifth Ave., Suite 3700 Seattle, WA 98101 Telephone: (206) 467-9600</p> <p>Russell A. Korn David A. Reed KILPATRICK TOWNSEND & STOCKTON LLP 1100 Peachtree Street NE, Suite 2800 Atlanta, GA 30309 Telephone: (404) 815-6500</p>	<p>VIA EMAIL</p>

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<p>Craig D. Cannon Alton L. Absher, III Andrea A. Anderson KILPATRICK TOWNSEND & STOCKTON LLP 1001 West Fourth Street Winston-Salem, NC 27101 Telephone: (336) 607-7300</p> <p>Matthew J. Meyer KILPATRICK TOWNSEND & STOCKTON LLP 1080 Marsh Road Menlo Park, CA 94025 Telephone: (650) 326-2400 MRI-Samsung@kilpatricktownsend.com</p>	
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/s/ Bruce Davis

Bruce Davis

PUBLIC VERSION

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

**Before The Honorable Monica Bhattacharyya
Administrative Law Judge**

In the Matter of

**CERTAIN OUTDOOR AND SEMI-
OUTDOOR ELECTRONIC
DISPLAYS, PRODUCTS
CONTAINING SAME, AND
COMPONENTS THEREOF**

Inv. No. 337-TA-1331

**DECLARATION OF PATRICK J. MCCARTHY IN SUPPORT OF RESPONDENTS'
MOTION FOR SUMMARY DETERMINATION OF NONINFRINGEMENT**

1. I, Patrick J. McCarthy, am an attorney duly admitted to practice in the District of Columbia. I am a partner at Goodwin Procter LLP, counsel to Respondents Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, "Samsung Electronics"), Samsung SDS Co. Ltd. and Samsung SDS America, Inc. (collectively, "Samsung SDS"), Industrial Enclosures Corporation d/b/a Palmer Digital Group ("Palmer"), Coates Signco Pty Limited and Coates US Inc., (collectively, "Coates"; collectively with respondents, "Respondents"). I have personal knowledge of the facts set forth herein, and could and would testify to them if called to do so.

2. Pursuant to Ground Rule 1.8, this declaration is provided in support of redacting Exhibits 1 and 3-20 to Respondents' Motion for Summary Determination of Noninfringement (the "Motion for Summary Determination") in their entireties.

3. Exhibits 1 and 3-20 to the Motion for Summary Determination contain confidential proprietary information relating to Respondent Samsung Electronics' confidential and proprietary processes, operations, and apparatuses of the OH and OM series Samsung displays. This qualifies

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as confidential information pursuant to 19 C.F.R. § 201.6 in that the information concerns or relates to, or would otherwise disclose, proprietary commercial information and/or relationships, the disclosure of which would result in substantial harm to the competitive position of Respondent Samsung Electronics and also would impair the Commission's ability in the future to obtain such types of information in performance of its statutory function.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 4th day of May, 2023 in Washington, D.C.

/s/Patrick J. McCarthy

Patrick J. McCarthy

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EXHIBIT 1

**CONTAINS CONFIDENTIAL
BUSINESS INFORMATION, SUBJECT
TO PROTECTIVE ORDER
(REDACTED IN ITS ENTIRETY)**

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EXHIBIT 2

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**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN OUTDOOR AND SEMI-
OUTDOOR ELECTRONIC DISPLAYS,
PRODUCTS CONTAINING SAME, AND
COMPONENTS THEREOF**

Inv. No. 337-TA-1331

NOTICE OF INSTITUTION OF INVESTIGATION

Institution of investigation pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 19, 2022, under section 337 of the Tariff Act of 1930, as amended, on behalf of Manufacturing Resources International, Inc. of Alpharetta, Georgia. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain outdoor and semi-outdoor electronic displays, products containing same, and components thereof by reason of the infringement of certain claims of U.S. Patent No. 8,854,595 (“the ’595 Patent”); U.S. Patent No. 9,173,322 (“the ’322 Patent”); U.S. Patent No. 9,629,287 (“the ’287 Patent”); U.S. Patent No. 10,506,740 (“the ’740 Patent”); and U.S. Patent No. 11,013,142 (“the ’142 Patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

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FOR FURTHER INFORMATION CONTACT: Jessica Mullan, Office of Docket Services, U.S. International Trade Commission, telephone (202) 205-1802.

SUPPLEMENTARY INFORMATION:

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10 (2022).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on September 19, 2022, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1, 4, 7, and 8 of the '595 patent; claims 4, 5, 8, 9, 12, 13, and 16 of the '322 patent; claims 1, 4, 8-12, 15, and 21-23 of the '287 patent; claims 1, 5, and 6 of the '740 patent; and claims 1-15 of the '142 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "outdoor and semi-outdoor electronic displays, products containing same (housings, enclosures, kiosks, and menu boards), and component thereof (systems for cooling electronic displays)";

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Manufacturing Resources International, Inc.
6415 Shiloh Road East
Alpharetta, GA 30005

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Samsung Electronics Co., Ltd.
129 Samsung ro (Maetan-dong)
Yeongtong-gu Suwon-si
Gyeonggi-do 16677 Republic of Korea

Samsung Electronics America, Inc.
85 Challenger Road

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Ridgefield Park, New Jersey 07660

Samsung SDS Co. Ltd.
125-35-Gil, Olympic-ro Songpa-gu
Seoul, 138-240 Korea,
Republic of Korea 05510

Samsung SDS America, Inc.
100 Challenger Road
Ridgefield Park, New Jersey 07660

Coates Signco Pty Limited
36 Doody Street
Alexandria, NSW 2015
Sydney, Australia

Coates Visual LLC
112 N May St, 2nd Fl
Chicago, Illinois 60607

Industrial Enclosure Corporation
d/b/a Palmer Digital Group
619 N. Loucks Street
Aurora, Illinois 60505

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

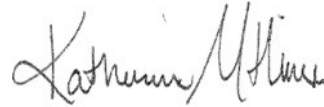
Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.13. Pursuant to 19 C.F.R. 201.16(e) and 210.13(a), as amended in 85 Fed. Reg. 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such

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findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Katherine M. Hiner". The signature is written in a cursive, flowing style.

Katherine M. Hiner
Acting Secretary to the Commission

Issued: September 19, 2022

PUBLIC VERSION

EXHIBIT 3

**CONTAINS CONFIDENTIAL
BUSINESS INFORMATION, SUBJECT
TO PROTECTIVE ORDER
(REDACTED IN ITS ENTIRETY)**

PUBLIC VERSION

EXHIBIT 4

**CONTAINS CONFIDENTIAL
BUSINESS INFORMATION, SUBJECT
TO PROTECTIVE ORDER
(REDACTED IN ITS ENTIRETY)**

PUBLIC VERSION

EXHIBIT 5

**CONTAINS CONFIDENTIAL
BUSINESS INFORMATION, SUBJECT
TO PROTECTIVE ORDER
(REDACTED IN ITS ENTIRETY)**

PUBLIC VERSION

EXHIBIT 6

**CONTAINS CONFIDENTIAL
BUSINESS INFORMATION, SUBJECT
TO PROTECTIVE ORDER
(REDACTED IN ITS ENTIRETY)**

PUBLIC VERSION

EXHIBIT 7

**CONTAINS CONFIDENTIAL
BUSINESS INFORMATION, SUBJECT
TO PROTECTIVE ORDER
(REDACTED IN ITS ENTIRETY)**

PUBLIC VERSION

EXHIBIT 8

**CONTAINS CONFIDENTIAL
BUSINESS INFORMATION, SUBJECT
TO PROTECTIVE ORDER
(REDACTED IN ITS ENTIRETY)**

PUBLIC VERSION

EXHIBIT 9

**CONTAINS CONFIDENTIAL
BUSINESS INFORMATION, SUBJECT
TO PROTECTIVE ORDER
(REDACTED IN ITS ENTIRETY)**

PUBLIC VERSION

EXHIBIT 10

**CONTAINS CONFIDENTIAL
BUSINESS INFORMATION, SUBJECT
TO PROTECTIVE ORDER
(REDACTED IN ITS ENTIRETY)**

PUBLIC VERSION

EXHIBIT 11

**CONTAINS CONFIDENTIAL
BUSINESS INFORMATION, SUBJECT
TO PROTECTIVE ORDER
(REDACTED IN ITS ENTIRETY)**

PUBLIC VERSION

EXHIBIT 12

**CONTAINS CONFIDENTIAL
BUSINESS INFORMATION, SUBJECT
TO PROTECTIVE ORDER
(REDACTED IN ITS ENTIRETY)**

PUBLIC VERSION

EXHIBIT 13

**CONTAINS CONFIDENTIAL
BUSINESS INFORMATION, SUBJECT
TO PROTECTIVE ORDER
(REDACTED IN ITS ENTIRETY)**

PUBLIC VERSION

EXHIBIT 14

**CONTAINS CONFIDENTIAL
BUSINESS INFORMATION, SUBJECT
TO PROTECTIVE ORDER
(REDACTED IN ITS ENTIRETY)**

PUBLIC VERSION

EXHIBIT 15

**CONTAINS CONFIDENTIAL
BUSINESS INFORMATION, SUBJECT
TO PROTECTIVE ORDER
(REDACTED IN ITS ENTIRETY)**

PUBLIC VERSION

EXHIBIT 16

**CONTAINS CONFIDENTIAL
BUSINESS INFORMATION, SUBJECT
TO PROTECTIVE ORDER
(REDACTED IN ITS ENTIRETY)**

PUBLIC VERSION

EXHIBIT 17

**CONTAINS CONFIDENTIAL
BUSINESS INFORMATION, SUBJECT
TO PROTECTIVE ORDER
(REDACTED IN ITS ENTIRETY)**

PUBLIC VERSION

EXHIBIT 18

**CONTAINS CONFIDENTIAL
BUSINESS INFORMATION, SUBJECT
TO PROTECTIVE ORDER
(REDACTED IN ITS ENTIRETY)**

PUBLIC VERSION

EXHIBIT 19

**CONTAINS CONFIDENTIAL
BUSINESS INFORMATION, SUBJECT
TO PROTECTIVE ORDER
(REDACTED IN ITS ENTIRETY)**

PUBLIC VERSION

EXHIBIT 20

**CONTAINS CONFIDENTIAL
BUSINESS INFORMATION, SUBJECT
TO PROTECTIVE ORDER
(REDACTED IN ITS ENTIRETY)**