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15 Attorneys for Plaintiff
 FIRSTFACE CO., LTD.

16
 17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**

19 FIRSTFACE CO., LTD.,

20 Plaintiff,

21 v.

22 APPLE INC.,

23 Defendant.
 24

CASE NO. 18-CV-2245

**ORIGINAL COMPLAINT
 FOR PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff Firstface Co., Ltd. files this Original Complaint against Apple Inc. for infringement of
2 U.S. Patent No. 8,831,557 (“the ’557 patent”), U.S. Patent No. 9,633,373 (“the ’373 patent”), and U.S.
3 Patent No. 9,779,419 (“the ’419 patent”).

4 **THE PARTIES**

5 1. Firstface Co., Ltd. (“Firstface”) is a corporation organized and existing under the laws of
6 the Republic of Korea with a principal place of business at 22F, Seoul City Tower, 110, Huam ro, Jung-
7 Gu, Seoul, 04637, Korea.

8 2. Apple Inc. (“Apple”) is a California corporation with its principal place of business in
9 Cupertino, California, within the Northern District of California. This Defendant may be served with
10 process through its agent, CT Corporation System, 818 West Seventh Street, Suite 930, Los Angeles,
11 California 90017. Apple does business in the State of California and in the Northern District of
12 California.

13 **JURISDICTION AND VENUE**

14 3. This action arises under the patent laws of the United States, namely 35 U.S.C. §§ 271,
15 281, and 284-285, among others.

16 4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

17 5. Venue is proper in this judicial district under 28 U.S.C. § 1400(b). Apple resides in this
18 district, has committed acts of infringement in this district, and has a regular and established place of
19 business in this district.

20 6. Apple is subject to this Court’s specific and general personal jurisdiction pursuant to due
21 process and/or the California Long Arm Statute, due at least to its substantial business in this State and
22 judicial district, including: (1) at least part of its infringing activities alleged herein; and (2) regularly
23 doing or soliciting business, engaging in other persistent conduct, and/or deriving substantial revenue
24 from goods sold and services provided to California residents.

25 **COUNT I**

26 (INFRINGEMENT OF U.S. PATENT NO. 8,831,557)

27 7. Firstface incorporates paragraphs 1 through 6 herein by reference.

1 8. Firstface is the assignee of the '557 patent, entitled "Method, System, and Mobile
2 Communication Terminal for Performing Specific Function When Mobile Communication Terminal Is
3 Activated," with ownership of all substantial rights in the '557 patent, including the right to exclude
4 others and to enforce, sue, and recover damages for past, present, and future infringements. A true and
5 correct copy of the '557 patent is attached as Exhibit A.

6 9. The '557 patent is valid, enforceable, and was duly issued in full compliance with Title 35
7 of the United States Code.

8 10. Apple has directly infringed and/or indirectly infringed, and continues to directly infringe
9 and/or indirectly infringe, one or more claims of the '557 patent in this judicial district and elsewhere in
10 California and the United States, without the consent or authorization of Firstface, including at least
11 claims 1, 8, 9, and 15 by, among other things, making, using, offering for sale, selling, and/or importing
12 Apple mobile devices that support fingerprint authentication. Such Apple mobile devices include iPhone
13 5s, iPhone 6, iPhone 6 Plus, iPhone 6s Plus, iPhone SE, iPhone 7, iPhone 7 Plus, iPhone 8, iPhone 8 Plus,
14 iPad (2017 version, a/k/a the iPad (5th generation)), iPad (2018 version, a/k/a the iPad (6th generation)),
15 iPad Air 2, iPad mini 3, iPad mini 4, iPad Pro (12.9 inch) (1st generation), iPad Pro (9.7 inch) (1st
16 generation), iPad Pro (12.9 inch) (2nd generation), and iPad Pro (10.5 inch) (2nd generation). These
17 devices are collectively referred to in this Court as the "Accused Products."

18 11. Apple directly infringes the apparatus claims of the '557 patent by making, using, offering
19 to sell, selling, and/or importing the Accused Products. Apple also directly infringes the '557 patent by
20 making, using, selling, offering to sell, and/or importing the Accused Products to practice the claimed
21 methods. Apple is therefore liable for direct infringement.

22 12. Specifically, each of the Accused Products has a display unit and an activation button (or
23 "home button") that, when pressed, switches the display from an off state to an on state. Each of the
24 Accused Products also contains a user identification unit that uses fingerprint recognition to identify the
25 user simultaneously with switching the display from the off state to the on state. The user identification
26 function recognizes a user by comparing a fingerprint acquired by the activation button with fingerprint
27 information of a user stored in the device.

1 13. Additionally, Apple is liable for indirect infringement of the '557 patent because it
2 induces and/or contributes to the direct infringement of the patent by its customers and other end users.

3 14. Apple learned of the '557 patent in early 2015 when Firstface presented Apple with an
4 opportunity to purchase and/or license Firstface's patent portfolio, including the '557 patent. Apple also
5 has knowledge of the '557 patent at least based on filing and service of this Complaint.

6 15. Despite having knowledge of the '557 patent, Apple has specifically intended, and
7 continues to specifically intend, for persons who acquire and use the Accused Products, including its
8 customers, to use such devices in a manner that infringes the '557 patent. This is evident when Apple
9 encourages and instructs customers and other end users in the use and operation of the Accused Products,
10 including use of the activation button to turn on the display and unlock the device using fingerprint
11 authentication.

12 16. In particular, despite having knowledge of the '557 patent, Apple has provided, and
13 continues to provide, instructional materials, such as user guides, owner manuals, and similar online
14 resources (available via <https://support.apple.com>, for instance) that specifically teach and encourage
15 customers and other end users to use the Accused Products in an infringing manner. By providing such
16 instructions, Apple knows (and has known), or should know (and should have known), that its actions
17 have actively induced, and continue to actively induce, infringement.

18 17. Additionally, Apple knows, and has known, that the Accused Products include proprietary
19 hardware components and software instructions that work in concert to perform specific, intended
20 functions. Such specific, intended functions, carried out by these hardware and software combinations,
21 are a material part of the inventions of the '557 patent and are not staple articles of commerce suitable for
22 substantial non-infringing uses.

23 18. Specifically, each Accused Product contains memory and a processor that are specifically
24 programmed and/or configured to implement the functionality described in paragraph 12, which infringes
25 the '557 patent. Apple is, thus, liable for contributory infringement.

26 19. Firstface has been damaged as a result of Apple's infringing conduct described in this
27 Count. Apple is, thus, liable to Firstface in an amount that adequately compensates it for Apple's

1 infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as
2 fixed by this Court under 35 U.S.C. § 284.

3 20. Despite having knowledge of the '557 patent, and knowledge that it is potentially directly
4 and/or indirectly infringing claims of the '557 patent, Apple has nevertheless continued its infringing
5 conduct in an egregious manner. On information and belief, Apple reviewed the claims of the '557
6 patent, yet continued to manufacture and sell infringing products. At the very least, Apple was willfully
7 blind to the '557 patent and its application to the Accused Products. For at least these reasons, Apple's
8 infringing activities have been, and continue to be, willful, wanton, and deliberate in disregard of
9 Firstface's rights with respect to the '557 patent, justifying enhanced damages under 35 U.S.C. § 284.

10 **COUNT II**

11 (INFRINGEMENT OF U.S. PATENT NO. 9,633,373)

12 21. Firstface incorporates paragraphs 1 through 20 herein by reference.

13 22. Firstface is the assignee of the '373 patent, entitled "Activating Display and Performing
14 Additional Function in Mobile Terminal With One-Time User Input," with ownership of all substantial
15 rights in the '373 patent, including the right to exclude others and to enforce, sue, and recover damages
16 for past, present, and future infringements. A true and correct copy of the '373 patent is attached as
17 Exhibit B.

18 23. The '373 patent is valid, enforceable, and was duly issued in full compliance with Title 35
19 of the United States Code.

20 24. Apple has directly infringed and/or indirectly infringed, and continues to directly infringe
21 and/or indirectly infringe, one or more claims of the '373 patent in this judicial district and elsewhere in
22 California and the United States, without the consent or authorization of Firstface, including at least
23 claims 1-2, 4-6, and 11-14, by, among other things, making, using, offering for sale, selling, and/or
24 importing Apple mobile devices that support fingerprint authentication and Siri functionality, including
25 iPhone 5s, iPhone 6, iPhone 6 Plus, iPhone 6s Plus, iPhone SE, iPhone 7, iPhone 7 Plus, iPhone 8, iPhone
26 8 Plus, iPad (2017 version, a/k/a the iPad (5th generation)), iPad (2018 version, a/k/a the iPad (6th
27 generation)), iPad Air 2, iPad mini 3, iPad mini 4, iPad Pro (12.9 inch) (1st generation), iPad Pro (9.7

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