

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

RFCyber CORP.,

Plaintiff,

v.

LG ELECTRONICS, INC.

Defendants.

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Case No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, RFCyber Corp. (“RFCyber” or “Plaintiff”), files this original Complaint against Defendant LG Electronics, Inc. (“LG” or “Defendant”), for patent infringement under 35 U.S.C. § 271 and alleges as follows:

THE PARTIES

1. RFCyber is a Texas corporation with its principal place of business at 7300 Lone Star Drive, Suite c200, Plano, TX 75024. RFCyber is the owner of all right, title, and interest in and to, or is the exclusive licensee with the right to sue for U.S. Patent Nos. 8,118,218, 8,448,855, 9,189,787, 9,240,009, and 10,600,046 (the “Patents-in-Suit” or “Asserted Patents”).

2. Defendant LG is a corporation formed under the laws of the Republic of Korea, with its principal place of business at LG Twin Towers 20, Yeouido-Dong, Yeongdeungpo-Gu, Seoul, South Korea 150-721. Upon information and belief, LG does business in Texas, directly and through intermediaries, and offers its products, and services, including those accused herein of infringement, to customers and potential customers located in Texas, including in the judicial Eastern District of Texas.

3. Defendant has authorized sellers and sales representatives that offer and sell products pertinent to this Complaint through the State of Texas, including in this Judicial District, and to consumers throughout this Judicial District, such as: Best Buy, 422 West TX-281 Loop, Suite 100, Longview, Texas 75605; AT&T Store, 1712 East Grand Avenue, Marshall, Texas 75670; Sprint Store, 1806 East End Boulevard North, Suite 100, Marshall, TX 75670; T-Mobile, 900 East End Boulevard North, Suite 100, Marshall, TX 75670; Verizon authorized retailers, including Russell Cellular, 1111 East Grand Avenue, Marshall, Texas 75670; Victra, 1006 East End Boulevard, Marshall, Texas 75670; and Cricket Wireless authorized retailer, 120 East End Boulevard South, Marshall, TX 75670.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, et seq. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332, 1338, and 1367.

5. The amount in controversy exceeds \$75,000.

6. This Court has personal jurisdiction over Defendant. Defendant conducts business and has committed acts of patent infringement and/or has induced acts of patent infringement by others in this Judicial District and/or has contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United States.

7. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1400(b) and 1391(b) and (c) because the Defendant is subject to personal jurisdiction in this Judicial District, has committed acts of patent infringement in this Judicial District, and has a regular and established place of business in this Judicial District. The Defendant, through its own acts, makes, uses, sells, and/or offers to sell infringing products within this Judicial District, regularly

does and solicits business in this Judicial District, and has the requisite minimum contacts with the Judicial District such that this venue is a fair and reasonable one. Further, upon information and belief, the Defendants have admitted or not contested proper venue in this Judicial District in other patent infringement actions. Further, venue is proper in this Judicial District because the Defendant is a foreign corporation formed under the laws of Korea with a principal place of business in Korea.

PATENTS-IN-SUIT

8. On February 21, 2012, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,118,218 (the “’218 Patent”) entitled “Method and Apparatus for Providing Electronic Purse.” A true and correct copy of the ’218 Patent is available at <https://pdfpiw.uspto.gov/.piw?PageNum=0&docid=08118218>.

9. On May 28, 2013, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,448,855 (the “’855 Patent”) entitled “Method and Apparatus for Funding an Electronic Purse.” A true and correct copy of the ’855 Patent is available at <https://pdfpiw.uspto.gov/.piw?PageNum=0&docid=08448855>.

10. On November 17, 2015, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,189,787 (the “’787 Patent”) entitled “Method and Apparatus for Conducting E-Commerce and M-Commerce.” A true and correct copy of the ’787 Patent is available at <https://pdfpiw.uspto.gov/.piw?PageNum=0&docid=09189787>.

11. On January 19, 2016, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,240,009 (the “’009 Patent”) entitled “Mobile Devices for Commerce Over Unsecured Networks.” A true and correct copy of the ’009 Patent is available at <https://pdfpiw.uspto.gov/.piw?PageNum=0&docid=09240009>.

12. On March 24, 2020, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 10,600,046 (the “’046 Patent”) entitled “Method and Apparatus for Mobile Payments.” A true and correct copy of the ’046 Patent is available at <https://pdfpiw.uspto.gov/.piw?PageNum=0&docid=10600046>.

13. RFCyber is the sole and exclusive owner of all right, title and interest to and in, or is the exclusive licensee with the right to sue for, the ’218, ’855, ’787, ’009, and ’046 Patents (together, the “Patents-in-Suit”), and holds the exclusive right to take all actions necessary to enforce its rights to the Patents-in-Suit, including the filing of this patent infringement lawsuit. RFCyber also has the right to recover all damages for past, present, and future infringement of the Patents-in-Suit and to seek injunctive relief as appropriate under the law.

INFRINGEMENT ALLEGATIONS

14. The technologies of the Patents-in-Suit were variously invented by Liang Seng Koh, Hsin Pan, Ziangzhen Zie, and Fuliang Cho. The Patents-in-Suit generally cover apparatus and methods for enabling secure contactless payment with a portable device. In one exemplary embodiment, a smart card module including a secure element may emulate a payment card over near field communications (“NFC”). For example, users may select one of a plurality of payment cards stored in a memory of the secure element, and carry out a transaction via NFC at a point of service (“POS”). In another embodiment, the device may securely conduct transactions over an open network with a payment server. By facilitating the settlement of charges using an NFC mobile device to read off data pertaining to an electronic invoice, the inventions of the Patents-in-Suit provide significant time-savings, particularly in situations where a payment process would otherwise involve more than one contact between a merchant and consumer.

15. LG has manufactured, used, marketed, distributed, sold, offered for sale, and exported from and imported into the United States devices and software that infringe the Patents-in-Suit. LG has distributed variants of LG Pay, LG PayQuick, and or LG Pay Perks that include functionality to emulate a payment card and settle a transaction via NFC and/or MST at least since July, 2017.¹ LG Pay is operable on a range of LG devices, including at least all variants of the following LG devices: G7, G8, G8X, V35, V40, V50, V60, Velvet and all LG devices released since July, 2017.² The current and previous versions of LG Pay and devices running LG Pay, alone and together, are non-limiting instances of the Accused Products. The Accused Products include, for example, the representative LG G8 ThinQ running LG Pay. The Accused Products practice the claims of the Patents-in-Suit to improve the shopping experience of their users, and to improve LG's position in the market.

16. LG's infringement of the Patents-in-Suit is willful. LG continues to commit acts of infringement despite a high likelihood that its actions constitute infringement, and LG knew or should have known that its actions constituted an unjustifiably high risk of infringement.

17. RFCyber has at all times complied with the marking provisions of 35 U.S.C. § 287 with respect to the Patents-in-Suit. On information and belief, any prior assignees and licensees have also complied with the marking provisions of 35 U.S.C. § 287.

COUNT I
(Infringement of the '218 Patent)

18. Paragraphs 1 through 17 are incorporated herein by reference as if fully set forth in their entireties.

¹ See <https://www.androidcentral.com/lg-pay-now-available-us-nfc-and-magnetic-stripe-support>.

² See <https://www.pocket-lint.com/phones/news/lg/148731-lg-pay-launch-usa-g8-thinq>; <https://www.lg.com/us/lg-pay/faq#:~:text=LG%20Pay%20is%20supported%20on,with%20my%20two%20different%20phones%3F>.

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