

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

RFCyber CORP.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO. LTD., and  
SAMSUNG ELECTRONICS AMERICA,  
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 Defendants Samsung Electronics Co., Ltd. (“Samsung Electronics”) and Samsung Electronics America, Inc. (“Samsung Electronics America”) (collectively “Samsung” or “Defendants”), 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 Samsung Electronics is a corporation organized and existing under the laws of the Republic of Korea, with its principal place of business at 129 Samsung-Ro, Yeongtong-Gu, Suwon-Si, Gyeonggi-Do, 443-742, Republic of Korea. Upon information and belief, Samsung Electronics does business in Texas, directly or through intermediaries, and offers its products and/or services, including those accused herein of infringement, to customers

and potential customers located in Texas, including in the Judicial District of the Eastern District of Texas.

3. Defendant Samsung Electronics America is a corporation organized under the laws of New York, with its principal place of business at 85 Challenger Road, Ridgefield Park, NJ 07660. Upon information and belief, Samsung Electronics America has corporate offices in the Eastern District of Texas at 1303 East Lookout Drive, Richardson, Texas 75082 and 2800 Technology Drive, Suite 200, Plano, Texas 75074. Samsung Electronics America has publicly indicated that in early 2019, it would be centralizing multiple offices in a new location in the Eastern District of Texas at the Legacy Central office campus,<sup>1</sup> located at 6225 Declaration Drive, Plano, Texas 75023. Samsung Electronics America may be served with process through its registered agent CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

4. Defendants have 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.

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<sup>1</sup> <https://news.samsung.com/us/samsung-electronics-america-open-flagship-north-texas-campus/>, last accessed Apr. 29, 2019.

### JURISDICTION AND VENUE

5. 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 subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332, 1338, and 1367.

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

7. This Court has specific and personal jurisdiction over each of the Defendants consistent with the requirements of the Due Process Clause of the United States Constitution and the Texas Long Arm Statute. Upon information and belief, each Defendant has sufficient minimum contacts with the forum because each Defendant transacts substantial business in the State of Texas and in this Judicial District. Further, each Defendant has, directly or through subsidiaries or intermediaries, committed and continues to commit acts of patent infringement in the State of Texas and in this Judicial District as alleged in this Complaint, as alleged more particularly below.

8. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1400(b) and 1391(b) and (c) because each 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. Each Defendant, through its own acts and/or through the acts of each other Defendant, 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, venue is proper in this Judicial District because Samsung Electronics is a foreign corporation formed under the laws of Korea with a principal

place of business in Korea. Further, upon information and belief, the Defendants have admitted or not contested proper venue in this Judicial District in other patent infringement actions.

### **PATENTS-IN-SUIT**

9. 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>.

10. 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>.

11. 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>.

12. 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>.

13. 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>.

14. 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**

15. 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.

16. Samsung 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. Samsung has distributed variants of Samsung Pay and/or Samsung Pay Cash that have included functionality to emulate a payment card and settle a transaction via NFC and/or

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