

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

SOLAS OLED LTD.,

Plaintiff,

vs.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

CASE NO. 2:21-cv-00105-JRG

**First Amended Complaint for Patent
Infringement**

JURY DEMANDED

First Amended Complaint for Patent Infringement

Plaintiff Solas OLED Ltd. (“Solas”) files this first amended complaint against Samsung Electronics Co., Ltd. (“SEC”) and Samsung Electronics America, Inc. (“SEA”) (each a “Defendant” and, collectively, “Defendants”), alleging infringement of U.S. Patent No. 8,526,767 (“Patent-in-Suit”). The Accused Products are the OLED panel displays made, used, offered for sale, sold, imported by Defendants in the United States and supplied by Defendants to its customers and integrated into electronic devices sold in the United States.

Plaintiff Solas OLED and the Patent-in-Suit.

1. Plaintiff Solas is a technology licensing company organized under the laws of Ireland, with its headquarters at The Hyde Building, Suite 23, The Park, Carrickmines, Dublin 18, Ireland.

2. Solas is the owner of U.S. Patent No. 8,526,767, entitled “Gesture Recognition,” which issued September 3, 2013 (the “’767 patent”). A copy of the ’767 patent is attached to this complaint as Exhibit 1.

Defendants and the Accused Products.

3. On information and belief, Defendant Samsung Electronics Co., Ltd. (“SEC”) is a corporation organized under the laws of South Korea, with its principal place of business at 129, Samsung-Ro, YeongTong-Gu, Suwon-Si, Gyonggi-Do, 443-742, South Korea.

4. On information and belief, Defendant Samsung Electronics America, Inc. (“SEA”) is a United States corporation organized under the laws of the State of New York, with its principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660. SEA is a wholly-owned subsidiary of SEC. SEA distributes certain Samsung consumer electronics products, including the Accused Products, in the United States.

5. The Accused Products are laptop computers, mobile phones and tablets made, used, offered for sale, sold, imported by Defendants in the United States, including without limitation the Samsung laptop computers and Galaxy mobile phones and tablet devices.

Jurisdiction and Venue.

6. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Defendants in this action because Defendants have established minimum contacts with the United States as a whole such that the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice. Defendants have purposefully directed activities at the United States, in particular, directing Accused Products for sale to customers and distributors within the United States (including within this District) and engaging in sales and marketing efforts to generate and support such sales. Defendants have committed acts of infringement of the Patent-in-Suit giving rise to this

action, such as by supplying to distributors and consumer device retailers the Accused Products in this District, including without limitation the Samsung ATIV and Galaxy laptop computers, tablets and phones accused of infringement in this case. Defendants, directly and through subsidiaries, intermediaries, and third parties, have committed and continues to commit acts of infringement in this District by, among other things, making, using, offering to sell, selling, and importing products that infringe the Patent-in-Suit.

8. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b). Defendant SEC is a foreign corporation. Venue is proper as to a foreign defendant in any district. 28 U.S.C. § 1391(c)(3). Defendant SEA has committed acts of infringement in this District and has regular and established places of business in this District.

Count 1 – Claim for infringement of the '767 patent.

9. On September 3, 2013, the United States Patent and Trademark Office issued U.S. Patent No. 8,526,767, entitled “Gesture Recognition.” Ex. 1.

10. Solas is the owner of the '767 patent with full rights to pursue recovery of royalties for damages for infringement, including full rights to recover past and future damages.

11. Each claim of the '767 patent is valid, enforceable, and patent-eligible.

12. Solas and its predecessors in interest have satisfied the requirements of 35 U.S.C. § 287(a) with respect to the '767 patent, and Solas is entitled to damages for Defendants' past infringement.

13. Defendants have directly infringed (literally and equivalently) and induced others to infringe the '767 patent by making, using, selling, offering for sale, or importing products that infringe the claims of the '767 patent and by inducing others to infringe the claims of the '767

patent without a license or permission from Solas, such as for example instructing users of the Accused Products to perform the patented methods of the '767 patent.

14. On information and belief, Defendants make, import, offer for sale, and sell certain infringing products in the United States. The Accused Products are, for example, consumer electronic devices manufactured by SEC and imported, sold, and offered for sale in the United States by SEA, including for example Samsung Galaxy mobile phones. The Accused Products all have touch controller chips for controlling one or more sensors in the Accused Products.



Samsung Galaxy S9



Samsung Galaxy S20

15. For example, claim 1 of the '767 patent claim a “touch sensor device” as follows:
[1a] “a sensor having a sensitive area extending in at least one-dimension and arranged to output sense signals responsive to proximity of an object to the sensitive area;”

16. The Accused Products (such as the Galaxy S9, pictured below) comprise a sensor having a sensitive area extending in at least one-dimension and arranged to output sense signals responsive to proximity of an object to the sensitive area:

a sensor having a sensitive area extending in at least one-dimension and arranged to output sense signals responsive to proximity of an object to the sensitive area;

Controlling the touchscreen

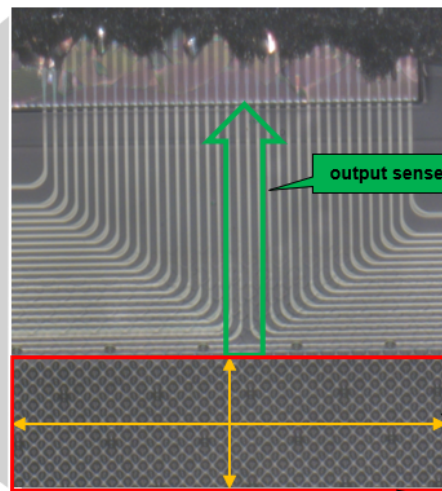
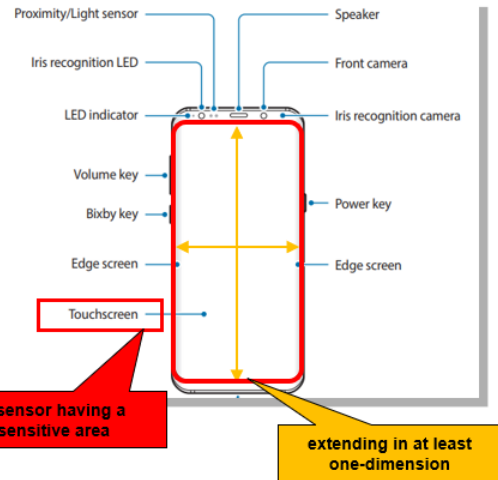
- Do not allow the touchscreen to come into contact with other electrical devices. Electrostatic discharges can cause the touchscreen to malfunction.
- To avoid damaging the touchscreen, do not tap it with anything sharp or apply excessive pressure to it with your fingertips.
- Leaving the touchscreen idle for extended periods may result in afterimages (screen burn-in) or ghosting. Turn off the touchscreen when you do not use the device.
- The device may not recognise touch inputs close to the edges of the screen, which are outside of the touch input area.
- It is recommended to use fingers when you use the touchscreen.

Tapping
Tap the screen.



sensitive area

output sense signals responsive to proximity of an object



[1b] “a processor operable to execute position-processing logic stored in one or more

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