

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

SMART MOBILE TECHNOLOGIES LLC,

Plaintiff,

v.

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

Defendant.

Civil Action No. 6:21-cv-00701

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Smart Mobile Technologies LLC ("Smart Mobile"), by and through its attorneys, hereby alleges the following:

I. NATURE OF THE ACTION

1. This is a patent infringement action for damages and other appropriate remedies for Defendants Samsung Electronics Co. Ltd. ("SEC") and Samsung Electronics America, Inc.'s ("SEA") (collectively, "Samsung" or "Defendants") unauthorized and infringing manufacture, use, sale, offering for sale, and/or importation of products incorporating Smart Mobile's patented inventions.

2. Smart Mobile is the owner of all right, title, and interest in and to United States Patent No. 8,442,501 (the "'501 Patent"), issued May 14, 2013 and titled "Dynamically Configurable IP Based Wireless Devices And Networks." A true and correct copy of the '501 Patent is attached hereto as Exhibit A.

3. Smart Mobile is the owner of all right, title, and interest in and to United States Patent No. 8,472,936 (the "'936 Patent"), issued June 25, 2013 and titled "Dynamically Configurable IP Based Wireless Devices And Wireless Networks." A true and correct copy of the '936 Patent is attached hereto as Exhibit B.

4. Smart Mobile is the owner of all right, title, and interest in and to United States Patent No. 8,472,937 (the "'937 Patent"), issued June 25, 2013 and titled "Dynamically Configurable IP Based Mobile Devices And Networks." A true and correct copy of the '937 Patent is attached hereto as Exhibit C.

5. Smart Mobile is the owner of all right, title, and interest in and to United States Patent No. 8,761,739 (the "'739 Patent"), issued June 24, 2014 and titled "Dynamically Configurable IP Based Wireless Devices And Networks." A true and correct copy of the '739 Patent is attached hereto as Exhibit D.

6. Smart Mobile is also the owner of all right, title, and interest in and to United States Patent No. 8,824,434 (the "'434 Patent"), issued September 2, 2014 and titled "Portable Wireless Device With Dual RF Communication And Antennas." A true and correct copy of the '434 Patent is attached hereto as Exhibit E.

7. Smart Mobile is also the owner of all right, title, and interest in and to United States Patent No. 8,842,653 (the "'653 Patent"), issued September 23, 2014 and titled "Wireless Devices With Transmission Control And Multiple Paths Of Communication." A true and correct copy of the '653 Patent is attached hereto as Exhibit F.

8. Smart Mobile is also the owner of all right, title, and interest in and to United States Patent No. 9,019,946 (the "'946 Patent"), issued April 28, 2015 and titled "Wireless And Cellular

Voice And Data Transmission With Multiple Paths Of Communication." A true and correct copy of the '946 Patent is attached hereto as Exhibit G.

9. Smart Mobile is also the owner of all right, title, and interest in and to United States Patent No. 9,049,119 (the "'119 Patent"), issued June 2, 2015 and titled "Dynamically Configurable Mobile Device and Cellular Phones With Functions." A true and correct copy of the '119 Patent is attached hereto as Exhibit H.

10. Smart Mobile is also the owner of all right, title, and interest in and to United States Patent No. 9,084,291 (the "'291 Patent"), issued July 14, 2015 and titled "Interfacing Internet Protocol-Based Wireless Devices With Networks." A true and correct copy of the '291 Patent is attached hereto as Exhibit I.

11. Smart Mobile is also the owner of all right, title, and interest in and to United States Patent No. 9,191,083 (the "'083 Patent"), issued November 17, 2015 and titled "Wireless Device With Multichannel Data Transfer." A true and correct copy of the '083 Patent is attached hereto as Exhibit J.

12. Smart Mobile is also the owner of all right, title, and interest in and to United States Patent No. 9,614,943 (the "'943 Patent"), issued April 4, 2017 and titled "System To Interface Internet Protocol (IP) Based Wireless Devices With Subtasks And Channels." A true and correct copy of the '943 Patent is attached hereto as Exhibit K.

13. Smart Mobile is also the owner of all right, title, and interest in and to United States Patent No. 9,756,168 (the "'168 Patent"), issued September 5, 2017 and titled "Multifunction Mobile Devices And Appliance Control." A true and correct copy of the '168 Patent is attached hereto as Exhibit L.

14. Samsung makes, uses, offers for sale, sell, and/or imports into the United States products that directly infringe the '501, '936, '937, '739, '434, '653, '946, '119, '291, '083, '943, and '168 Patents (collectively, the "Patents in Suit"). Further, Samsung indirectly infringes one or more of the Patents in Suit by inducing and contributing to infringement by others, including users of Samsung devices, and by exporting components used in the making of Samsung devices that would, if combined in the United States, infringe the Smart Mobile patents.

15. Smart Mobile seeks monetary damages, prejudgment interest, injunctive relief, and other relief for Samsung's infringement of the Patents in Suit.

II. PARTIES

16. Smart Mobile is a Delaware limited liability company having a principal place of business at 7600 Chevy Chase Drive, Building 2, Suite 300, Austin, Texas 78752. Smart Mobile develops mobile device software and technologies for scientists and engineers.

17. Upon information and belief, Defendant SEC is a corporation organized under the laws of South Korea, with its principal place of business at 129 Samsung-Ro, Maetan-3dong, Yeongtong-gu, Suwon, 443-742, South Korea.

18. Upon information and belief, SEA is a wholly owned subsidiary of SEC and is a 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.

19. Samsung may be served with process through its registered agent for service in Texas: Richard Jung, 8310 N. Capital of Texas Hwy, Suite 305, Austin, Texas 78731.

III. JURISDICTION AND VENUE

20. This is an action for patent infringement, which arises under the Patent Laws of the United States, in particular, 35 U.S.C. §§ 271, 281, 282, 284, and 285. The Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

21. This Court has personal jurisdiction over Samsung because Samsung has committed acts giving rise to this action within Texas and within this judicial district. Defendants regularly do business or solicit business in this District and in Texas, engage in other persistent courses of conduct and derive substantial revenue from products and services provided in this District and in Texas, and have purposefully established substantial, systematic, and continuous contacts within this District and should reasonably expect to be sued in a court in this District. For example, Samsung has offices within this district. The website www.samsung.com solicits sales of infringing products to consumers in this District and in Texas. Given these contacts, the Court's exercise of jurisdiction over Samsung will not offend traditional notions of fair play and substantial justice.

22. Venue in the Western District of Texas is proper pursuant to 28 U.S.C. §§ 1391(b), (c) and 1400(b) because Samsung has regular and established places of business in this District, including at 12100 Samsung Boulevard, Austin, Texas, has committed acts within this judicial district giving rise to this action, and continues to conduct business in this judicial district, including multiple acts of making, selling, using, importing and/or offering for sale infringing products in this District.

IV. THE PATENTS-IN-SUIT

23. The '501, '936, '937, '739, '119, and '168 Patents share a common specification. The patents are related by a chain of continuation and divisional applications to an application filed on June 9, 2000, which was a continuation-in-part of an application filed on June 4, 1999. The '501, '936, '937, '739, and '119 Patents, in addition, claim priority to an even earlier application, filed December 16, 1996. The '501, '936, '937, '739, '119, and '168 Patents disclose and claim improved wireless communications systems and devices having voice and data communication capability,

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