

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

JAWBONE INNOVATIONS, LLC,

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 Jawbone Innovations, LLC (“Jawbone” or “Plaintiff”) for its Complaint against Defendants Samsung Electronics Co., Ltd. (“Samsung Electronics”) and Samsung Electronics America, Inc. (“Samsung Electronics America”) (collectively “Samsung” or “Defendants”) alleges as follows:

**THE PARTIES**

1. Jawbone is a limited liability company organized and existing under the laws of the State of Texas, with its principal place of business located at 100 West Houston Street, Marshall, Texas 75671.

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, New Jersey 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, Texas 75670; T-Mobile, 900 East End Boulevard North, Suite 100, Marshall, Texas 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, Texas 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. 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.

7. 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.

### **FACTUAL BACKGROUND**

8. On September 13, 2011, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,019,091 (the “’091 Patent”) entitled “Voice Activity Detector (VAD)-Based Multiple-Microphone Acoustic Noise Suppression.” A true and correct copy of the ’091 Patent is attached hereto as Exhibit A.

9. On October 2, 2012, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,280,072 (the “’072 Patent”) entitled “Microphone Array with Rear Venting.” A true and correct copy of the ’072 Patent is attached hereto as Exhibit B.

10. Jawbone is the sole and exclusive owner of all right, title, and interest to and in the ’091 Patent and the ’072 Patent (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. Jawbone 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.

11. The technology of the Patents-in-Suit was developed by Jawbone, Inc, which was originally founded in 1998 as AliphCom, Inc. (“AliphCom”). AliphCom set out to develop a noise reducing headset that would allow soldiers to communicate better in combat conditions. In 2002, AliphCom won a contract with the Defense Advanced Research Projects Agency to research noise suppression techniques for the United States military.

12. AliphCom launched a mobile headset called the “Jawbone” in 2004. The “Jawbone” included the innovative noise-suppression technology that AliphCom developed for the military.<sup>2</sup> This technology virtually eliminated background noise while increasing the volume

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<sup>2</sup>See <https://www.wired.com/2004/09/military-headset-reaches-masses/>

of the speakers' voices. AliphCom followed with a Bluetooth version of the "Jawbone" in 2008 which was sold in the Apple Store.

13. On the heels of the success of the "Jawbone" products, AliphCom changed its name to Jawbone, Inc. in 2011 and later expanded its product offerings into Bluetooth speakers and wearables, such as health tracking devices. Unfortunately, due to the intensely competitive marketplace, Jawbone, Inc. was forced into liquidation in 2017.

14. Following Jawbone, Inc.'s liquidation "[a] host of technology companies including Apple, Samsung, Google, LG and Fitbit [were] identified as potential buyers of Jawbone's US Patents."<sup>3</sup> Upon information and belief, Envision IP (and other parties) contacted Samsung regarding the value of the Asserted Patents, including regarding Samsung's infringement of the Asserted Patents. Upon information and belief, Samsung was notified that the Accused Products infringe the Asserted Patents, and/or otherwise became aware of the Asserted Patents and recognized that the Accused Products infringe the Asserted Patents at least as of 2017.

### **INFRINGEMENT ALLEGATIONS**

15. The '091 Patent generally describes acoustic noise suppression with a voice activity detector that senses vibration in human tissue associated with voicing activity. The technology was developed by Dr. Gregory C. Burnett and Eric F. Breitfeller. The '091 Patent also describes techniques for generating transfer functions representative of acoustic signals when voicing activity is absent, providing improved noise suppression. Some embodiments of the invention include a microphone array with one microphone which primarily captures sound (*e.g.*, speech),

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<sup>3</sup>See <https://www.worldipreview.com/news/apple-google-and-fitbit-touted-to-acquire-jawbone-patents-14322>; <https://www.gipi.com.br/en/apple-google-and-fitbit-touted-to-acquire-jawbone-patents/>; see also <http://patentvue.com/2017/07/11/jawbone-patents-could-be-leveraged-by-a-competitor/>

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