

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

B.E. TECHNOLOGY, L.L.C,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Case No. 2:12-CV-02824-JPM-tmp
	§	
SAMSUNG TELECOMMUNICATIONS AMERICA, LLC,	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	
	§	

**ANSWER AND AFFIRMATIVE DEFENSES OF  
SAMSUNG TELECOMMUNICATIONS AMERICA, LLC**

Defendant Samsung Telecommunications America, LLC (“STA”) hereby responds to the Complaint for Patent Infringement (“Complaint”) of Plaintiff B.E. Technology, LLC (“B.E.” or “Plaintiff”) alleging infringement of United States Patent No. 6,771,290 (the “290 patent”) as follows:

**STA’S ANSWER TO PLAINTIFF’S COMPLAINT**

**NATURE OF THE ACTION AND PARTIES**

1. *This is an action for patent infringement arising under the patent laws of the United States.*

**ANSWER:** STA admits that this action purports to be an action for patent infringement arising under the patent laws of the United States, but denies that Plaintiff is entitled to any relief thereunder.

2. *B.E. is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business in Memphis, Tennessee.*

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**ANSWER:** STA lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 and therefore denies the same.

3. *Samsung is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business in Richardson, Texas.*

**ANSWER:** STA admits that it is a Delaware limited liability company having a place of business in Richardson, Texas.

### **JURISDICTION**

4. *This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a), as this is an action arising under the Patent Act, 35 U.S.C. § 1 et seq.*

**ANSWER:** STA admits that Plaintiff purports to allege an action arising under the Patent Act, 35 U.S.C. §§ 1 et seq. At this time, STA does not contest this Court's subject matter jurisdiction over Plaintiff's claims.

### **VENUE**

5. *Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), 1391(d), and 1400(b).*

**ANSWER:** STA admits that venue is technically proper in this judicial district under 28 U.S.C. §§ 1391(b), 1391(c), 1391(d), and 1400(b), but denies that it is the appropriate venue for this action under 28 U.S.C. § 1404(a).

### **FACTUAL BACKGROUND**

6. *The '290 patent is entitled "Computer Interface Method And Apparatus With Portable Network Organization System And Targeted Advertising." A copy of the '290 patent is attached to this Complaint as Exhibit A and incorporated herein by this reference.*

**ANSWER:** STA admits that the '290 patent bears on its face "Computer Interface Method And Apparatus With Portable Network Organization System And Targeted Advertising." STA further admits that the document attached as Exhibit A to the Complaint purports to be the '290 patent, which document speaks for itself, but otherwise denies the remaining allegations in Paragraph 6.

*7. The invention of the '290 patent generally relates to user interfaces for accessing computer applications and information resources and, in particular, to user interfaces that provide advertising obtained over a global computer network such as the Internet. The invention of the '290 patent also relates to user interfaces for maintaining, organizing and communicating information accessible to a computer network such as the Internet and, in particular, to user interfaces that provide the user with availability to that information in a personalized manner.*

**ANSWER:** STA admits that '290 patent speaks for itself and that it states that "the invention related in general to user interfaces for accessing computer applications and information resources and, in particular, to user interfaces that provide advertising obtained over a global computer network such as the Internet" and that "this invention also relates to user interfaces for maintaining, organizing and communicating information accessible to a computer network such as the Internet and, in particular, to user interfaces that provide the user with availability to that information in a personalized manner" but otherwise denies the allegations of Paragraph 7.

*8. The application that issued as the '290 patent was filed on July 16, 1999, and the United States Patent and Trademark Office duly and legally issued the '290 patent on August 3, 2004. The '290 patent claims priority to U.S. Patent Application No. 09/118,351, filed on July 17, 1998.*

**ANSWER:** STA admits that the face of the '290 patent indicates that an application associated with the '290 patent was filed on July 16, 1999. STA further admits that the face of the '290 patent indicates that the United States Patent and Trademark Office issued the '290 patent on August 3, 2004. STA also admits that the face of the '290 patent indicates that the application which issued as the '290 patent is a continuation-in-part of U.S. Patent Application No. 09/118,351, filed on July 17, 1998. The remaining allegations of Paragraph 8 are a legal conclusion to which no response is required. To the extent that a response is required, STA denies the remaining allegations of Paragraph 8, including the allegation that the claims of the '290 patent are entitled to a priority date of July 17, 1998.

**COUNT I: ALLEGED INFRINGEMENT OF U.S. PATENT NO. 6,771,290**

9. *B.E. realleges and incorporates by reference the allegations of paragraphs 1-8.*

**ANSWER:** STA incorporates by reference its responses to Paragraphs 1-8 as though fully set forth herein.

10. *B.E. owns all right, title, and interest in the '290 patent, and has owned all right, title, and interest throughout the period of the infringement complained of herein.*

**ANSWER:** STA denies that there has been a period of infringement, and lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 10 and therefore denies the same.

11. *Samsung has infringed at least Claim 2 of the '290 patent by using, selling, and offering to sell in the United States tablet computer products that directly infringe at least Claim 2 of the '290 patent either literally or under the doctrine of equivalents. The accused products include Samsung Smart Phones: Galaxy S, Galaxy S 4G, Galaxy S II, Captivate, Continuum,*

*Droid Charge, Galaxy S III, Epic 4G, Fascinate, Exhibit 4G, Galaxy Ace, Galaxy Prevail, Gem, Indulge, Infuse 4G, Intercept, Mesmerize, Nexus S 4G, Replenish, Vibrant; Smart Tablets: Galaxy Note 10.1; Galaxy Tab; Galaxy Player 5.0.*

**ANSWER:** STA admits that the Complaint purports to accuse of infringement the following products: Samsung Smart Phones: Galaxy S, Galaxy S 4G, Galaxy S II, Captivate, Continuum, Droid Charge, Galaxy S III, Epic 4G, Fascinate, Exhibit 4G, Galaxy Ace, Galaxy Prevail, Gem, Indulge, Infuse 4G, Intercept, Mesmerize, Nexus S 4G, Replenish, Vibrant; Smart Tablets: Galaxy Note 10.1; Galaxy Tab; Galaxy Player 5.0; but denies that STA uses, sells, or offers to sell all of these products. STA denies the remaining allegations of Paragraph 11.

#### **JURY DEMAND**

STA admits that the Plaintiff has requested a trial by jury.

#### **PRAYER FOR RELIEF**

STA incorporates herein by reference its responses to Paragraphs 1 through 11 of Plaintiff's Complaint and denies that Plaintiff is entitled to any relief or judgment against STA.

#### **AFFIRMATIVE DEFENSES**

Without prejudice to the denials set forth in this Answer, and without admitting any of the averments of the Complaint not otherwise admitted, STA asserts the following affirmative defenses to the causes of action asserted in Plaintiff's Complaint, undertaking to prove only those defenses on which it bears the burden of proof under the applicable law.

1. Plaintiff's Complaint fails to state a claim upon which relief can be granted.
2. STA has not and does not infringe any valid and enforceable claim of the '290 patent, either literally or under the doctrine of equivalents.

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