

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

The CALIFORNIA INSTITUTE OF
TECHNOLOGY,

Plaintiff,

v.

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

Defendants.

Civil Action No. 2:21-cv-446-JRG

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which plaintiff the California Institute of Technology (“Caltech” or “Plaintiff”) makes the following allegations against defendants Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. (together, “Samsung”):

1. This is a civil action for infringement of U.S. Patent No. 7,116,710 (the “’710 patent”), U.S. Patent No. 7,421,032 (the “’032 patent”), U.S. Patent No. 7,916,781 (the “’781 patent”), and U.S. Patent No. 8,284,833 (the “’833 patent”) (collectively, “the Asserted Patents”) arising under the patent laws of the United States, 35 U.S.C. §§ 1 et seq.

2. In 2020, a jury found that Wi-Fi products from Apple Inc. (“Apple”) and Broadcom Limited (“Broadcom”) infringed the ’710, ’032, and ’781 patents and awarded Caltech over \$1.1 billion in damages. *Caltech v. Broadcom Ltd., et al.*, No. 16-cv-3714-GW, Dkt. No. 2114 (C.D. Cal. Jan. 29, 2020). As in the case against Apple and Broadcom, Caltech seeks a reasonable royalty from Samsung as compensation for its infringement of the ’710, ’032, and ’781 patents. Caltech

also seeks a reasonable royalty from Samsung as compensation for its infringement of the '833 patent.

THE PARTIES

3. Caltech is a non-profit private university organized under the laws of the State of California, with its principal place of business at 1200 East California Boulevard, Pasadena, California 91125.

4. Caltech is a world-renowned science and engineering research and education institution, where extraordinary faculty and students seek answers to complex questions, discover new knowledge, lead innovation, and transform our future. To date, 45 Caltech alumni and faculty have won a total of 46 Nobel Prizes. The mission of Caltech is to expand human knowledge and benefit society through research integrated with education. Caltech investigates the most challenging, fundamental problems in science and technology in a singularly collegial, interdisciplinary atmosphere, while educating outstanding students to become creative members of society. Caltech's investment in research has led Caltech to have more inventions disclosed and patents granted per faculty member than any other university in the nation, and to be consistently ranked as having one of the top university patent portfolios in strength and number of patents issued.

5. Defendant Samsung Electronics Co., Ltd., is a foreign corporation organized and existing under the laws of the Republic of Korea with a principal place of business at 129, Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-Do, Korea 443-742.

6. Defendant Samsung Electronics America, Inc., is a wholly owned subsidiary corporation of Samsung Electronics Co., Ltd., organized and existing under the laws of New York with a principal place of business at 105 Challenger Road, Ridgefield Park, New Jersey 07660 and offices and/or other facilities in Texas at least at 6625 Excellence Way, Plano, Texas 75023 and

12100 Samsung Boulevard, Austin, Texas 78754. Samsung Electronics America, Inc., may be served with process through its registered agent with the Texas Secretary of State, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

7. Defendant Samsung Electronics America, Inc., oversees domestic sales and distribution of Samsung's consumer electronics products, including the products accused of infringement in this case.

8. Defendant Samsung Electronics America, Inc., merged with Samsung Telecommunications America LLC in January 2015. *Koninklijke KPN N.V. v. Samsung Telecomms. Am. LLC, et al.*, No. 2:14-cv-01165-JRG, Dkt. No. 34 (E.D. Tex. Apr. 29, 2015). Prior to such merger, Samsung Telecommunications America LLC was involved in the sales and distribution of Samsung-branded consumer electronics products in the United States.

9. On information and belief, Defendant Samsung Electronics America, Inc., is liable for any act for which Samsung Telecommunications America LLC otherwise would be or would have been liable, including for any infringement alleged in this matter, and references herein to Samsung Electronics America, Inc., should be understood to encompass such acts by Samsung Telecommunications America LLC.

10. Defendants Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc., have acted in concert with respect to the facts alleged herein such that any act of Samsung Electronics Co., Ltd., is attributable to Samsung Electronics America, Inc., and vice versa.

JURISDICTION AND VENUE

11. This action arises under the patent laws of the United States, Title 35 of the United States Code, including in particular 35 U.S.C. § 271.

12. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

13. This Court has personal jurisdiction over Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. because, directly or through intermediaries, each has committed acts within the Eastern District of Texas giving rise to this action and/or has established minimum contacts with the Eastern District of Texas such that the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

14. For example, Samsung Electronics America maintains regular and established offices in the Eastern District of Texas, including at 6625 Excellence Way, Plano, Texas 75023. Further, on information and belief, Samsung Electronics Co., Ltd. directs and controls the actions of Samsung Electronics America such that it too maintains regular and established offices in the Eastern District of Texas, including at 6625 Excellence Way, Plano, Texas 75023.

15. Samsung's Plano office is referred to as its "Mobile hub" for its smartphone product line. Other divisions, including Networks, Mobile Marketing, Computing and Wearables, and Product Management, are located in the Plano facilities in this District.¹ Samsung has described this 216,000 square foot "flagship" Plano office, with over 1,000 employees, as part of its "longstanding and growing commitment to Texas."²

16. In addition, Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. have placed or contributed to placing infringing products (including Accused Products) into the stream of commerce via an established distribution channel knowing or understanding that such products would be sold and used in the United States, including in the Eastern District of Texas.

17. On information and belief, Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. also have each derived substantial revenues from infringing acts in the

¹ <https://www.themuse.com/profiles/samsungelectronicamerica/location/plano>

² <https://news.samsung.com/us/samsung-electronics-america-open-flagship-north-texas-campus/>

Eastern District of Texas, including from the sale and use of infringing products (including Accused Products).

18. Venue is proper under 28 U.S.C. § 1391(b)-(c) and 28 U.S.C. § 1400.

19. In particular, Samsung Electronics Co. Ltd. is a corporation organized and existing under the laws of the Republic of Korea, and Samsung Electronics America has maintained regular and established places of business at 6625 Excellence Way, Plano, Texas 75023. *In re HTC Corp.*, 889 F.3d 1349, 1354 (Fed. Cir. 2018); *In re Cray Inc.*, 871 F.3d 1355, 1362–63 (Fed. Cir. 2017).

ASSERTED PATENTS

20. On October 3, 2006, the United States Patent Office issued U.S. Patent No. 7,116,710, titled “Serial Concatenation of Interleaved Convolutional Codes Forming Turbo-Like Codes.” A true and correct copy of the ’710 patent is attached hereto as Exhibit A.

21. On September 2, 2008, the United States Patent Office issued U.S. Patent No. 7,421,032, titled “Serial Concatenation of Interleaved Convolutional Codes Forming Turbo-Like Codes.” A true and correct copy of the ’032 patent is attached hereto as Exhibit B. The ’032 patent is a continuation of the application that led to the ’710 patent.

22. On March 29, 2011, the United States Patent Office issued U.S. Patent No. 7,916,781, titled “Serial Concatenation of Interleaved Convolutional Codes Forming Turbo-Like Codes.” A true and correct copy of the ’781 patent is attached hereto as Exhibit D. The ’781 patent is a continuation of the application that led to the ’032 patent, which is a continuation of the application that led to the ’710 patent.

23. On October 9, 2012, the United States Patent Office issued U.S. Patent No. 8,284,833, titled “Serial Concatenation of Interleaved Convolutional Codes Forming Turbo-Like Codes.” A true and correct copy of the ’833 patent is attached hereto as Exhibit E. The ’833 patent is a continuation of the application that led to the ’781 patent, which is a continuation of the

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