

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

DODOTS LICENSING SOLUTIONS LLC,

Plaintiff,

vs.

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

Defendants.

Case No.: 6:22-cv-00535-ADA

**PLAINTIFF DODOTS LICENSING SOLUTIONS LLC'S OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS**

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I. Introduction

Samsung’s latest motion to dismiss—arguing that DoDots Licensing has failed to properly allege indirect infringement and compliance with the marking statute—is meritless. Contrary to well-established law regarding motions to dismiss (where all facts are taken as true), Samsung’s motion seeks to substantively argue about and contest the pleaded facts. Samsung also seeks to introduce purported facts from outside of the pleadings and draws unfounded conclusions in its own favor from the facts at every turn. But this is all improper for a motion to dismiss.

Here, DoDots Licensing’s Second Amended Complaint sufficiently pleads facts showing indirect infringement and compliance with the marking statute. That is all that matters at the pleading stage. Thus, Samsung’s motion should be denied.

In particular, with respect to induced infringement, DoDots Licensing must plead “actual knowledge” of the asserted patents. This requirement can be satisfied by allegations of notice of the patents *or* an infringer’s willful blindness to those patents. The Second Amended Complaint does *both* – it includes *pages* about how Samsung received actual notice of the asserted patents on two separate occasions *and* also includes allegations of willful blindness. The allegations are additionally supported by detailed sworn declarations that are attached to the Second Amended Complaint.

Recognizing that it has no other path forward under the standard for a motion to dismiss, Samsung attempts to shift the focus away from what is being pleaded. Instead, Samsung questions the “credibility” of the declarants. This is improper. While Samsung can certainly seek to test the veracity of witnesses’ assertions at trial, fact-finding and evidence-weighting are not appropriate when considering a motion to dismiss.

With regard to the “intent” requirement for induced infringement, DoDots Licensing’s

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