

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

DODOTS LICENSING SOLUTIONS LLC,

Plaintiff,

v.

**SAMSUNG ELECTRONICS CO.,
LTD. AND SAMSUNG ELECTRONICS
AMERICA, INC.,**

Defendants.

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

**DEFENDANTS' REPLY IN SUPPORT OF MOTION TO DISMISS
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)**

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I. INTRODUCTION

DoDots' opposition offers no meaningful argument as to why the indirect infringement allegations and the claims for relief for the '083 and '407 patents in the Second Amended Complaint ("SAC") clear the legal hurdles to survive past the pleading stage. DoDots' arguments are specious, often mischaracterizing Samsung's positions and misinterpreting the law. Contrary to DoDots' opposition, Samsung does not ask the Court to engage in fact-finding. Rather, the facts pleaded, including accompanying declarations, are facially insufficient as a matter of law for DoDots to survive a motion to dismiss. DoDots' opposition does nothing to disrupt that conclusion, nor could it given the clear deficiencies with DoDots' allegations. Samsung's motion to dismiss the SAC should therefore be granted.

II. ARGUMENT

A. DoDots' Indirect Infringement Claims Do Not Satisfy *Twombly/Iqbal*

1. DoDots Fails to Adequately Plead Pre-Suit Knowledge of the Alleged Infringement

DoDots does not explain how the SAC adequately pleads Samsung's knowledge of the alleged infringement—that is, knowledge that the induced acts constitute infringement—as required under § 271(b). Because the asserted patents are expired, the only relevant facts that DoDots may plead regarding indirect infringement must be *pre-suit* facts demonstrating *pre-suit* knowledge that the induced acts constitute infringement of the specific asserted patents. Nothing that DoDots pleads in the FAC meets this high bar of pre-suit knowledge.

Active inducement requires more than mere knowledge of the asserted patents. It additionally requires (among other things) knowledge *that the induced acts constitute infringement*. The law here is well-settled. *See, e.g., Global-Tech Appliances, Inc. v. SEB S.A.*, 563 U.S. 754, 766 (2011) (“[W]e now hold that induced infringement under § 271(b) requires knowledge that the

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