



85 Challenger Road, Ridgewood Park, New Jersey 07660. Samsung Electronics America, Inc. can be served with process through its registered agent, CT Corp. System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201.

4. On information and belief, Samsung Mexicana S.A. De C.V. (“Samsung Mexicana”) is a Mexican corporation organized and existing under the laws of the State of Sonora, Mexico, with its principal place of business at Blvd. Los Olivos No. 11110, Parque Industrial, El Florido, Tijuana, B.C., C.O. 22860. Service of process can be made on Samsung Mexicana by way of the Hague Service Convention.

#### **JURISDICTION AND VENUE**

5. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

6. Subject-matter jurisdiction over Adrain’s claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

7. On information and belief, defendants have operated, conducted, engaged in, and/or carried on business in the state of Texas.

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) (c) and (d), and/or 1400(b).

#### **PATENT INFRINGEMENT**

9. On November 3, 1998, U.S. Patent No. 5,831,669, entitled “Facility Monitoring System with Image Memory and Correlation” was duly and legally issued to the inventor, John B. Adrain. A Reexamination Certificate for U.S. Patent 5,831,669 issued on August 21, 2012. (U.S. Patent 5,831,669 and the Reexamination Certificate are collectively referred to as “the ‘669 patent.”)

Adrain owns all right, title and interest in the '669 patent, including the right to sue for and recover all past, present and future damages for infringement of the '669 patent.

**10.** The '669 patent is presumed valid.

**11.** Upon information and belief, Defendants, either alone or in conjunction with others, have in the past and continue to infringe and/or induce infringement of the '669 patent by making, using, selling, offering to sell, and/or importing, and/or causing others to make, use, sell, or offer to sell, and/or import, in this judicial district and/or elsewhere in the United States, "Smart TVs" that alone or in use are covered by one or more of the claims of the '669 patent. For example, Defendants' make, use, sell, offer to sell and/or import Smart TVs that have a built-in camera or a separately purchased camera that monitor a space and are capable of facial recognition to create and log into an account. By way of further example, one such model is the LED 8000 Series Smart TV (such as UN55F8000BF), while another example is the Series 5500 (such as UN32F5500AFZA and a VG-STC3000 camera).

**12.** Consumers purchase and use Defendants' Smart TVs and are instructed to use methods that infringe one or more claims of the '669 patent. By way of further example, consumers of such devices are able to store images of their faces and thereafter log into their accounts maintained by the Smart TVs.

**13.** Defendants provide instructions, such as user manuals, that instruct consumers on how to set up and use such devices in such manners, specifically intending such consumers will operate these devices in such a manner, and knowing of such actions, which constitutes infringement of one or more claims of the '669 patent.

**14.** Defendants have been and/or are now indirectly infringing one or more claims of the '669 patent in violation of 35 U.S.C. 271(b) by inducing consumers of Defendants' Smart TVs to

directly infringe one or more claims of the '669 patent through their use of Defendants "Smart TVs" such as use of facial recognition in a monitored space. For example, Defendants induce direct infringement of the '669 patent by providing user manuals with the Smart TV that show users how to register their faces in a profile with the Smart TV.

15. Defendants engage in such inducement knowingly and, at least from the time of receipt of the present Complaint, have done so with knowledge that such activity encourages consumers of their Smart TVs to directly infringe the '669 patent.

16. Defendants are each liable for infringement of the '669 patent pursuant to 35 U.S.C. § 271.

17. Defendants' acts of infringement have caused damage to Adrain, and Adrain is entitled to recover from Defendants the damages sustained by Adrain as a result of Defendants' wrongful acts in an amount subject to proof at trial.

18. As a consequence of the infringement complained of herein, Adrain has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless Defendants are enjoined by this Court from committing further acts of infringement.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Adrain prays for entry of judgment that:

- A. Defendants have directly infringed and/or induced infringement of the '669 patent;
- B. Defendants account for and pay to Adrain all damages caused by their infringement of the '669 patent;

C. Adrain be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining Defendants and their officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;

D. Adrain be granted pre-judgment and post-judgment interest on the damages caused to him by reason of Defendants' patent infringement;

E. Adrain be granted his reasonable attorneys' fees in accordance with 35 U.S.C. § 285;

F. Costs be awarded to Adrain; and,

G. Adrain be granted such other and further relief as the Court may deem just and proper under the circumstances.

#### DEMAND FOR JURY TRIAL

Adrain demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: October 25, 2013

By: /s/Elizabeth L. DeRieux

John T. Polasek

Texas Bar. No. 16088590

[tpolasek@pqelaw.com](mailto:tpolasek@pqelaw.com)

C. Dale Quisenberry

Texas Bar No. 24005040

[dquisenberry@pqelaw.com](mailto:dquisenberry@pqelaw.com)

Jeffrey S. David

Texas Bar No. 24053171

[j david@pqelaw.com](mailto:j david@pqelaw.com)

POLASEK, QUISENBERRY & ERRINGTON, L.L.P.

6750 West Loop South, Suite 920

Bellaire, Texas 77401

Telephone: (832) 778-6000

Facsimile: (832) 778-6010

Otis W. Carroll

State Bar No. 03895700

[nancy@icklaw.com](mailto:nancy@icklaw.com)

Deborah Race

State Bar No. 16448700

[drace@icklaw.com](mailto:drace@icklaw.com)

IRELAND, CARROLL & KELLEY, P.C  
6101 S. Broadway, Suite 500  
P.O. Box 7879  
Tyler, Texas 75711  
Telephone: (903) 561-1600  
Facsimile: (903) 581-1071

S. Calvin Capshaw  
State Bar No. 03783900  
[ccapshaw@capshawlaw.com](mailto:ccapshaw@capshawlaw.com)  
Elizabeth L. DeRieux  
State Bar No. 05770585  
[ederieux@capshawlaw.com](mailto:ederieux@capshawlaw.com)  
D. Jeffrey Rambin  
State Bar No. 00791478  
[jrambin@capshawlaw.com](mailto:jrambin@capshawlaw.com)  
CAPSHAW DERIEUX, LLP  
114 East Commerce Avenue  
Gladewater, Texas 75647  
Telephone: (903) 236-9800  
Facsimile: (903) 236-8787

Russell R. Smith  
State Bar No. 18682310  
[rsmith@fairchildlawfirm.com](mailto:rsmith@fairchildlawfirm.com)  
Fairchild, Price, Haley, & Smith, L.L.P.  
1801 North Street  
Nacogdoches, Texas 75963-1668  
Telephone: (936) 569-2327  
Facsimile: (936) 569-7932

*Attorneys for Plaintiff*