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Ltd.

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UNITED STATES DISTRICT COURT

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SOUTHERN DISTRICT OF CALIFORNIA

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LARGAN PRECISION CO., LTD.,

Case No. 13-CV-2740 DMS (NLS)

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Plaintiff,

**AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

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v.

DEMAND FOR JURY TRIAL

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SAMSUNG ELECTRONICS CO.,
LTD.; SAMSUNG ELECTRONICS
16 AMERICA, INC.; and SAMSUNG
TELECOMMUNICATIONS
17 AMERICA, LLC,

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Defendants.

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1 Plaintiff Largan Precision Co., Ltd. (“Largan”) hereby pleads the following
2 claims for patent infringement against Defendants Samsung Electronics Co., Ltd.
3 (“SEC”); Samsung Electronics America, Inc. (“SEA”); and Samsung
4 Telecommunications America, LLC (“STA”) (collectively, “Samsung”), and
5 alleges as follows:

6 **PARTIES**

7 1. Plaintiff Largan is a Taiwanese corporation with its principal place of
8 business located at No. 11, Jingke Road, Nantun District, Taichung City 40852,
9 Taiwan. Largan is the owner of the patent rights at issue in this action.

10 2. On information and belief, Defendant Samsung Electronics Co., Ltd. is
11 a Korean corporation with its principal offices at 1320-10, Seocho 2-dong, Seocho-
12 gu, Seoul 137-857, South Korea. On information and belief, SEC designs,
13 manufactures, and provides to the U.S. and world markets a wide range of products,
14 including consumer electronics, computer components, and myriad mobile and
15 entertainment products.

16 3. Samsung Electronics America, Inc. is a New York corporation with its
17 principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey
18 07660. On information and belief, SEA is a subsidiary of SEC that markets, sells,
19 or offers for sale a variety of consumer electronics, and provides operation services
20 for other Samsung entities such as STA.

21 4. Samsung Telecommunications America, LLC is a Delaware limited
22 liability company with its principal place of business at 1301 East Lookout Drive,
23 Richardson, Texas 75081. On information and belief, STA is a subsidiary of SEC
24 that markets, sells, and offers for sale a variety of personal and business
25 communications devices in the United States, including mobile phones.

1 **JURISDICTION AND VENUE**

2 5. This is an action for patent infringement arising under the patent laws
3 of the United States, 35 U.S.C. § 1 *et seq.*, including but not limited to 35 U.S.C.
4 § 271.

5 6. The Court has subject matter jurisdiction over this action under 28
6 U.S.C. §§ 1331 and 1338(a).

7 7. This Court has personal jurisdiction over Samsung because, among
8 other things, Samsung has committed, aided, abetted, contributed to, and/or
9 participated in the commission of patent infringement in this judicial district and
10 elsewhere that led to foreseeable harm and injury to Largan. Samsung, directly
11 and/or through third parties, manufactures or assembles products that are and have
12 been offered for sale, sold, purchased, and used within this forum. Samsung,
13 directly and/or through their distribution networks, regularly place their products
14 within the stream of commerce with the knowledge, understanding, and desire that
15 such products will be sold in this forum and throughout the United States.
16 Samsung, directly or through third parties, also has advertised and marketed such
17 products in this forum. Thus, Samsung has established minimum contacts within
18 the forum and purposefully availed itself of the benefits of this forum, and the
19 exercise of personal jurisdiction over Samsung would not offend traditional notions
20 of fair play and substantial justice.

21 8. Samsung transacts business in this forum because, among other things,
22 Samsung manufactures, imports, and distributes products that are offered for sale,
23 sold, purchased, and used within this forum. Samsung has also committed tortious
24 acts of patent infringement in this forum and has a regular and established place of
25 business in this forum. Samsung also is subject to personal jurisdiction in this
26 forum. Venue therefore is proper in this judicial district pursuant to 28 U.S.C.
27 §§ 1391(a)-(d) and 1400(b).

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1 20. On information and belief, Samsung has infringed and continues to
2 infringe one or more claims of the '925 patent under 35 U.S.C. § 271.

3 21. Samsung has directly infringed the '925 patent in the United States and
4 this District through the making, using, sale, offer for sell, and/or importation of its
5 products, including without limitation the Samsung Galaxy Note and Galaxy S II.
6 On information and belief, the front camera in the accused devices has optical
7 shapes and parameters meeting all of the requirements of one or more claims of the
8 '925 patent, whether literally or under the doctrine of equivalents.

9 22. Samsung has induced infringement by inducing others, such as cellular
10 service providers, distributors, end users, and other Samsung entities, to make, use,
11 sell, offer for sale, and/or import the accused devices in the United States and this
12 District. Samsung also has provided directions, instruction manuals, guides, and/or
13 other materials that instruct and encourage the purchaser of an accused device to
14 use the device in a manner that infringes certain claims of the '925 patent. Largan
15 placed Samsung on notice of its infringement of the '925 patent on or before
16 January 31, 2013.

17 23. On information and belief, Samsung's infringement has been, and
18 continues to be, willful and deliberate, and has caused substantial damage to
19 Largan. For example, Samsung has continued to sell the accused devices despite its
20 awareness of the '925 patent and Largan's infringement allegations.

21 24. On information and belief, Samsung's infringement in violation of
22 federal patent laws will continue to injure Largan unless otherwise enjoined by this
23 Court.

24 **CLAIM 2 – INFRINGEMENT OF U.S. PATENT NO. 7,394,602**

25 25. Largan incorporates by reference the allegations in the paragraphs
26 above.

27 26. On information and belief, Samsung has infringed and continues to
28 infringe one or more claims of the '602 patent under 35 U.S.C. § 271.

1 27. Samsung has directly infringed the '602 patent in the United States and
2 this District through the making, using, sale, offer for sell, and/or importation of its
3 products, including without limitation the Samsung Galaxy Note and Galaxy S II.
4 On information and belief, the front camera in the accused devices has optical
5 shapes and parameters meeting all of the requirements of one or more claims of the
6 '602 patent, whether literally or under the doctrine of equivalents.

7 28. Samsung has induced infringement by inducing others, such as cellular
8 service providers, distributors, end users, and other Samsung entities, to make, use,
9 sell, offer for sale, and/or import the accused devices in the United States and this
10 District. Samsung also has provided directions, instruction manuals, guides, and/or
11 other materials that instruct and encourage the purchaser of an accused device to
12 use the device in a manner that infringes certain claims of the '602 patent. Largan
13 placed Samsung on notice of its infringement of the '602 patent on or before
14 January 31, 2013.

15 29. On information and belief, Samsung's infringement has been, and
16 continues to be, willful and deliberate, and has caused substantial damage to
17 Largan. For example, Samsung has continued to sell the accused devices despite its
18 awareness of the '602 patent and Largan's infringement allegations.

19 30. On information and belief, Samsung's infringement in violation of
20 federal patent laws will continue to injure Largan unless otherwise enjoined by this
21 Court.

22 **CLAIM 3 – INFRINGEMENT OF U.S. PATENT NO. 7,898,747**

23 31. Largan incorporates by reference the allegations in the paragraphs
24 above.

25 32. On information and belief, Samsung has infringed and continues to
26 infringe one or more claims of the '747 patent under 35 U.S.C. § 271.

27 33. Samsung has directly infringed the '747 patent in the United States and
28 this District through the making, using, sale, offer for sell, and/or importation of its

1 products, including without limitation the Samsung Galaxy S III and Galaxy Note
2 II. On information and belief, the front camera in the accused devices has optical
3 shapes and parameters meeting all of the requirements of one or more claims of the
4 '747 patent, whether literally or under the doctrine of equivalents.

5 34. Samsung has induced infringement by inducing others, such as cellular
6 service providers, distributors, end users, and other Samsung entities, to make, use,
7 sell, offer for sale, and/or import the accused devices in the United States and this
8 District. Samsung also has provided directions, instruction manuals, guides, and/or
9 other materials that instruct and encourage the purchaser of an accused device to
10 use the device in a manner that infringes certain claims of the '747 patent. Largan
11 placed Samsung on notice of its infringement of the '747 patent on or before
12 February 5, 2013.

13 35. On information and belief, Samsung's infringement has been, and
14 continues to be, willful and deliberate, and has caused substantial damage to
15 Largan. For example, Samsung has continued to sell the accused devices despite its
16 awareness of the '747 patent and Largan's infringement allegations.

17 36. On information and belief, Samsung's infringement in violation of
18 federal patent laws will continue to injure Largan unless otherwise enjoined by this
19 Court.

20 **CLAIM 4 – INFRINGEMENT OF U.S. PATENT NO. 8,154,807**

21 37. Largan incorporates by reference the allegations in the paragraphs
22 above.

23 38. On information and belief, Samsung has infringed and continues to
24 infringe one or more claims of the '807 patent under 35 U.S.C. § 271.

25 39. Samsung has directly infringed the '807 patent in the United States and
26 this District through the making, using, sale, offer for sell, and/or importation of its
27 products, including without limitation the Samsung Galaxy S III and Galaxy Note
28 II. On information and belief, the front camera in the accused devices has optical

1 shapes and parameters meeting all of the requirements of one or more claims of the
2 '807 patent, whether literally or under the doctrine of equivalents.

3 40. Samsung has induced infringement by inducing others, such as cellular
4 service providers, distributors, end users, and other Samsung entities, to make, use,
5 sell, offer for sale, and/or import the accused devices in the United States and this
6 District. Samsung also has provided directions, instruction manuals, guides, and/or
7 other materials that instruct and encourage the purchaser of an accused device to
8 use the device in a manner that infringes certain claims of the '807 patent. Largan
9 placed Samsung on notice of its infringement of the '807 patent on or before
10 February 5, 2013.

11 41. On information and belief, Samsung's infringement has been, and
12 continues to be, willful and deliberate, and has caused substantial damage to
13 Largan. For example, Samsung has continued to sell the accused devices despite its
14 awareness of the '807 patent and Largan's infringement allegations.

15 42. On information and belief, Samsung's infringement in violation of
16 federal patent laws will continue to injure Largan unless otherwise enjoined by this
17 Court.

18 **CLAIM 5 – INFRINGEMENT OF U.S. PATENT NO. 8,284,291**

19 43. Largan incorporates by reference the allegations in the paragraphs
20 above.

21 44. On information and belief, Samsung has infringed and continues to
22 infringe one or more claims of the '291 patent under 35 U.S.C. § 271.

23 45. Samsung has directly infringed the '291 patent in the United States and
24 this District through the making, using, sale, offer for sell, and/or importation of its
25 products, including without limitation the Samsung Galaxy Note II. On
26 information and belief, the rear camera in the accused devices has optical shapes
27 and parameters meeting all of the requirements of one or more claims of the '291
28 patent, whether literally or under the doctrine of equivalents.

1 46. Samsung has induced infringement by inducing others, such as cellular
2 service providers, distributors, end users, and other Samsung entities, to make, use,
3 sell, offer for sale, and/or import the accused devices in the United States and this
4 District. Samsung also has provided directions, instruction manuals, guides, and/or
5 other materials that instruct and encourage the purchaser of an accused device to
6 use the device in a manner that infringes certain claims of the '291 patent. Largan
7 placed Samsung on notice of its infringement of the '291 patent on or before
8 August 10, 2013.

9 47. On information and belief, Samsung's infringement has been, and
10 continues to be, willful and deliberate, and has caused substantial damage to
11 Largan. For example, Samsung has continued to sell the accused devices despite its
12 awareness of the '291 patent and Largan's infringement allegations.

13 48. On information and belief, Samsung's infringement in violation of
14 federal patent laws will continue to injure Largan unless otherwise enjoined by this
15 Court.

16 **CLAIM 6 – INFRINGEMENT OF U.S. PATENT NO. 8,508,860**

17 49. Largan incorporates by reference the allegations in the paragraphs
18 above.

19 50. On information and belief, Samsung has infringed and continues to
20 infringe one or more claims of the '860 patent under 35 U.S.C. § 271.

21 51. Samsung has directly infringed the '860 patent in the United States and
22 this District through the making, using, sale, offer for sell, and/or importation of its
23 products, including without limitation the Samsung Galaxy Note II. On
24 information and belief, the rear camera in the accused devices has optical shapes
25 and parameters meeting all of the requirements of one or more claims of the '860
26 patent, whether literally or under the doctrine of equivalents.

27 52. Samsung has induced infringement by inducing others, such as cellular
28 service providers, distributors, end users, and other Samsung entities, to make, use,

1 sell, offer for sale, and/or import the accused devices in the United States and this
2 District. Samsung also has provided directions, instruction manuals, guides, and/or
3 other materials that instruct and encourage the purchaser of an accused device to
4 use the device in a manner that infringes certain claims of the '860 patent. Largan
5 placed Samsung on notice of its infringement of the '860 patent on or before
6 August 10, 2013.

7 53. On information and belief, Samsung's infringement has been, and
8 continues to be, willful and deliberate, and has caused substantial damage to
9 Largan. For example, Samsung has continued to sell the accused devices despite its
10 awareness of the '860 patent and Largan's infringement allegations.

11 54. On information and belief, Samsung's infringement in violation of
12 federal patent laws will continue to injure Largan unless otherwise enjoined by this
13 Court.

14 **CLAIM 7 – INFRINGEMENT OF U.S. PATENT NO. 8,670,190**

15 55. Largan incorporates by reference the allegations in the paragraphs
16 above.

17 56. On information and belief, Samsung has infringed and continues to
18 infringe one or more claims of the '190 patent under 35 U.S.C. § 271.

19 57. Samsung has directly infringed the '190 patent in the United States and
20 this District through the making, using, sale, offer for sell, and/or importation of its
21 products, including without limitation the Samsung Galaxy Note II and Galaxy S4
22 mini. On information and belief, the rear camera in the accused devices has optical
23 shapes and parameters meeting all of the requirements of one or more claims of the
24 '190 patent, whether literally or under the doctrine of equivalents.

25 58. Samsung has induced infringement by inducing others, such as cellular
26 service providers, distributors, end users, and other Samsung entities, to make, use,
27 sell, offer for sale, and/or import the accused devices in the United States and this
28 District. Samsung also has provided directions, instruction manuals, guides, and/or

1 other materials that instruct and encourage the purchaser of an accused device to
2 use the device in a manner that infringes certain claims of the '190 patent. Largan
3 placed Samsung on notice of its infringement of the '190 patent on or before
4 March 12, 2014.

5 59. On information and belief, Samsung's infringement has been, and
6 continues to be, willful and deliberate, and has caused substantial damage to
7 Largan. For example, Samsung has continued to sell the accused devices despite its
8 awareness of the '190 patent and Largan's infringement allegations.

9 60. On information and belief, Samsung's infringement in violation of
10 federal patent laws will continue to injure Largan unless otherwise enjoined by this
11 Court.

12 **CLAIM 8 – INFRINGEMENT OF U.S. PATENT NO. 8,670,191**

13 61. Largan incorporates by reference the allegations in the paragraphs
14 above.

15 62. On information and belief, Samsung has infringed and continues to
16 infringe one or more claims of the '191 patent under 35 U.S.C. § 271.

17 63. Samsung has directly infringed the '191 patent in the United States and
18 this District through the making, using, sale, offer for sell, and/or importation of its
19 products, including without limitation the Samsung Galaxy Note II, Galaxy S4 mini,
20 and Galaxy S4. On information and belief, the rear camera in the accused devices
21 has optical shapes and parameters meeting all of the requirements of one or more
22 claims of the '191 patent, whether literally or under the doctrine of equivalents.

23 64. Samsung has induced infringement by inducing others, such as cellular
24 service providers, distributors, end users, and other Samsung entities, to make, use,
25 sell, offer for sale, and/or import the accused devices in the United States and this
26 District. Samsung also has provided directions, instruction manuals, guides, and/or
27 other materials that instruct and encourage the purchaser of an accused device to
28 use the device in a manner that infringes certain claims of the '191 patent. Largan

1 placed Samsung on notice of its infringement of the '191 patent on or before
2 March 12, 2014.

3 65. On information and belief, Samsung's infringement has been, and
4 continues to be, willful and deliberate, and has caused substantial damage to
5 Largan. For example, Samsung has continued to sell the accused devices despite its
6 awareness of the '191 patent and Largan's infringement allegations.

7 66. On information and belief, Samsung's infringement in violation of
8 federal patent laws will continue to injure Largan unless otherwise enjoined by this
9 Court.

10 **PRAYER FOR RELIEF**

11 Wherefore, Largan prays for relief as follows:

12 A. That the Court render judgment declaring that Samsung has infringed,
13 directly and/or indirectly, literally and/or under the doctrine of equivalents, the '925
14 patent, '602 patent, '747 patent, '807 patent, '291 patent, '860 patent, '190 patent,
15 and '191 patent, in violation of 35 U.S.C. § 271;

16 B. That the Court render judgment declaring Samsung's infringement of
17 the '925 patent, '602 patent, '747 patent, '807 patent, '291 patent, '860 patent, '190
18 patent, and '191 patent is willful and deliberate;

19 C. That Largan be awarded damages adequate to compensate Largan for
20 Samsung's infringement of the '925 patent, '602 patent, '747 patent, '807
21 patent, '291 patent, '860 patent, '190 patent, and '191 patent;

22 D. That Largan be awarded pre-judgment and post-judgment interest on
23 all damages awarded;

24 E. That the Court temporarily, preliminarily, and permanently enjoin
25 Samsung; its successors, assigns, subsidiaries, and transferees; its officers,
26 directors, agents, and employees; and all others working on Samsung's behalf from
27 making, using, selling, offering for sale, or importing in the United States any
28 product falling within the scope of the '925 patent, '602 patent, '747 patent, '807

1 patent, '291 patent, '860 patent, '190 patent, and '191 patent, or inducing others to
2 infringe or contributing to others infringing;

3 F. That the Court render judgment declaring this to be an exceptional
4 case and awarding treble damages to Largan for the unlawful practices of Samsung;

5 G. That Largan be awarded its costs, expenses, and reasonable attorneys'
6 fees;

7 H. That the Court order a full accounting of the damages above, including
8 for past infringement and any continuing or future infringement;

9 I. Such other and further relief as the Court deems just and proper.

10 **DEMAND FOR JURY TRIAL**

11 Largan hereby demands a trial by jury of all issues so triable.

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13 DATED: March 31, 2014

PERKINS COIE LLP

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15 By: *s/ John P. Schnurer*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on March 31, 2014 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

Any other counsel of record will be served by electronic mail.

/s/ John P. Schnurer
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