

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PRAGMATUS MOBILE, LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. _____
)	
SAMSUNG ELECTRONICS CO. LTD.;)	JURY TRIAL DEMANDED
SAMSUNG ELECTRONICS AMERICA, INC.;)	
SAMSUNG TELECOMMUNICATIONS)	
AMERICA, LLC,)	
)	
Defendants)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Pragmatu Mobile, LLC ("Pragmatu") complains and alleges as follows against Defendants Samsung Electronics Co. Ltd., Samsung Electronics America, Inc. and Samsung Telecommunications America, LLC (collectively, "Samsung"):

THE PARTIES

1. Pragmatu is a limited liability company organized and existing under the laws of the Commonwealth of Virginia with its principal place of business at 601 North King Street, Alexandria, Virginia 22314.

2. Pragmatu is informed and believes that Samsung Electronics Co., Ltd is a corporation organized under the laws of the Republic of Korea and its principal place of business is 416 Maetan-3dong, Yeongtong-gu, Suwon-city, Gyeonggi-do, Korea 443-742.

3. Pragmatu is informed and believes that Samsung Electronics America, Inc. is a corporation organized under the laws of New York and its principal place of business is 105 Challenger Road, Ridgefield Park, New Jersey 07660. Upon information and belief, Samsung Electronics America, Inc. is a wholly owned subsidiary of Samsung Electronics Co. Ltd.

4. Pragmatus is informed and believes that Samsung Telecommunications America, LLC is a corporation organized under the laws of the Delaware and its principal place of business is 1301 East Lookout Drive, Richardson, TX 75081. Upon information and belief, Samsung Telecommunications America, LLC is a wholly owned subsidiary of Samsung Electronics Co. Ltd.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the patent laws of the United States, United States Code, 35 U.S.C. § 271 et seq. This Court has subject matter jurisdiction over this action under Title 28 United States Code, §§ 1331 and 1338.

6. Pragmatus is informed and believes that this Court has personal jurisdiction over Samsung because Samsung is incorporated within this district, and/or because Samsung has committed, and continues to commit, acts of infringement in Delaware. Pragmatus is informed and believes that Samsung also maintains a registered agent in Delaware, namely Corporation Service Company, 2711 Centerville Rd, Suite 400, Wilmington, Delaware 19808.

7. Venue is proper under 28 U.S.C. §§ 1391 and 1400 because Samsung has committed acts of infringement in this district and/or is deemed to reside in this district.

THE PATENTS-IN-SUIT

8. On April 3, 2012, the United States Patent and Trademark Office ("USPTO") duly and legally issued United States Patent No. 8,149,124 ("the '124 Patent"), entitled "Personal Security And Tracking System." Pragmatus holds all right, title and interest in and to the '124 Patent. A true and correct copy of the '124 Patent is attached as Exhibit A.

9. On June 18, 2013, the United States Patent and Trademark Office ("USPTO") duly and legally issued United States Patent No. 8,466,795 ("the '795 Patent"), entitled "Personal

Security And Tracking System." Pragmatius holds all right, title and interest in and to the '795 Patent. A true and correct copy of the '795 Patent is attached as Exhibit B.

10. On information and belief, Samsung had knowledge of at least the '124 Patent and the '795 Patent no later than October 8, 2013 by virtue of letters sent by Pragmatius to Samsung Electronics Co. Ltd.'s CEO, Dr. Oh-Hyun Kwon, Samsung Electronics America, Inc.'s President and CEO, Y.K. Kim, and Samsung Telecommunications America, LLC's President and CEO, Gregory Lee.

COUNT I

(INFRINGEMENT OF THE '124 PATENT)

11. Pragmatius incorporates by reference herein the averments set forth in paragraphs 1 through 10 above.

12. Samsung has and continues to infringe directly one or more claims of the '124 Patent by making, using, offering for sale, selling and/or practicing the inventions covered by at least claim 1 of the '124 Patent, at least by providing the Samsung Galaxy S IV smartphone.

13. Samsung has and continues to infringe indirectly one or more claims of the '124 Patent by inducing others to infringe at least claim 1 of the '124 Patent by knowingly and intentionally encouraging or aiding third parties (e.g., Samsung's users) to use, *inter alia*, the Samsung Galaxy S IV smartphone in a way that infringes and will continue to infringe the '124 Patent. Samsung, through at least its online user manuals, marketing materials and help materials actively induced and continues to induce its users of, *inter alia*, the Samsung Galaxy S IV smartphone to infringe the '124 Patent.

14. Samsung has and continues to contributorily infringe one or more claims of the '124 Patent, including at least claim 1, by offering to users of, *inter alia*, the Samsung Galaxy S IV smartphone components that embody a material part of the inventions described in the '124

Patent that are known by Samsung to be especially made or especially adapted for use in infringement of the '124 Patent and are not staple articles or commodities suitable for substantial, non-infringing use. Pragmatus is informed and believes that the third party users of, *inter alia*, the Samsung Galaxy S IV smartphone have infringed and will continue to infringe the '124 Patent by using the Samsung Galaxy S IV smartphone.

15. Pragmatus has provided Samsung written notice of Samsung's infringement prior to the filing of this suit, and Samsung also has written notice of its infringement by virtue of the filing and service of this Complaint. Pragmatus is informed and believes that from the time that Samsung received notice of its infringement of the '124 patent on or about October 9, 2013 in letters from William Marino to Dr. Oh-Hyun Kwon, Y.K. Kim, and Gregory Lee, Samsung knew that users of, *inter alia*, the Samsung Galaxy S IV smartphone infringed the '124 patent and knew that it facilitated infringement by providing the Samsung Galaxy S IV smartphone to end users and encouraged infringement by providing online user manuals, marketing materials and help materials that explain how to infringe the '124 Patent. In addition to identifying the '124 Patent in the October 8, 2013 letters, Mr. Marino also included representative claim comparisons showing how the '124 Patent reads on the Samsung Galaxy S IV smartphone.

16. Pragmatus is informed and believes that following notice Samsung did nothing to remedy its infringement and continues to infringe to this day. Samsung has continued to infringe despite an objectively high likelihood that its, *inter alia*, Samsung Galaxy S IV smartphone infringes the '124 Patent. Moreover, this risk was either known or so obvious that it should have been known to Samsung. Accordingly, Samsung has willfully infringed the '124 Patent.

17. As a result of Samsung's acts of infringement, Pragmatus has suffered and will continue to suffer damages in an amount to be proved at trial.

COUNT II

(INFRINGEMENT OF THE '795 PATENT)

18. Pragmatus incorporates by reference herein the averments set forth in paragraphs 1 through 10 above.

19. Samsung has and continues to infringe directly one or more claims of the '795 Patent by making, using, offering for sale, selling and/or practicing the inventions covered by at least claim 27 of the '795 Patent, at least by providing the Samsung Galaxy S IV smartphone.

20. Samsung has and continues to infringe indirectly one or more claims of the '795 Patent by inducing others to infringe at least claim 27 of the '795 Patent by knowingly and intentionally encouraging or aiding third parties (e.g., Samsung's users) to use, *inter alia*, the Samsung Galaxy S IV smartphone in a way that infringes and will continue to infringe the '795 Patent. Samsung, through at least its online user manuals, marketing materials and help materials actively induced and continues to induce its users of, *inter alia*, the Samsung Galaxy S IV smartphone to infringe the '795 Patent.

21. Samsung has and continues to contributorily infringe one or more claims of the '795 Patent, including at least claim 27, by offering to users of, *inter alia*, the Samsung Galaxy S IV smartphone components that embody a material part of the inventions described in the '795 Patent that are known by Samsung to be especially made or especially adapted for use in infringement of the '795 Patent and are not staple articles or commodities suitable for substantial, non-infringing use. Pragmatus is informed and believes that the third party users of, *inter alia*, the Samsung Galaxy S IV smartphone have infringed and will continue to infringe the '795 Patent by using the Samsung Galaxy S IV smartphone.

22. Pragmatus has provided Samsung written notice of Samsung's infringement prior to the filing of this suit, and Samsung also has written notice of its infringement by virtue of the

filing and service of this Complaint. Pragmatus is informed and believes that from the time that Samsung received notice of its infringement of the '795 patent on or about October 9, 2013 in letters from William Marino to Dr. Oh-Hyun Kwon, Y.K. Kim, and Gregory Lee, Samsung knew that users of, *inter alia*, the Samsung Galaxy S IV smartphone infringed the '795 patent and knew that it facilitated infringement by providing the Samsung Galaxy S IV smartphone to end users and encouraged infringement by providing online user manuals, marketing materials and help materials that explain how to infringe the '795 Patent. In addition to identifying the '795 Patent in the October 8, 2013 letters, Mr. Marino also included representative claim comparisons showing how the '795 Patent reads on the Samsung Galaxy S IV smartphone.

23. Pragmatus is informed and believes that following notice Samsung did nothing to remedy its infringement and continues to infringe to this day. Samsung has continued to infringe despite an objectively high likelihood that its, *inter alia*, Samsung Galaxy S IV smartphone infringes the '795 Patent. Moreover, this risk was either known or so obvious that it should have been known to Samsung. Accordingly, Samsung has willfully infringed the '795 Patent.

24. As a result of Samsung's acts of infringement, Pragmatus has suffered and will continue to suffer damages in an amount to be proved at trial.

PRAYER FOR RELIEF

WHEREFORE, Pragmatus respectfully requests the following relief:

a) A judgment that Samsung has infringed one or more claims of United States Patent Nos. 8,149,124 and 8,466,795;

b) A judgment that United States Patent Nos. 8,149,124 and 8,466,795 are valid and enforceable;

c) Pragmatus be awarded damages adequate to compensate Pragmatus for Samsung's infringement of United States Patent Nos. 8,149,124 and 8,466,795 up until the date such

judgment is entered, including prejudgment and post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary, to adequately compensate Pragmatus for Samsung's infringement, an accounting;

d) A judgment that Pragmatus be awarded attorney fees, costs, and expenses incurred in prosecuting this action;

e) A judgment that Pragmatus be awarded such further relief at law or in equity as the Court deems just and proper; and

f) A judgment permanently enjoining Samsung from further infringement of each of United States Patent Nos. 8,149,124 and 8,466,795.

g) A judgment that Samsung's infringement of United States Patent Nos. 8,149,124 and 8,466,795 was willful and enhancing Pragmatus' damages to three times its actual damages as a result.

DEMAND FOR JURY TRIAL

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

Dated: April 7, 2014

Respectfully submitted,

FARNAN LLP

By: /s/ Brian E. Farnan

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