

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

PLDN Holdings, LLC,)	
)	
Plaintiff,)	C.A. No: 4:14-cv-433
)	
v.)	
)	
Samsung Electronics Co., Ltd.,)	JURY TRIAL DEMANDED
Samsung Electronics America, Inc., and)	
Samsung Telecommunications America,)	
LLC,)	
)	
Defendants.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff PLDN Holdings, LLC (“PLDN”), by and through its undersigned counsel, for its Complaint for patent infringement against defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC, (collectively “Samsung”) hereby states:

THE PARTIES

1. Plaintiff PLDN is a Texas company with its principal place of business at 555 Republic Drive, Plano, Texas 75074.

2. Defendant Samsung Electronics Co., Ltd. is a foreign company organized and existing under the laws of South Korea, with its principal place of business located at Samsung Electronics Bldg., 1320-10 Seocho 2-dong, Seocho-gu, Seoul 137-857, South Korea.

3. Defendant Samsung Electronics America, Inc. is a corporation organized and existing under the laws of the state of New York, with its principal place of business located at 105 Challenger Road, Ridgefield Park, New Jersey 07660. Upon information and belief, Defendant Samsung Electronics America, Inc. is a wholly-owned subsidiary of Samsung Electronics Co., Ltd.

4. Defendant Samsung Telecommunications America, LLC is a limited liability company organized and existing under the laws of the state of Delaware, with its principal place of business located at 1301 Lookout Drive, Richardson, Texas 75082. Upon information and belief, Samsung Telecommunications America, LLC is a wholly-owned subsidiary of Samsung Electronics America, Inc., with an ultimate parent of Samsung Electronics Co., Ltd.

JURISDICTION AND VENUE

5. This is a civil action for the infringement of United State Patent Number 6,278,976 ("the '976 Patent" or "the Patent-in-Suit"), under the Patent Laws of the United States 35 U.S.C. § 1 *et seq.*

6. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.*

7. This Court has specific and general personal jurisdiction over Samsung, which has conducted and continues to conduct business in the State of Texas and in this Judicial District.

Samsung sells, offers for sale, and/or advertises products and services in the State of Texas and in this Judicial District. Samsung has committed acts of infringement in the State of Texas and in this Judicial District, and elsewhere in the United States. Samsung also derives substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

8. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391 and 1400(b).

THE PATENT-IN-SUIT

9. On August 21, 2001, the '976 Patent entitled "System for the Delivery of Audio Recordings," was duly and lawfully issued by the United States Patent and Trademark Office ("USPTO"). The '976 Patent relates to, among other things, the transfer of a remote audio file to an electronic device and storage of that audio file in the device. PLDN is the owner of the '976 Patent and has all rights to enforce the '976 Patent. A copy of the '976 Patent is attached as Exhibit A to this Complaint.

COUNT ONE

10. PLDN incorporates by references each of the foregoing paragraphs of this Complaint as though fully set forth herein.

11. Samsung makes, uses, or sells a variety of electronic devices, including: computers, laptops, tablets, and smartphones.

12. Samsung has directly infringed, and continues to directly infringe, at least one claim of the '976 Patent under 35 U.S.C. § 271, literally and/or under the doctrine of equivalents.

Defendant's infringing acts include, but are not limited to: making, using, selling, and offering to sell its electronic devices. These Samsung products, among other infringing features, provide the

capability to transfer a remote audio file to an audio player on their electronic device and store the audio file on the device. In addition, upon information and belief, Samsung has made and used the systems and methods claimed in the '976 patent during the development of the accused products.

13. As one example, Samsung currently makes, uses, and sells the Galaxy S 5 smartphone, which includes a program named "Play Music." Using Play Music, the Galaxy S 5 infringes at least one claim of the '976 Patent, by providing the capability to transfer a remote audio file to an audio player on the electronic device and store the audio file on the device.

14. As another example, Samsung makes, uses, and sells the Galaxy Note 2 smartphone, which includes a program named "Samsung Hub." Using Samsung Hub, the Galaxy Note 2 infringes at least one claim of the '976 Patent, by providing the capability to transfer a remote audio file to an audio player on the electronic device and store the audio file on the device.

15. As another example, Samsung makes, uses, and sells the XE303C12 laptop, which includes the program "Spotify." Using Spotify, the XE303C12 infringes at least one claim of the '976 Patent, by providing the capability to transfer a remote audio file to an audio player on the electronic device and store the audio file on the device.

16. Samsung has indirectly infringed at least one claim of the '976 Patent, through induced infringement under 35 U.S.C. § 271. Samsung is notified of its infringement of the '976 Patent as of the filing of this complaint. Nevertheless, Samsung continues its acts of indirect infringement by continuing to actively induce consumers to practice the invention claimed in the '976 Patent. Samsung instructs consumers to use Samsung computers, laptops, tablets, and smartphones to transfer a remote audio file to an audio player on their electronic devices and store the audio file on the devices, within the scope of the '976 Patent. For example, consumers

are induced to use a Galaxy S 5 with Play Music to deliver an audio file to the device.

Consumers are induced to use a Galaxy Note 2 with Samsung Hub to deliver an audio file to the device. Consumers are induced to use an XE303C12 with Spotify to deliver an audio file to the device.

17. With knowledge of the '976 Patent, Samsung has indirectly infringed the '976 Patent by inducing the direct infringement by consumers, by enabling, instructing, and encouraging consumers to make and use the infringing apparatus and method described in at least one claim of the '976 Patent, while aware that their use is infringing.

18. Samsung's use of the technology claimed in the '976 Patent is without license or authorization from PLDN.

19. PLDN has been damaged by Samsung's infringement of the '976 Patent.

PRAYER FOR RELIEF

WHEREFORE, PLDN Holdings, LLC prays for entry of judgment as follows:

- a) adjudging that the Defendant has infringed one or more of the claims of the Patent-in-Suit, either literally or under the doctrine of equivalents;
- b) awarding PLDN all damages to which it is entitled under 35 U.S.C. § 284 for Samsung's infringement, and ordering a full accounting of same;
- d) awarding PLDN pre-judgment and post-judgment interest on its damages;
- e) awarding costs and attorney's fees to PLDN, and finding that this case is exceptional, pursuant to 35 U.S.C. § 285; and
- f) awarding PLDN such further and additional relief as the Court deem as just and proper under the circumstances.

DEMAND FOR JURY TRIAL

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

Dated: June 27, 2014

Respectfully submitted,

/s/ Frank M. Washko _____

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