

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
SEATTLE DIVISION

REC SOFTWARE USA, INC., a Virginia corporation,

Plaintiff,

v.

SAMSUNG ELECTRONICS AMERICA, INC., a New York corporation; SAMSUNG INFORMATION SYSTEMS AMERICA, INC., a California corporation; SAMSUNG TELECOMMUNICATIONS AMERICA, LLC, a Delaware limited liability company; and SAMSUNG ELECTRONICS CO., LTD., a corporation organized under the laws of the Republic of Korea,

Defendants.

Case No. 2:14-cv-01059

**COMPLAINT FOR PATENT INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

Plaintiff REC Software USA, Inc. (“REC” or “Plaintiff”), for its complaint against defendants Samsung Electronics America, Inc., Samsung Information Systems America, Inc., Samsung Telecommunications America, LLC, and Samsung Electronics Co., Ltd. (collectively, “Defendants”), alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for infringement of U.S. Patent No. 5,854,936 (the “ ‘936 Patent”), a true and correct copy of which is attached hereto as Exhibit A. Plaintiff undertakes this action pursuant to the patent laws of the United States, 35 U.S.C. §§ 271 and 281, and seeks

1 damages resulting from Defendants’ unauthorized manufacture, use, sale, offers to sell, and/or  
2 importation into the United States of products, methods, processes, services, and/or systems that  
3 infringe one or more claims of the ‘936 Patent.

4 **PARTIES**

5 2. Plaintiff REC is a corporation organized and existing under the laws of the  
6 Commonwealth of Virginia, with its principal place of business located in Arlington, Virginia.

7 3. Defendant Samsung Electronics America, Inc. (“SEA”) is a corporation organized  
8 and existing under the laws of the state of New York, with its principal place of business located  
9 at 85 Challenger Road, Ridgefield Park, New Jersey 07660. SEA conducts business in the state  
10 of Washington and has a registered agent for service of process, C T Corporation System,  
11 located in Olympia, Washington. SEA has made, used, sold, offered for sale, and/or imported  
12 into the United States certain products that infringe one or more claims of the ‘936 Patent.

13 4. Defendant Samsung Information Systems America, Inc. (“SISA”) is a corporation  
14 organized and existing under the laws of the state of California, with its principal place of  
15 business located at 75 W. Plumeria Drive, San Jose, California 95134. SISA conducts business  
16 in the state of Washington and has a registered agent for service of process, National Registered  
17 Agents, Inc., located in Olympia, Washington. SISA has made, used, sold, offered for sale,  
18 and/or imported into the United States certain products that infringe one or more claims of the  
19 ‘936 Patent.

20 5. Defendant Samsung Telecommunications America, LLC (“STA”) is a limited  
21 liability company organized and existing under the laws of the state of Delaware doing business  
22 as “Samsung Mobile USA”, with its principal place of business located at 1301 East Lookout  
23 Drive, Richardson, Texas 75082. STA conducts business in the state of Washington and has an  
24 office located in Bellevue, Washington. STA has made, used, sold, offered for sale, and/or  
25 imported into the United States certain products that infringe one or more claims of the ‘936  
26 Patent.

1 6. Defendant Samsung Electronics Co., Ltd. (“SEC”) is a corporation organized and  
2 existing under the laws of the Republic of Korea, with its principal place of business located at  
3 129 Samsung-Ro, Maetan-3dong, Yeongtong-gu, Suwon-si, Gyeonggi-do, 443-742, Republic of  
4 Korea. SEC, acting directly and/or through its agents and affiliates, conducts business in the  
5 state of Washington. SEC has made, used, sold, offered for sale, and/or imported into the United  
6 States certain products that infringe one or more claims of the ‘936 Patent.

7 **JURISDICTION AND VENUE**

8 7. This action arises under the patent laws of the United States, Title 35 of the  
9 United States Code, 35 U.S.C. §§ 271 and 281. This Court has original subject matter  
10 jurisdiction over this patent infringement action under 28 U.S.C. §§ 1331 and 1338(a).

11 8. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b). Defendants  
12 have transacted business in this district, have committed acts of patent infringement in this  
13 district, and have placed their infringing products and services into the stream of commerce  
14 throughout the United States with the expectation that they will be used by consumers in this  
15 judicial district.

16 9. Defendants are subject to personal jurisdiction in the state of Washington and this  
17 judicial district and are doing business in this judicial district.

18 **COUNT I**

19 **INFRINGEMENT OF THE ‘936 PATENT**

20 10. Plaintiff repeats and realleges the allegations of paragraphs 1 through 9 as if fully  
21 set forth herein.

22 11. On December 29, 1998, the U.S. Patent and Trademark Office duly and lawfully  
23 issued the ‘936 Patent.

24 12. Plaintiff is the exclusive licensee of the ‘936 Patent and the invention described  
25 and claimed therein, with all substantial rights with respect thereto. Plaintiff has the legal right  
26 to enforce the ‘936 Patent, including the right to pursue an action for infringement of the ‘936

1 Patent and the right to seek damages, equitable relief, and any other remedies for, or with respect  
2 to, any infringement of the '936 Patent.

3 13. Without license or authorization and in violation of 35 U.S.C. § 271(a),  
4 Defendants have infringed the '936 Patent by making, using, selling, offering for sale, and/or  
5 importing methods and/or products forming an association in the manner claimed by the '936  
6 Patent, including, but not limited to, the Samsung Behold II (T-Mobile) mobile phone.

7 14. Pursuant to 35 U.S.C. § 284, Plaintiff is entitled to recover damages from  
8 Defendants to compensate Plaintiff for Defendants' infringement.

9 **JURY DEMAND**

10 Plaintiff demands a trial by jury of all matters to which it is entitled to trial by jury.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff requests that this Court enter judgment against Defendants as  
13 follows:

14 A. An adjudication that that Defendants have infringed the '936 patent;

15 B. As provided under 35 U.S.C. § 284, an award of damages to be paid by  
16 Defendants to Plaintiff adequate to compensate Plaintiff for Defendants' infringement of the  
17 '936 Patent, including pre- and post-judgment interest, costs, expenses, and an order for an  
18 accounting of all infringing acts; and

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

1 C. An award to Plaintiff of such further relief at law or in equity as the Court deems  
2 just and proper.

3 DATED this 11th day of July, 2014.

4 STOLL STOLL BERNE LOKTING & SHLACHTER P.C.

5  
6 By: s/Timothy S. DeJong  
7 **Timothy S. DeJong**, WSBA No. 20941  
8 209 SW Oak Street, Suite 500  
9 Portland, OR 97204  
Telephone: (503) 227-1600  
Facsimile: (503) 227-6840  
Email: tdejong@stollberne.com

10 **Attorneys for Plaintiff REC Software USA, Inc.**

11  
12 *Of Counsel*  
13 Kevin L. Russell  
14 Email: kevin@chernofflaw.com  
15 CHERNOFF VILHAUER MCCLUNG  
16 AND STENZEL LLP  
601 SW 2nd Ave., Suite 1600  
Portland, OR 97204  
Telephone: (503) 227-5631  
Facsimile: (503) 228-4373