IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

KONINKLIJKE KPN N.V. Plaintiffs, v. SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS AMERICA, INC., & SAMSUNG TELECOMMUNICATIONS AMERICA LLP Defendants.	'	Civil Action No.: 2:15-cv-948 Judge: Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Koninklijke KPN N.V. (hereafter "KPN"), files this Complaint against Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and , and Samsung Telecommunications America LLP (collectively, "Defendants" or "Samsung"), and alleges as follows:

BACKGROUND

1. KPN's extensive research and development efforts have led to hundreds of issued patents in the United States and across the world. These patents have in turn been licensed by leading global telecommunications companies, including many of Samsung's mobile technology competitors.

2. Despite more than two years of negotiations involving senior members of both companies, Samsung has refused to license, on mutually agreeable terms, KPN's patents, including the one described herein. KPN therefore files this suit against Samsung seeking the Court's protection of KPN's valuable intellectual property rights.

PARTIES

3. KPN is a telecommunications (including fixed, mobile, television and internet) and ICT solution provider headquartered at Maanplein 55, NL-2516 CK, The Hague, the Netherlands.

4. Samsung Electronics Co., Ltd. ("SEC"), is upon information and belief a Korean corporation with its principal place of business at 416, Maetan 3-dong, Yeongtong-gu, Suwon-si, Gyeonggi-do 443-742, South Korea. SEC can be served with process by serving in accordance with the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents, in accordance with Fed. R. Civ. P. 4(f).

5. Samsung Electronics America, Inc. ("SEA"), is upon information and belief a New York corporation with its principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660.

6. Samsung Telecommunications American LLP ("STA"), was upon information and belief a Delaware limited liability company with its principal place of business at 1301 East Lookout Drive, Richardson, Texas 75082, and which could be served with process by serving Corporation Service Company DBA CSC – Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218. Counsel for Samsung has represented that, effective January 1, 2015, STA merged with SEA. KPN thus makes its allegations in this case pursuant to the representations and warranties set forth in the Stipulation entered as Dkt. 39 in *KPN v. Samsung et al.*, Case No. 2:14-cv-01165-JRG (Dkt. 34).

7. STA, SEC, and SEA are referred to herein as "Samsung."

JURISDICTION AND VENUE

8. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq*. This Court has subject matter jurisdiction over this case under 28 U.S.C. §§ 1331 and 1338(a).

9. Venue is proper in this federal district pursuant to 28 U.S.C. §§ 1391 and 1400(b) because Defendants have done business in this District, have committed acts of infringement in this District, and continue to commit acts of infringement in this District, entitling KPN to relief.

THE ASSERTED PATENT

10. This lawsuit asserts a cause of action for infringement of United States Patent No. 9,014,667 (the "'667 patent").

11. On April 21, 2015, the U.S. Patent and Trademark Office duly and legally issued the '667 patent entitled, "Telecommunications Network and Method for Time-Based Network Access." KPN is the owner by assignment of the '667 patent and holds all right, title and interest to the '667 patent. A true and correct copy of the '667 patent is attached as Exhibit A.

12. KPN is the exclusive owner of all rights, title, and interest in the '667 patent, including the right to bring this suit for injunctive relief and damages, and including the right to sue for and recover all past, present and future damages for infringement of the '667 patent. The '667 patent is valid and enforceable.

13. Upon information and belief, Samsung has had knowledge of and notice of the '667 patent, and of its infringement, prior to the filing of this lawsuit in connection with licensing negotiations that have taken place between the parties, and has engaged in the activities detailed below despite an objective likelihood that its actions constituted infringement of a valid patent.

Samsung has also received notice of the '667 patent and of its infringement with the filing of the Complaint for Patent Infringement in this action.

COUNT 1

(Samsung's Infringement of the '667 Patent)

14. KPN repeats and re-alleges the allegations in the preceding paragraphs as if fully set forth herein.

15. Samsung has infringed and continues to infringe the '667 Patent under 35 U.S.C. § 271, literally or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States, and/or importing into the United States, infringing products without authorization by KPN.

16. Samsung directly infringed and continues to directly infringe one or more claims of the '667 Patent by importing, offering to sell, selling, or using products or methods that infringe the '667 Patent, including but not limited to the Samsung Galaxy S5 and related Samsung Communication Devices, products incorporating the same or similar Back-off Timer technology, and infrastructure incorporating the same or similar technology (hereafter "the '667 Accused Products"). Samsung has directly infringed and continues to directly infringe one or more of the claims of the '667 Patent by making, using, offering to sell, selling, or importing the '667 Accused Products.

17. In addition to the foregoing and/or in the alternative, Samsung indirectly infringes the '667 Patent by inducing and contributing to infringement by others, including but not limited to OEMs, partners, service providers, manufacturers, importers, resellers, customers, and/or end users, in accordance with 35 U.S.C. § 271(b), in this District and elsewhere in the United States. Samsung

is actively, knowingly, and intentionally inducing infringement of the '667 Patent by practicing the methods set forth therein and by selling, offering to sell and/or importing into the United States the '667 Accused Products; with the knowledge and specific intent that third parties, such as those described above, will continue to, either alone or in combination with Samsung, practice the patented methods, and use, sell, offer for sale, and/or import the '667 Accused Products supplied by Samsung to infringe the '667 Patent; and with the knowledge and specific intent to encourage and facilitate the infringement through the dissemination of the '667 Accused Products and/or the creation and dissemination of promotional and marketing materials, supporting materials, instructions, product manuals, and/or technical information relating to the '667 Accused Products and infringing uses thereof.

18. In addition to the foregoing and/or in the alternative, Samsung has knowingly contributed to the infringement of one or more claims of the '667 Patent under 35 U.S.C. § 271(c). Samsung is actively, knowingly and intentionally contributing to the infringement of the '667 Patent by selling, offering to sell, and/or importing into the United States, the '667 Accused Products, with the knowledge that they are especially designed or adapted to operate in a manner that infringes the '667 Patent; with the knowledge that third parties, including those set forth above, will continue to, either alone or in combination with Samsung, infringe the claims of the '667 patent, and with the knowledge that the infringing technology in the '667 Accused Products is not a staple article of commerce suitable for substantial non-infringing use.

19. Samsung's acts of infringement have caused damage to KPN, and KPN is entitled to recover from Samsung the damages it has sustained as a result of Samsung's wrongful acts in an amount subject to proof at trial.

20. Samsung's infringement of KPN's exclusive rights under the '667 Patent has caused KPN irreparable harm for which there is no adequate remedy at law, unless the infringement is enjoined by this Court.

DEMAND FOR JURY TRIAL

21. KPN hereby demands a jury trial for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, KPN prays for judgment as follows:

A. Declaring that Samsung has infringed the '667 patent, contributed to infringement of the '667 patent, and/or induced infringement of the '667 patent;

B. Awarding damages arising out of Samsung's infringement of the '667 patent, including enhanced damages pursuant to 35 U.S.C. § 284 and a compulsory future royalty until expiration of the '667 patent, to KPN, together with prejudgment and post-judgment interest, in an amount according to proof;

C. Permanently enjoining pursuant to 35 U.S.C. § 283 Samsung, its officers, agents, and employees, and those persons in active concert or participating with any of them, and its successors and assigns, from infringement, inducement of infringement, and contributory infringement of the '667 patent, including but not limited to making, using, selling and/or offering for sale within the United States or importing into the United States, any devices, products, software, or methods that infringe the '667 patent before the expiration of the '667 patent;

D. Awarding attorneys' fees to KPN pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;

E. Awarding such other costs and further relief as the Court may deem just and proper.

Respectfully submitted,

SUSMAN GODFREY, L.L.P.

/s/ Lexie White

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served June 5, 2015 with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ *Lexie White*
Lexie G. White