

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MICRO DESIGN LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS AMERICA,
INC. and SAMSUNG ELECTRONICS
USA, INC.,

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Micro Design LLC (“Micro Design” or “Plaintiff”), for its Complaint against Defendant Samsung Electronics America, Inc. and Defendant Samsung Electronics USA, Inc. (collectively referred to as “Samsung” or “Defendants”), alleges the following:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. Plaintiff Micro Design LLC is a limited liability company organized under the laws of the State of Delaware.

3. Upon information and belief, Defendant Samsung Electronics America, Inc. is a corporation organized and existing under the laws of the New York, with a place of business at 85 Challenger Road, Ridgefield Park, NJ 07660 and a registered agent for service of process at CT Corporation System, 111 8th Ave., New York, NY 10011. Upon information and belief, Samsung Electronics America, Inc. sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services that

perform infringing processes into the stream of commerce knowing that they would be sold in this judicial district and elsewhere in the United States.

4. Upon information and belief, Defendant Samsung Electronics USA, Inc. is a corporation organized and existing under the laws of the Delaware, with a place of business at 105 Challenger Road, Ridgefield Park, NJ 07660 and a registered agent for service of process at Corporation Trust Company, 1209 Orange Street, Wilmington, DE 19801. Upon information and belief, Samsung Electronics USA, Inc. sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services that perform infringing processes into the stream of commerce knowing that they would be sold in this judicial district and elsewhere in the United States.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

8. Upon information and belief, Samsung conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Delaware. Further, this Court has personal jurisdiction over Samsung Electronics USA, Inc. because it is incorporated in Delaware and has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,437,535

9. The allegations set forth in the foregoing paragraphs 1 through 7 are incorporated into this First Claim for Relief.

10. On October 14, 2008, U.S. Patent No. 7,437,535 (“the ’535 patent”), entitled “Method and Apparatus for Issuing a Command to Store an Instruction and Load Resultant Data in a Microcontroller,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’535 patent is attached as Exhibit A.

11. Micro Design is the assignee and owner of the right, title and interest in and to the ’535 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

12. Upon information and belief, Samsung has and continues to directly infringe one or more claims of the ’535 patent by making, using, selling, importing and/or providing and causing to be used microprocessors that contain the claimed the claimed combinations of the ’535 patent, including the processor and co-processor features, including, but not limited to memory accessing features, which products by way of example include Galaxy Note Edge, Galaxy Alpha, Galaxy S5, Galaxy Tab S 10.5 LTE, Galaxy Tab 8.4, Galaxy Note 10.1 LTE, Galaxy Tab Pro 12.2, Galaxy Note Pro 12.2, Galaxy Tab Pro 10.1, Galaxy Tab Pro 8.4, Galaxy Tab 2 10.1, Galaxy S5 Active, Galaxy Note 4, GALAXY Tab S 10.5 LTE, Galaxy Note 3 (LTE), Galaxy S4, Galaxy S4 Google Play Edition, Galaxy S4 Active, Galaxy S4 mini, Galaxy S III mini, and Galaxy Mega (the “Accused Instrumentalities”).

13. Upon information and belief, since at least the time it received notice of this Complaint, Samsung has induced and continues to induce others to infringe at least one claim of the ’535 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to

Samsung's partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least one claim of the '535 patent.

14. In particular, Samsung's actions that aid and abet others such as its partners and customers to infringe include advertising and distributing the Accused Instrumentalities and providing instruction materials, training, and services regarding the Accused Instrumentalities. On information and belief, Samsung has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Samsung has had actual knowledge of the '535 patent and that its acts were inducing infringement of the '535 patent since at least the date Samsung received notice of this Complaint.

15. Micro Design has been harmed by Samsung's infringing activities.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Micro Design demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Micro Design LLC demands judgment for itself and against Defendants as follows:

- A. An adjudication that Defendants have infringed the '535 patent;
- B. An award of damages to be paid by Defendants adequate to compensate Micro Design for Defendants' past infringement of the '535 patent, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees; and

D. An award to Micro Design of such further relief at law or in equity as the Court deems just and proper.

Dated: August 27, 2015

DEVLIN LAW FIRM LLC

/s/ Timothy Devlin

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