

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SENTEGRA, LLC,)	
)	Case No. _____
Plaintiff,)	
)	COMPLAINT FOR PATENT INFRINGEMENT
v.)	
)	DEMAND FOR JURY TRIAL
SAMSUNG ELECTRONICS AMERICA, INC., and)	
SAMSUNG TELECOMMUNICATIONS)	
AMERICA, LLC,)	
)	
Defendants.)	
)	

**PLAINTIFF SENTEGRA, LLC’S
COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL**

Plaintiff Sentegra, LLC (“Sentegra” or “Plaintiff”) by and for its Complaint against Defendants Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively, “Samsung” or “Defendants”) hereby alleges as follows:

NATURE OF THE CASE

1. This is an action for patent infringement arising under the patent laws of the United States. Sentegra holds the rights in U.S. Patent Nos. 8,706,627 (“the ‘627 patent”) and 7,920,904 (“the ‘904 patent”). The United States patent laws grant the holder of a patent the right to exclude infringers from making, using, selling or importing the invention claimed in a patent, and to recover damages for the infringer’s violations of these rights, and to recover treble damages where the infringer willingly infringed the patent. Under 35 U.S.C. § 282(a), the ‘627 Patent and the ‘904 Patent are entitled to a presumption of validity. Sentegra is suing

Defendants for infringing its patent, and doing so willfully. Sentegra seeks to recover damages from Defendants, including treble damages for willful infringement.

THE PARTIES

2. Sentegra is a limited liability company, organized and existing under the laws of the State of Delaware, having a place of business at 869 Homestake Court, Castle Rock, CO 80108.

3. Upon information and belief, Defendant Samsung Telecommunications America, LLC (referred to individually herein as “STA”) is a limited liability company organized and existing under the laws of the State of Delaware with a principal place of business at 1301 East Lookout Drive, Richardson, Texas 75082. Upon information and belief, STA researches, develops and markets a variety of personal and business communications products throughout North America, including handheld smartphones and tables, among other products and services.

4. Upon information and belief, Defendant Samsung Electronics America, Inc. (referred to individually herein as “SEA”) is a corporation organized and existing under the laws of the State of New York having a principal place of business located at 85 Challenger Road, Ridgefield Park, NJ 07660. Upon information and belief, SEA manages and oversees, among other businesses, Samsung Telecommunications America, LLC, Samsung’s North American business with respect to mobile phones and telephony equipment. SEA can be served with process via its registered agent for service CT Corporation System at 111 8th Ave, New York, New York, 10011.

JURISDICTION

5. This is an action for patent infringement arising under the patent laws of the United States of America, more specifically under 35 U.S.C. § 100, *et seq.* Subject matter jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 and 1338.

6. The Court has personal jurisdiction over Defendants because Defendants, among other things, conduct business in, and avail themselves of the laws of, the State of New York. In addition, upon information and belief, Defendants through their own acts and/or through the acts of their affiliated companies (acting as their agents or alter egos) make, use, offer to sell, sell (directly or through intermediaries), import, license and/or supply, in this District and elsewhere in the United States, products, through regular distribution channels, knowing such products would be used, offered for sale and/or sold in this District. Plaintiff's cause of action arises directly from Defendants' business contacts and other activities in the State of New York and in this District.

7. Upon information and belief, Defendants directly or through their subsidiaries or intermediaries, make, use, offer for sale, sell, import, advertise, make available and/or market and, at all relevant times have made, used, offered for sale, sold, imported, advertised and made available and/or marketed products within the Southern District of New York, through their www.samsung.com website, and through additional websites, including but not limited to www.verizonwireless.com, www.t-mobile.com, www.bestbuy.com websites and through BestBuy retail locations in this District, that infringe the '627 and '904 patents.

8. Upon information and belief, Defendants directly or through their subsidiaries or intermediaries, make, use, offer for sale, sell, import, advertise, make available and/or market and, at all relevant times have made, used, offered for sale, sold, imported, advertised and made

available and/or marketed products within the Southern District of New York, through their www.samsung.com website, and through additional websites, including but not limited to www.bestbuy.com, www.verizonwireless.com, and www.t-mobile.com websites and through BestBuy retail locations in this District, that infringe the '627 and '904 patents.

VENUE

9. Venue properly lies within this judicial district and division, pursuant to 28 U.S.C. §§ 1391(b), (c), and (d), and 1400(b).

10. Upon information and belief, Defendants reside in this District for the purposes of venue, insofar as it is subject to the personal jurisdiction in this District, have committed acts of infringement in this District, solicit business in this District, and conduct other business in this District.

INFRINGEMENT OF U.S. PATENT NO. 8,706,627

11. Sentegra incorporates by reference the allegations set forth in the preceding paragraphs.

12. On April 22, 2014, the '627 patent, entitled "Apparatus, Systems and Methods for Wirelessly Transacting Financial Transfers, Electronically Recordable Authorization Transfers, and Other Information Transfers," was duly and lawfully issued based upon an application filed by the inventor, Jon Shore. A true and correct copy of the '627 Patent is attached hereto as Exhibit 1.

13. Sentegra is the assignee and the owner of all right, title and interest in and to the '627 patent, and has the right to sue and recover damages for infringement thereof.

14. Upon information and belief, Defendants have engaged in the design, manufacture, marketing and sale of one or more Samsung-branded mobile devices, including but

not limited to the Samsung Galaxy S6 Edge Series Smartphones, Samsung Galaxy S Series Smartphones, Samsung Galaxy Note Series Smartphones (“Samsung Accused Smartphones”) and Samsung Galaxy Tab tablets (collectively with the Samsung Accused Smartphones, the “Samsung Accused Products”).

15. Upon information and belief, Defendants have been and continue to be engaged in making, using, importing, selling and/or offering for sale infringing products, including, but not limited to, the Samsung Accused Products in the United States generally, and in the Southern District of New York specifically. The Samsung Accused Products are available for retail purchase through the www.samsung.com website, and through additional websites including but not limited to www.bestbuy.com, www.verizonwireless.com, and www.t-mobile.com as well as through many major retailers, including but not limited to, BestBuy retail locations.

16. Upon information and belief, by acts including, but not limited to use, making, importation, offers to sell, sales and marketing of products that fall within the scope of at least claim 1 of the ‘627 patent, Defendants have directly infringed literally and/or upon information and belief, equivalently, and are continuing to infringe the ‘627 patent and are thus liable to Sentegra pursuant to 35 U.S.C. § 271.

17. Defendants have indirectly infringed and continue to infringe at least claim 1 of the ‘627 patent by inducement under 35 U.S.C. 271(b). Defendants have induced and continue to induce users and retailers of the Samsung Accused Products to directly infringe at least claim 1 of the ‘627 patent.

18. Upon information and belief, Defendants knowingly induced customers to use their Samsung Accused Products, including, for example, by promoting such products online (e.g., www.samsung.com) and/or providing customers with instructions and/or manuals for using

the Samsung Accused Products. Likewise, Defendants knowingly induced retailers to market and sell the Samsung Accused Products.

19. Defendants' infringement of the '627 patent is without consent of, authority of, or license from Sentegra.

20. Upon information and belief, Defendants' infringement of the '627 patent is willful. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. § 285 entitling Sentegra to its attorneys' fees and expenses.

21. As a result of Defendants' acts of infringement, Sentegra has suffered and will continue to suffer damages in an amount to be proven at trial.

INFRINGEMENT OF U.S. PATENT NO. 7,920,904

22. Sentegra incorporates by reference the allegations set forth in the preceding paragraphs.

23. On April 5, 2011, the '904 patent, entitled "Mobile Terminal," was duly and lawfully issued based upon an application filed by inventors, Eu-Gen Kim and Ha-yong Kim. A true and correct copy of the '904 Patent is attached hereto as Exhibit 2.

24. Sentegra is the assignee and the owner of all right, title and interest in and to the '904 patent, and has the right to sue and recover damages for infringement thereof.

25. Upon information and belief, by acts including, but not limited to use, making, importation, offers to sell, sales and marketing of products that fall within the scope of at least claim 1 of the '904 patent, Defendants have directly infringed literally and/or upon information and belief, equivalently, and are continuing to infringe the '904 patent and are thus liable to Sentegra pursuant to 35 U.S.C. § 271.

26. Defendants have indirectly infringed and continue to infringe at least claim 1 of the '904 patent by inducement under 35 U.S.C. 271(b). Defendants have induced and continue

to induce users and retailers of the Samsung Accused Smartphones to directly infringe at least claim 1 of the '904 patent.

27. Upon information and belief, Defendants knowingly induced customers to use their Samsung Accused Smartphones, including, for example, by promoting such products online (e.g., www.samsung.com) and/or providing customers with instructions and/or manuals for using the Samsung Accused Smartphones. Likewise, Defendants knowingly induced retailers to market and sell the Samsung Accused Smartphones.

28. Defendants' infringement of the '904 patent is without consent of, authority of, or license from Sentegra.

29. Upon information and belief, Defendants' infringement of the '904 patent is willful. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. § 285 entitling Sentegra to its attorneys' fees and expenses.

30. As a result of Defendants' acts of infringement, Sentegra has suffered and will continue to suffer damages in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Sentegra requests this Court enter judgment as follows:

- A. That the '627 and '904 patents are valid and enforceable;
- B. That Defendants have directly and indirectly infringed the '627 patent;
- C. That Defendants have directly and indirectly infringed the '904 patent;
- D. That such infringement is willful;
- E. That Defendants account for and pay to Sentegra all damages pursuant to 35 U.S.C. § 284 to adequately compensate Sentegra for Defendants' infringement of the '627

and '904 patents, but in no event less than a reasonable royalty for the use made by Defendants of the inventions set forth in the '627 and '904 patents;

F. That Sentegra receives enhanced damages, in the form of treble damages, pursuant to 35 U.S.C. § 284;

G. That this is an exceptional case under 35 U.S.C. § 285;

H. That Defendants pay Sentegra all of Sentegra's reasonable attorneys' fees and expenses pursuant to 35 U.S.C. § 285;

I. That Sentegra be granted pre-judgment and post-judgment interest in accordance with 35 U.S.C. § 284 on the damages caused to it by reason of Defendants' infringement of the '627 and '904 patents, including pre-judgment and post-judgment interest on any enhanced damages or attorneys' fees award;

J. That costs be awarded in accordance with 35 U.S.C. § 284 to Sentegra;
and

K. That Sentegra be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Sentegra hereby demands a trial by jury on all issues so triable in this action.

Dated: November 24, 2015

KROUB, SILBERSHER & KOLMYKOV PLLC

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