

proceeds from patent litigations. SIT further has full control over decisions affecting the patent rights, including the selection of parties to approach for licensing or enforcement.

4. On information and belief, Defendant Samsung Electronics Co., LTD. is a corporation organized and existing under the laws of Korea, having a principal place of business at Samsung Electronics Building, 1320-10, Seocho 2-dong, Seocho-gu, Seoul, 137-857 Republic of Korea.

5. On information and belief, Defendant Samsung Electronics America, Inc. is a corporation organized and existing under the laws of Delaware, having a principal place of business at 105 Challenger Road, Ridgefield Park, New Jersey 07660. Effective January 1, 2015, Samsung Electronics America, Inc. merged with Samsung Telecommunications America LLC, a corporation that had its principal place of business at 1301 E. Lookout Drive, Richardson, Texas 75082.

NATURE OF THE ACTION

6. This is a civil action for infringement of United States Patent No. 7,158,593 (“the ’593 patent”), United States Patent No. 7,627,044 (“the ’044 patent”), and United States Patent No. 6,463,092 (“the ’092 patent”) under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. On information and belief, Samsung is subject to this Court’s specific and general personal jurisdiction pursuant to due process and the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (A) at least part of its infringing activities alleged

herein, and (B) regularly doing or soliciting business, engaging in other persistent causes of conduct, or deriving substantial revenue from goods and services provided to persons and other entities in Texas and this judicial district.

9. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b), (c) and (d) and § 1400(b). On information and belief, Samsung has purposely transacted substantial business in this judicial district, and has committed acts of direct infringement in this judicial district.

PATENTS IN SUIT

10. United States Patent No. 7,158,593, entitled “Combining a Clock Signal and a Data Signal,” was duly and legally issued by the United States Patent and Trademark Office (“PTO”) on January 2, 2007.

11. The ’593 patent was initially assigned to Silicon Image Inc. (“Silicon Image”). Effective February 25, 2015, Silicon Image assigned and sold to SIT “the entire right, title, and interest in and to” the ’593 patent, “including without limitation, all rights of Assignor to sue for past, present and future infringement, including the right to collect and receive any damages, royalties, or settlements for such past, present and future infringements, all rights to seek and obtain injunctive or other equitable relief, and any and all causes of action relating to any of the inventions or discoveries described in” the ’593 patent. As a result of this assignment, SIT holds and has held all right, title, and interest in and to the ’593 patent, including the right to sue and recover damages for any current or past infringement.

12. United States Patent No. 7,627,044, entitled “Clock-Edge Modulated Serial Link with DC-Balance Control,” was duly and legally issued by the United States Patent and Trademark Office on December 1, 2009.

13. United States Patent No. 6,463,092, entitled “System and Method for Sending and Receiving Data Signals Over a Clock Signal Line,” was duly and legally issued by the United States Patent and Trademark Office on October 8, 2002.

14. The '044 and '092 patents were initially assigned to Silicon Image Inc. (“Silicon Image”). Effective June 28, 2013, Silicon Image assigned and sold to Acacia Research Group LLC “the entire right, title and interest in and to” the '044 and '092 patents, “including without limitation, all rights to sue for past, present and future infringement, including the right to collect and receive any damages, royalties, or settlements for such infringements, all rights to sue for injunctive or other equitable relief, and any and all causes of action relating to any of the inventions or discoveries thereof.” Effective September 13, 2013, Acacia Research Group LLC assigned and sold to SIT “the entire right, title and interest in and to” the '044 and '092 patents, “including without limitation, all rights to claim priority on the basis thereof, all rights to sue for past, present and future infringement, including the right to collect and receive any damages, royalties, or settlements for such infringements, all rights to sue for injunctive or other equitable relief, and any and all causes of action relating to any of the inventions or discoveries thereof.” At the same time, Acacia Research Group LLC covenanted that it had “full right to convey the entire interest herein assigned.” As a result of this assignment, SIT holds and has held all rights, title, and interest in and to the '044 and '092 patents, including the right to sue and recover damages for any current or past infringement.

COUNT 1: Infringement of U.S. Patent No. 7,158,593

15. Paragraphs 1 through 14 are incorporated by reference as if fully stated herein.

16. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. § 271 et seq.

17. Samsung has infringed, and continues to infringe, at least claim 34 of the '593 patent under 35 U.S.C. § 271, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling or importing into the United States mobile electronic devices, for example and without limitation, the Samsung Galaxy S6.

18. The acts of infringement by Samsung have caused damage to SIT, and SIT is entitled to recover from Samsung the damages sustained by SIT as a result of Samsung's wrongful acts in an amount subject to proof at trial. The infringement of SIT's exclusive rights under the '593 patent by Samsung has damaged and will continue to damage SIT.

19. At least as early as its receipt of this Complaint, Samsung has had knowledge of the '593 patent and written notice of the infringement. SIT intends to seek discovery on the issue of willfulness and reserves the right to amend its complaint to seek a willfulness finding and increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT 2: Infringement of U.S. Patent No. 7,627,044

20. Paragraphs 1 through 14 are incorporated by reference as if fully stated herein.

21. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. § 271 et seq.

22. Samsung has infringed, and continues to infringe, at least claim 8 of the '044 patent under 35 U.S.C. § 271, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling or importing into the United States mobile electronic devices, for example and without limitation, the Samsung Galaxy S6.

23. The acts of infringement by Samsung have caused damage to SIT, and SIT is entitled to recover from Samsung the damages sustained by SIT as a result of Samsung's

wrongful acts in an amount subject to proof at trial. The infringement of SIT's exclusive rights under the '044 patent by Samsung has damaged and will continue to damage SIT.

24. At least as early as its receipt of this Complaint, Samsung has had knowledge of the '044 patent and written notice of the infringement. SIT intends to seek discovery on the issue of willfulness and reserves the right to amend its complaint to seek a willfulness finding and increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT 3: Infringement of U.S. Patent No. 6,463,092

25. Paragraphs 1 through 14 are incorporated by reference as if fully stated herein.

26. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. § 271 et seq.

27. Samsung has infringed, and continues to infringe, at least claim 1 of the '092 patent under 35 U.S.C. § 271, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling or importing into the United States mobile electronic devices, for example and without limitation, the Samsung Galaxy S6.

28. Samsung had notice of the '092 patent at least as early as January 13, 2009, when it received, at its request, a January 16, 2008 Prior Art Investigation Report entitled "Data transmission technology that has improved bit efficiency" that disclosed Claim 1 of the '092 patent.

29. Samsung was subsequently made aware of the '092 patent again on or about April 13, 2010, or certainly no later than August 31, 2012 in view of patent prosecution activity for U.S. Patent No. 8,411,078. Samsung Electronics Co., Ltd. was assigned the application that led to the issuance of U.S. Patent No. 8,411,078 on April 13, 2010. On that same day the applicant

filed an Information Disclosure Statement that cited the '092 patent. Subsequently, on August 31, 2012, the PTO issued an office action that cited the '092 patent. Thus, as a result of the patent prosecution activity for U.S. Patent No. 8,411,078, Samsung had actual knowledge of the '092 patent again as early as April 13, 2010 and certainly no later than on or around August 31, 2012.

30. On information and belief, and in view of its prior notice of the '092 patent, when Samsung began making, using, offering to sell, selling or importing into the United States certain mobile electronic devices, including for example and without limitation, the Samsung Galaxy S6, Samsung knew or should have known that there was an objectively high risk that such devices infringed the '092 patent.

31. The acts of infringement by Samsung have caused damage to SIT, and SIT is entitled to recover from Samsung the damages sustained by SIT as a result of Samsung's wrongful acts in an amount subject to proof at trial. The infringement of SIT's exclusive rights under the '092 patent by Samsung has damaged and will continue to damage SIT.

32. Because Samsung's infringement of the '092 patent is and has been done with knowledge of the '092 patent, its infringement has therefore been willful, entitling Plaintiff to seek a willfulness finding with respect to the '092 patent and increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

PRAYER FOR RELIEF

Wherefore, SIT respectfully requests that this Court enter:

A. A judgment in favor of SIT that Samsung has infringed the '593, '044, and '092 patents;

B. An order requiring Samsung to pay SIT damages adequate to compensate for Samsung's past infringement and any continuing or future infringement up until the date such judgment is entered, including pre- and post-judgment interest, costs and disbursements as justified under 35 U.S.C. § 284 and, if necessary to adequately compensate SIT for Samsung's infringement, an accounting;

C. In lieu of an injunction, equitable relief including a running royalty for future direct infringement of the '593, '044, and '092 patents by Samsung, its officers, agents, employees, and those acting in privity with it;

D. A determination that this case is exceptional within the meaning of 35 U.S.C. § 285;

E. Any and all further relief which this Court deems just and proper.

DEMAND FOR JURY TRIAL

SIT requests a trial by jury on all issues so triable by right pursuant to Fed. R. Civ. P. 38.

Dated: February 3, 2016

Respectfully submitted,

s/ Amir Alavi

Amir Alavi

Texas Bar No. 00793239

aalavi@azalaw.com

Demetrios Anaipakos

Texas Bar No. 00793258

danaipakos@azalaw.com

Scott W. Clark

Texas Bar No. 24007003

sclark@azalaw.com

**AHMAD, ZAVITSANOS, ANAIPAKOS, ALAVI &
MENSING, P.C.**

1221 McKinney Street, Suite 2500

Houston, TX 77010

Telephone: 713-655-1101

Facsimile: 713-655-0062

**ATTORNEYS FOR PLAINTIFF SUPER
INTERCONNECT TECHNOLOGIES LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document was filed electronically in compliance with Local Rules CV-5(a) on February 3, 2016. As such, this document was served on all counsel of record pursuant to Local Rules CV-5(a)(3)(A) and the Federal Rules of Civil Procedure.

/s/ Amir Alavi
Amir Alavi

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