

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.

PRISUA ENGINEERING CORP.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC., and
SAMSUNG ELECTRONICS LATINOAMERICA
MIAMI, INC.

Defendants.

COMPLAINT FOR PATENT INFRINGEMENT

Prisua Engineering Corp. (“Prisua”), through undersigned counsel, hereby sues Samsung Electronics Co., Ltd. (“Samsung Korea”) Samsung Electronics America, Inc. (“Samsung America”) and Samsung Electronics Latinoamerica Miami (“Samsung Miami”) (collectively, “Samsung”) for patent infringement, and alleges as follows:

THE PARTIES

1. Prisua is a corporation organized and existing under the laws of the State of Florida, with a principal place of business in Coral Gables, Florida.

2. Defendant Samsung Korea is a company organized under the laws of Korea, with its principal place of business in Suwon-City, Gyeonggi-do, Korea.

3. Defendant Samsung America is a corporation organized and existing under the laws of the State of New York, with a principal place of business in Ridgefield Park, New Jersey. Samsung America is a wholly owned subsidiary of Samsung Korea.

4. Defendant Samsung Miami is a corporation organized and existing under the laws of the State of Florida, with a principal place of business in Miami, Florida. Samsung Miami is a wholly owned subsidiary of Samsung Korea.

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, Section 271 *et seq.*

6. This Court has federal question jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a) because Prisia seeks relief under the Patent Act, 35 U.S.C. § 271 *et seq.*, including remedies for infringement of a United States patent owned by Prisia.

7. Samsung is subject to personal jurisdiction in this state under Florida Statutes § 48.181 and/or §48.193. Samsung maintains offices in this state, has transacted and continues to transact business in this state, has contracted to supply services or products in this state, and/or has caused tortious injury in this state.

8. Venue is proper pursuant to 28 U.S.C. §§ 1391 and 1400(b) because a substantial part of the events giving rise to these claims occurred in this judicial district, because Prisia has suffered injury in this district, and because Samsung resides in this district under the patent venue statute by having committed acts of alleged patent infringement in this district.

FACTUAL BACKGROUND

9. Prisia is the owner of United States Patent No. 8,650,591 (the “‘591 Patent”). The ‘591 Patent is entitled “Video Enabled Digital Devices for Embedding

User Data in Interactive Applications.” A true and correct copy of the ‘591 Patent is attached as Exhibit “A” hereto.

10. The ‘591 Patent was filed on March 8, 2011 by its inventor, Dr. Yolanda Prieto, claiming priority to provisional application No. 61/311,892, filed on March 9, 2010.

11. The ‘591 Patent was duly and lawfully issued by the U.S. Patent Office on February 11, 2014. The ‘591 Patent is now, and has been at all times since its date of issue, valid and enforceable.

12. Dr. Yolanda Prieto, the ‘591 Patent’s inventor, is an officer and director of Prisua. Dr. Prieto received a Ph.D. with a concentration in Image and Video Signal Processing and a Master’s Degree in Electrical Engineering, both from the University of Miami. Dr. Prieto’s professional experience in the digital signal processing and integrated circuit design industry spans over 30 years, having served as a senior scientist at Motorola and Freescale Semiconductor.

13. Claim 1 of the ‘591 Patent recites:

An interactive media apparatus for generating a displayable edited video data stream from an original video data stream, wherein at least one pixel in a frame of said original video data stream is digitally extracted to form a first image, said first image then replaced by a second image resulting from a digital extraction of at least one pixel in a frame of a user input video data stream, said apparatus comprising:

an image capture device capturing the user input video data stream;

an image display device displaying the original video stream;

a data entry device, operably coupled with the image capture device and the image display device, operated by a user to select the at least one pixel in the frame of the user input video data stream to use as the second image, and further operated by the user to select the at least one pixel to use as the first image;

wherein said data entry device is selected from a group of devices consisting of: a keyboard, a display, a wireless communication capability device, and an external memory device;

a digital processing unit operably coupled with the data entry device, said digital processing unit performing:

identifying the selected at least one pixel in the frame of the user input video data stream;

extracting the identified at least one pixel as the second image;

storing the second image in a memory device operably coupled with the interactive media apparatus;

receiving a selection of the first image from the original video data stream;

extracting the first image;

spatially matching an area of the second image to an area of the first image in the original video data stream, wherein spatially matching the areas results in equal spatial lengths and widths between said two spatially matched areas; and

performing a substitution of the spatially matched first image with the spatially matched second image to generate the displayable edited video data stream from the original video data stream.

14. The '591 Patent is infringed by numerous mobile phones having camera functionality made by Samsung Korea and sold and offered for sale in the United States by Samsung America and Samsung Miami, including but not limited to the Galaxy S4, S4 mini, S5, S III and Samsung Mega products. The '591 Patent is also infringed by tablets and cameras made by Samsung Korea and sold and offered for sale in the United States by Samsung America and Samsung Miami, including but not limited to the Samsung Galaxy Note 10.1, Galaxy Note Pro and Galaxy Tab Pro tablets and NX300M, NX2000, WB800F, WB350 and WB250 cameras.

15. By way of example, the Galaxy S4 mobile phone includes an image capture device in the form of a front and back digital camera, a display device in the form of an LCD screen, and a data entry device in the form of a touchscreen keyboard. The phone also includes a digital processing unit in the form of Samsung's application processor (*i.e.*, Exynos 5 Octa (5410)), with its appurtenant NAND and DRAM memory devices. Samsung's "Best Face" application utilizes the phone's image capture device to capture multiple images. The image display next presents an original video data stream to users and – using the keyboard – users are able to select a portion of the captured images as well as a portion of the original video data stream. Thereafter, the phone's digital processing unit – using its memory and processing components – spatially matches the second image (from the user input video data stream) to the first image (from the original video stream) and substitutes said first image with said second image (the user-selected "Best Face"). This same process is used in the other Samsung products identified above.

16. On August 29, 2014, Prisia sent a letter to Samsung America, attaching a detailed claim chart outlining Samsung's ongoing infringement. The letter and claim chart (the "Infringement Notice") provided to Samsung are attached hereto as Exhibit "B."

17. A representative of Samsung Korea responded to the Infringement Notice.

18. Prisia and the Samsung Korea representative then engaged in protracted discussions, during which time Prisia proposed a license agreement. Samsung, however, did not accept Prisia's proposed license agreement.

19. To date, Samsung's use of the technology covered by the '591 Patent continues to be unauthorized.

COUNT I

(Direct Infringement of the '591 Patent – Against Samsung America)

20. Prisia incorporates and realleges paragraphs 1 through 19 of this Complaint.

21. Samsung America has directly infringed and continues to directly infringe at least claim 1 of the '591 Patent by importing into the United States, and by offering for sale and selling in the United States, at least the following products:

- a. Galaxy S4;
- b. Galaxy S4 mini;
- c. Galaxy S5;
- d. Galaxy S III;
- e. Samsung Mega;
- f. Samsung Galaxy Note 10.1;
- g. Galaxy Note Pro;
- h. Galaxy Tab Pro;
- i. NX300M camera;
- j. NX2000 camera;
- k. WB800F camera;
- l. WB350 camera; and
- m. WB250 camera.

22. Samsung America's aforementioned infringement activities violate 35 U.S.C. §271(a).

23. Samsung America's infringement of the '591 Patent has been and continues to be intentional, willful, and without regard to Prisia's rights.

24. Prisia has sustained damages as a direct and proximate result of Samsung America's infringement of the '591 Patent.

25. Prisia will suffer and is suffering irreparable harm from Samsung America's infringement of the '591 Patent. Prisia has no adequate remedy at law and is entitled to an injunction against Samsung America's continuing infringement of the '591 Patent. Unless enjoined, Samsung America will continue its infringing conduct.

COUNT II

(Direct Infringement of the '591 Patent – Against Samsung Miami)

26. Prisia incorporates and realleges paragraphs 1 through 19 of this Complaint.

27. Samsung Miami has directly infringed and continues to directly infringe at least claim 1 of the '591 Patent by offering for sale and selling in the United States, at least the following products:

- a. Galaxy S4;
- b. Galaxy S4 mini;
- c. Galaxy S5;
- d. Galaxy S III;
- e. Samsung Mega;
- f. Samsung Galaxy Note 10.1;

- g. Galaxy Note Pro;
- h. Galaxy Tab Pro;
- i. NX300M camera;
- j. NX2000 camera;
- k. WB800F camera;
- l. WB350 camera; and
- m. WB250 camera.

28. Samsung Miami's aforementioned infringement activities violate 35 U.S.C. §271(a).

29. Samsung Miami's infringement of the '591 Patent has been and continues to be intentional, willful, and without regard to Prisia's rights.

30. Prisia has sustained damages as a direct and proximate result of Samsung Miami's infringement of the '591 Patent.

31. Prisia will suffer and is suffering irreparable harm from Samsung Miami's infringement of the '591 Patent. Prisia has no adequate remedy at law and is entitled to an injunction against Samsung Miami's continuing infringement of the '591 Patent. Unless enjoined, Samsung Miami will continue its infringing conduct.

COUNT III

(Indirect Infringement of the '591 Patent – Against Samsung Korea)

32. Prisia incorporates and realleges paragraphs 1 through 19 of this Complaint.

33. Based on the Infringement Notice, Samsung Korea knew of the '591 Patent and that sales and offers for sale of the accused products conducted in the United States by Samsung America and Samsung Miami were infringing the '591 Patent.

34. Samsung Korea has taken no steps to curtail the infringing conduct of Samsung America or Samsung Miami.

35. Samsung Korea has controlled and instructed Samsung America and Samsung Miami in their infringing conduct.

36. Samsung Korea's actions in taking no steps to curtail the infringement and continuing to control and instruct its subsidiaries' infringing conduct demonstrate Samsung Korea's intent to induce infringement of the '591 Patent.

37. Samsung Korea has indirectly infringed, and continues to indirectly infringe, at least claim 1 of the '591 Patent, by actively inducing Samsung America and Samsung Miami to commit the aforementioned acts of direct infringement, with knowledge of the '591 Patent and with intent to cause Samsung America's and Samsung Miami's direct infringement, in violation of 35 U.S.C. §271(b).

38. Samsung Korea's indirect infringement of the '591 Patent has been and continues to be intentional, willful, and without regard to Prisia's rights.

39. Prisia has sustained damages as a direct and proximate result of Samsung Korea's infringement of the '591 Patent.

40. Prisia will suffer and is suffering irreparable harm from Samsung Korea's infringement of the '591 Patent. Prisia has no adequate remedy at law and is entitled to an injunction against Samsung Korea's continuing infringement of the '591 Patent. Unless enjoined, Samsung Korea will continue its infringing conduct.

WHEREFORE, Prisua prays:

- A. That the Court find Samsung liable for infringement of the '591 Patent;
- B. That Samsung be enjoined and restrained from importing, selling and/or offering to sell any products in the United States that infringe the '591 Patent;
- C. That the Court award Prisua damages due to Samsung's infringement of the '591 Patent, and treble such amount pursuant to 35 U.S.C. § 284.
- D. That the Court find this case exceptional under 35 U.S.C. § 285 and award Prisua its reasonable attorneys' fees and expenses incurred in this action.
- E. That the Court award Prisua its taxable costs and disbursements.
- F. That the Court award Prisua pre-judgment and post-judgment interest.
- G. For such other and further relief as this Court deems just and proper.

JURY DEMAND

Prisua demands trial by jury on all issues so triable.

Dated: May 17, 2016

Respectfully submitted,

s/John C. Carey

John C. Carey
Florida Bar No. 78379
jcarey@careyrodriguez.com
Ernesto M. Rubi
Florida Bar No. 92014
erubi@careyrodriguez.com
CAREY RODRIGUEZ
MILIAN GONYA, LLP
1395 Brickell Avenue, Suite 700
Miami, Florida 33131
Telephone: (305) 372-7474
Facsimile: (305) 372-7475

Counsel for Prisua Engineering Corp.