

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

THETA IP, LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.,
and SAMSUNG TELECOMMUNICATIONS
AMERICA, LLC,

Defendants.

C.A. No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Theta IP, LLC (“Theta” or “Plaintiff”), for its Complaint against Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively, “Samsung” or “Defendants”), demands a trial by jury and alleges as follows:

NATURE OF ACTION

1. This is an action for infringement of U.S. Patent No. 7,010,330 (“the ’330 patent”) and U.S. Patent No. 9,331,728 (“the ’728 patent”) (collectively, the “patents-in-suit”). The ’330 and ’728 patents are based on inventions of Yannis Tsividis.

PARTIES

2. Theta is a limited liability company organized under the laws of Delaware, with its principal place of business at 710 Inglenook Court, Coppell, Texas 75019.

3. On information and belief, Defendant Samsung Electronics Co., Ltd. is a corporation organized under the laws of the Republic of Korea, with a principal place of business at 129, Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, South Korea.

4. On information and belief, Defendant Samsung Electronics America, Inc. is a wholly-owned subsidiary of Samsung Electronics Co., Ltd. and a limited liability company organized under the laws of New York, with a principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660.

5. On information and belief, Defendant Samsung Telecommunications America, LLC is a wholly-owned subsidiary of Samsung Electronics Co., Ltd. and a limited liability company organized under the laws of Delaware, with a principal place of business at 1301 East Lookout Drive, Richardson, Texas 75082.

6. Joinder is proper under 35 U.S.C. § 299. The allegations of infringement contained herein are asserted against the Defendants jointly, severally, or in the alternative and arise, at least in part, out of the same series of transactions or occurrences relating to Defendants' manufacture, use, sale, offer for sale, and importation of the same accused products. On information and belief, Defendants are part of the same corporate family of companies, and the infringement allegations arise at least in part from Defendants' collective activities with respect to Defendants' accused products. Questions of fact common to Defendants will arise in the action, including questions relating to the structure and operation of the accused products and Defendants' infringing acts.

JURISDICTION AND VENUE

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

8. Venue is proper in this District under 28 U.S.C. §§ 1391(c) and 1400(b).

Samsung has transacted business in this district and has committed acts of patent infringement in this District. In addition, Defendant Samsung Telecommunications America, LLC's principal place of business resides within this District.

9. Samsung is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, 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 Texas and in this District. In addition, Defendant Samsung Telecommunications America, LLC's principal place of business resides within this District.

THE PATENTS-IN-SUIT

10. On March 7, 2006, the United States Patent and Trademark Office duly and legally issued the '330 patent, entitled "Power Dissipation Reduction in Wireless Transceivers," naming Yannis Tsvividis as inventor. A true and correct copy of the '330 patent is attached hereto as Exhibit A.

11. On May 3, 2016, the United States Patent and Trademark Office duly and legally issued the '728 patent, entitled "Power Dissipation Reduction in Wireless Transceivers," naming Yannis Tsvividis as inventor. A true and correct copy of the '728 patent is attached hereto as Exhibit B.

12. Plaintiff is the owner of all right, title, and interest in the '330 and '728 patents.

13. Each claim of the '330 and '728 patents is valid and enforceable.

FACTUAL ALLEGATIONS

14. The '330 and '728 patents were invented by Prof. Yannis Tsividis, the Edwin Howard Professor of Electrical Engineering at Columbia University. Prof. Tsividis is a pioneer in the integrated circuits and systems field. He is a Life Fellow of the IEEE (Institute of Electrical and Electronics Engineers) and has received numerous awards and distinctions in his career, including the Golden Jubilee Medal from the IEEE Circuits and Systems Society in 2000, the IEEE Undergraduate Teaching Award in 2005, and the IEEE Gustav Robert Kirchhoff Award in 2007. Prof. Tsividis is the recipient of the 1984 IEEE W.R.G. Baker Prize Award for the best IEEE publication, the 1986 European Solid-State Circuits Conference Best Paper Award, and the 1998 and 2008 IEEE Circuits and Systems Society Guillemin-Cauer Best Paper Awards. He is also the co-recipient of the 1987 IEEE Circuits and Systems Society Darlington Best Paper Award and the 2003 IEEE International Solid-State Circuits Conference L. Winner Outstanding Paper Award.

15. The '330 and '728 patents are directed toward the problem of high battery power consumption in wireless handheld devices such as smartphones. The inventions claimed in the '330 and '728 patents employ a process called dynamic control of power dissipation to vary the power dissipation in a wireless handheld device, thereby reducing power waste and increasing battery life.

16. Upon information and belief, certain Samsung wireless handheld devices, including but not limited to the Samsung Epic 4G, Galaxy S III, Galaxy S4, Galaxy S5, Galaxy S6, and Galaxy S7 smartphone product lines, employ dynamic power dissipation consistent with certain claims of the '330 and '728 patents.

17. Samsung does not have a license to either the '330 patent or the '728 patent and is not otherwise authorized to practice the inventions claimed under the '330 patent or the '728 patent.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 7,010,330

18. Plaintiff repeats, realleges, and incorporates the allegations of paragraphs 1-17 as if set forth fully herein.

19. Samsung has infringed and is currently infringing at least claims 29 and 30 of the '330 patent, either literally or under the doctrine of equivalents, in violation of 35 U.S.C. § 271 through its making, using, selling, offering for sale, and/or importing into the United States wireless handheld devices, including but not limited to the Samsung Epic 4G, Galaxy S III, Galaxy S4, Galaxy S5, Galaxy S6, and Galaxy S7 product lines.

20. Samsung's infringement has been without the express or implied license of the '330 patent.

21. Plaintiff has been damaged by Samsung's infringement of the '330 patent.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 9,331,728

22. Plaintiff repeats, realleges, and incorporates the allegations of paragraphs 1-21 as if set forth fully herein.

23. Samsung has infringed and is currently infringing at least claims 1-4 and 6-7 of the '728 patent, either literally or under the doctrine of equivalents, in violation of 35 U.S.C. § 271 through its making, using, selling, offering for sale, and/or importing into the United States

wireless handheld devices, including but not limited to the Samsung Epic 4G, Galaxy S III, Galaxy S4, Galaxy S5, Galaxy S6, and Galaxy S7 product lines.

24. Samsung's infringement has been without the express or implied license of the '728 patent.

25. Plaintiff has been damaged by Samsung's infringement of the '728 patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment:

- (a) That Samsung infringes one or more claims of the '330 patent;
- (b) That Samsung infringes one or more claims of the '728 patent;
- (c) That Plaintiff is entitled to monetary damages in an amount to be determined by the jury;
- (d) That this case is exceptional, justifying an award to the Plaintiff of attorneys' fees and costs incurred in this action, pursuant to 35 U.S.C. § 285;
- (e) Awarding Plaintiff's prejudgment interest and costs pursuant to 35 U.S.C. § 284; and
- (f) Granting Plaintiff such other and further relief as the Court deems proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff demands trial by jury on all issues so triable in this case.

DATED: May 18, 2016

Respectfully submitted,

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