



3. Red Rock is informed and believes, and on that basis alleges, that Defendant Samsung Electronics America, Inc. (“SEA”) is a wholly-owned subsidiary of SEC and is incorporated under the laws of New York, having principal places of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660 and 1301 East Lookout Drive, Richardson, Texas 75082. On information and belief, SEA is authorized to do business in Texas. SEA may be served by serving its registered agent CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

4. Red Rock is informed and believes, and on that basis alleges, that Defendant Samsung Austin Semiconductor, LLC (“SAS”) is a wholly-owned subsidiary of SEA and is a limited liability company organized and existing under the laws of the State of Delaware, having a principal place of business at 12100 Samsung Boulevard, Austin, Texas 78754. On information and belief, SAS is authorized to do business in Texas. SAS may be served by serving its registered agent CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

5. Red Rock is informed and believes, and on that basis alleges, that Defendant Samsung Semiconductor, Inc., (“SSI”) is a wholly owned subsidiary of SEA and is a corporation organized and existing under the laws of the state of California, having a principal place of business at 3655 N. First St., San Jose, CA 95134. SSI may be served with process through its registered agent National Registered Agents, Inc., located at 1999 Bryan St., Ste. 900, Dallas, Texas 75201.

6. Red Rock is informed and believes, and on that basis alleges, that prior to January 1, 2015, Samsung Telecommunications America, LLC (“STA”) was a Delaware limited liability company with its principal place of business at 1301 East Lookout Drive, Richardson, Texas

75082. STA was founded in 1996 as a subsidiary of SEC and marketed, sold, and/or offered for sale a variety of personal and business communications devices in the United States. Effective January 1, 2015, STA merged with and into SEA, and therefore, STA ceased to exist as a separate entity. As a result of the merger, SEA has assumed all liability of STA arising out of this action. On information and belief, SEA maintains a significant presence in Richardson, Texas.

### **JURISDICTION AND VENUE**

7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.*

8. This Court has personal jurisdiction over Defendants. Defendant SEA has a regular and established place of business in this district and regularly sells (either directly or indirectly), markets, and supports its products and services within this district. Defendants SEC, SAS, and SSI are subject to this Court's specific and/or general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial and pervasive business in this State and judicial district, including: (i) at least part of their infringing activities alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent conduct, and/or deriving substantial revenue from goods sold and services provided to Texas residents.

9. Venue is proper in this federal district pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b) in that one or all Defendants reside in this District, have done business in this District, have regular and established places of business in this District, have committed acts of infringement in this District, and continue to commit acts of infringement in this District, entitling Red Rock to relief.

**INFRINGEMENT OF U.S. PATENT NO. 7,346,313**

10. On March 18, 2008, United States Patent No. 7,346,313 (“the ’313 Patent”) was duly and legally issued for inventions entitled “Calibration of I-Q Balance in Transceivers.” Red Rock was assigned the ’313 Patent and continues to hold all rights and interest in the ’313 Patent. On November 1, 2016, a first certificate of correction issued for the ’313 Patent. On January 31, 2017, a second certificate of correction issued for the ’313 Patent.

11. The ’313 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

12. On information and belief and pursuant to 35 U.S.C. § 271(a), Samsung has directly infringed and continues to directly infringe numerous claims of the ’313 Patent, including at least claims 1 and 7, by its manufacture, use, sell, importation, and/or offer for sale of products (*e.g.*, networking devices, cellular phones, tablets, notebook computers) that include high data rate transceivers (*e.g.*, 802.11n transceivers, LTE transceivers) implementing calibration systems and methods claimed by the ’313 Patent (“Infringing Products”).

13. Infringing Products include, for example, WLAN network devices such as 4G LTE Mobile Hotspot (SCH-LC11); cellular phones such as Dart (T-400), Galaxy S4 (SGH-i337), and Galaxy S6 (SM-G920); tablets such as Galaxy Tab S2 9.1; and notebooks such as N150, R580, and NP930.

14. On information and belief, at least as of the filing of this complaint, Defendants have knowledge of the ’313 Patent and indirectly infringe at least claims 1 and 7 of the ’313 Patent by active inducement under 35 U.S.C. § 271(b) and/or § 271(f). Defendants have induced, caused, urged, encouraged, aided and abetted their direct and indirect customers to make, use, sell, offer for sale and/or import Infringing Products. Defendants have done so by acts including but not limited to selling Infringing Products to their customers; marketing Infringing Products; and

providing instructions, technical support, and other support and encouragement (available via <http://www.samsung.com/us/support/>, for instance) for the use of Infringing Products. Such conduct by Defendants was intended to and actually resulted in direct infringement, including the making, using, selling, offering for sale, and/or importation of Infringing Products in the United States.

15. On information belief, at least as of the filing of this complaint, Defendants have knowledge of the '313 Patent and indirectly infringe by contributing to the infringement of, and continuing to contribute to the infringement of, one or more claims of the '313 Patent under 35 U.S.C. § 271(c) and/or 271(f) by selling, offering for sale, and/or importing into the United States, the Infringing Products and/or components of the Infringing Products. Defendants know that the Infringing Products include hardware components (*e.g.*, 802.11n transceivers, LTE transceivers) and software instructions that work in concert to perform specific, intended functions. Such specific, intended functions, carried out by these hardware and software combinations, are a material part of the inventions of the '313 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

16. The acts of infringement by Defendants have caused damage to Red Rock, and Red Rock is entitled to recover from Defendants the damages sustained by Red Rock as a result of Defendants' wrongful acts in an amount subject to proof at trial. The infringement of Red Rock's exclusive rights under the '313 Patent by Defendants has damaged and will continue to damage Red Rock, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

**PRAYER FOR RELIEF**

WHEREFORE, Red Rock prays for the following relief:

17. A judgment in favor of Red Rock that Defendants have infringed and are infringing, either literally and/or under the doctrine of equivalents, U.S. Patent No. 7,346,313;

18. An Order permanently enjoining Defendants, their respective officers, agents, employees, and those acting in privity with them, from further direct and/or indirect infringement of U.S. Patent No. 7,346,313;

19. An award of damages to Red Rock arising out of Defendants' infringement of U.S. Patent No. 7,346,313, including supplemental damages for any continuing post-verdict infringement up until entry of the final judgment, with an accounting, as needed, and enhanced damages pursuant to 35 U.S.C. § 284, together with prejudgment and post-judgment interest, in an amount according to proof;

20. An award of an ongoing royalty for Defendants' post-judgment infringement in an amount according to proof in the event that a permanent injunction preventing future acts of infringement is not granted;

21. An award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and

22. Granting Red Rock its costs and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

23. Red Rock demands a trial by jury of any and all issues triable of right before a jury.

Dated: February 1, 2017

Respectfully submitted,

/s/ Leslie V. Payne

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