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

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|---|---|
| CYWEE GROUP LTD., | CASE NO. 2:17-cv-00140-RWS-RSP |
| *Plaintiff,* | |
| SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG ELECTRONICS AMERICA, INC. | JURY TRIAL DEMANDED |
| *Defendants.* | |

## FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

1.      Plaintiff CyWee Group Ltd. ("Plaintiff" or "CyWee"), by and through its undersigned counsel, files this Complaint against Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. as follows:

## THE PARTIES

2.      CyWee is a corporation existing under the laws of the British Virgin Islands with a principal place of business at 3F, No.28, Lane 128, Jing Ye 1st Road, Taipei, Taiwan 10462.

3.      CyWee is a world-leading technology company that focuses on building products and providing services for consumers and businesses. CyWee has one of the most significant patent portfolios in the industry, and is a market leader in its core development areas of motion processing, wireless high definition video delivery, and facial tracking technology.

4.      On information and belief, Defendant Samsung Electronics Company, Ltd. ("Samsung Electronics") is a South Korean entity with its principal place of business at 1320-10, Seocho 2-Dong, Seocho-Gu, Seoul 137-857, South Korea. Samsung Electronics manufactures and provides to the United States a wide variety of products and services, including consumer electronics such as mobile phones and tablets.

PLAINTIFF'S FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT               1

5.     On information and belief, Defendant Samsung Electronics America, Inc. ("SEA") is a New York entity with its principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660. SEA may be served through its registered agent, CT Corporation System, located at 1999 Bryan Street, Suite 900, Dallas, Texas 75201. Upon information and belief, SEA is a wholly-owned subsidiary of Samsung Electronics. SEA is Samsung Electronics' North American business with respect to mobile phones and tablets.

6.     On information and belief, SEA maintains an office in Richardson, Texas. On information and belief, Samsung Telecommunications America, LLC ("STA")—formerly a limited liability company organized and existing under the laws of Delaware with a principal place of business at 1301 East Lookout Drive, Richardson, Texas 75082—merged into SEA on January 1, 2015. *Lexington Luminance LLC v. Samsung Electronics Co.*, No. 2-16-cv-00169-JRG, Dkt. No. 8 ¶¶ 2(a)-(b) (E.D. Tex.). After that merger, a court in this district held: "***STA serves as a sales division*** for SEC mobile devices in the United States. ***It imports and sells SEC mobile devices, tablets***, and network infrastructure." *Ziilabs Inc., Ltd. v. Samsung Elecs. Co.*, No. 2:14-CV-203-JRG-RSP, 2015 WL 5278744, at *1 (E.D. Tex. Sept. 9, 2015) (emphases added). On information and belief, SEA is STA's "successor-in-interest for the purpose of the alleged liability, discovery, and damages relating to this lawsuit." *See Lexington*, No. 2-16-cv-00169-JRG, Dkt. No. 8 ¶ 2(c).

7.     Defendants Samsung Electronics and SEA are collectively referred to as "Defendants" or "Samsung." Samsung is doing business in the United States and, more particularly, in the State of Texas and the Eastern District of Texas, by designing, marketing, making, using, selling, importing, and/or offering for sale products that infringe the patent claims involved in this action or by transacting other business in this District.

## JURISDICTION AND VENUE

8.      This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9.      This Court has personal jurisdiction over each Defendant. Each Defendant has conducted and does conduct business within the State of Texas. Each Defendant has purposefully and voluntarily availed itself of the privileges of conducting business in the United States, State of Texas, and in the Eastern District of Texas by continuously and systematically placing goods into the stream of commerce through an established distribution channel with the expectation that they will be purchased by consumers in the Eastern District of Texas. Samsung Electronics and SEA previously admitted that this Court has personal jurisdiction over them based on, at least, their development, manufacture, and supply of smartphones and tablets. *TIVO, Inc., v. Samsung Elecs. Co.*, No. 15-cv-01503, Dkt. No. 25 ¶¶ 14, 32 (E.D. Tex.). Plaintiff's cause of action arises directly from Defendants' business contacts and other activities in the State of Texas and the Eastern District of Texas.

10.      Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391(b) and 1400(b), in that, each Defendant is subject to personal jurisdiction in this district, and therefore is deemed to reside in this District for purposes of venue. Upon information and belief, each Defendant has committed acts of infringement in this District giving rise to this action and does business in this District, including making sales and/or providing service and support for their respective customers in this District. Defendants purposefully and voluntarily sold one or more of their infringing products with the expectation that they will be purchased by consumers in this District. These infringing products have been and continue to be purchased by consumers in this District. Defendants have committed acts of patent infringement within the United States

and, state of Texas, and the Eastern District of Texas. In a recent case, Samsung Electronics and SEA did not dispute that the Eastern District of Texas is a proper venue for a patent infringement lawsuit against them. *Ziilabs*, 2015 WL 5278744, at *3.

## BACKGROUND

11.    ITRI is a Taiwanese government and industry funded research and development center. In 2007, CyWee, a startup of ITRI, was formed. Its goal was to provide innovative motion-sensing technologies, such as those claimed in the patents-in-suit. Dr. Shun-Nan Liu and Chin-Lung Li, two of the inventors of the Patents, came to CyWee from ITRI. The third inventor, Zhou "Joe" Ye joined CyWee as its President and CEO from private industry.

12.    The inventors, Zhou Ye, Chin-Lung Li, and Shun-Nan Liou conceived of the claims of the patents-in-suit—U.S. Patent No. 8,441,438 (the "'438 Patent") and U.S. Patent No. 8,552,978 (the "'978 Patent")—at CyWee Group Ltd., located at 3F, No. 28, Lane 128, Jing Ye Road, Taipei.

13.    Several claims of the patents-in-suit are entitled to a priority date of at least January 6, 2010 based on U.S. Provisional Application Serial No. 61/292,558, filed January 6, 2010 ("Provisional Application").

14.    Before May 22, 2009, CyWee began working on the "JIL Game Phone Project" or "JIL Phone." Before July 29, 2009, CyWee developed a solution for the JIL Phone that practiced several claims of the '438 Patent. Those claims were diligently and constructively reduced to practice thereafter through the filing of the Provisional Application, and were diligently and actually reduced to practice as discussed below. Accordingly, CyWee is entitled to a priority date of at least July 29, 2009 for several claims of the '438 Patent.

15.    The JIL Phone was reduced to practice by at least September 25, 2009. The JIL

Phone practiced several claims of both patents-in-suit. Accordingly, CyWee is entitled to a priority date of at least September 25, 2009 for several claims of the patents-in-suit.

## WILLFUL INFRINGEMENT

16.     Samsung's infringement of the patents-in-suit has been and continues to be willful. Samsung has had knowledge of and notice of both patents-in-suit and its infringement of those patents since at least as early as June 2016 as a result of confidential pre-suit licensing discussions. In June 2016 CyWee disclosed the patents-in-suit and information related to Samsung's infringement to Samsung. Samsung also has knowledge and notice of its infringement of the patents-in-suit as a result of the complaints filed in this case. Samsung's infringement of the patents-in-suit has been and continues to be willful and deliberate.

## PATENT INFRINGEMENT OF U.S. PATENT NO. 8,441,438

17.     Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-16 as though fully set forth herein.

18.     The '438 Patent, titled "3D Pointing Device and Method for Compensating Movement Thereof," was duly and legally issued by the United States Patent and Trademark Office on May 14, 2013 to CyWee Group Limited, as assignee of named inventors Zhou Ye, Chin-Lung Li, and Shun-Nan Liou.

19.     CyWee is the owner of all right, title, and interest in and to the '438 Patent with full right to bring suit to enforce the patent, including the right to recover for past infringement damages.

20.     Each and every claim of the '438 Patent is valid and enforceable and each enjoys a statutory presumption of validity separate, apart, and in addition to the statutory presumption of validity enjoyed by every other of its claims. 35 U.S.C. § 282.

21.     CyWee is informed and believes, and thereupon alleges, that Samsung has been, and is currently directly or indirectly infringing one or more claims of the '438 Patent in violation of 35 U.S.C. § 271, including as stated below.

22.     CyWee is informed and believes, and thereupon alleges, that Samsung has directly infringed, literally and/or under the doctrine of equivalents, and will continue to directly infringe claims of the '438 Patent by making, using, selling, offering to sell, and/or importing into the United States products that embody or practice the apparatus and/or method covered by one or more claims of the '438 Patent, including but not limited to Defendants' devices such as Galaxy S6, Galaxy S6 Edge, Galaxy S6 Edge+, Galaxy S6 Active, Galaxy S7, Galaxy S7 Edge, Galaxy S7 Active, Galaxy Note5, Galaxy Tab S2 8.0, Galaxy Tab S2 9.7 (collectively referred to as "'438 Accused Products").

23.     CyWee adopts, and incorporates by reference, as if fully stated herein, the attached claim chart for claim 14 of the '438 Patent, which is attached hereto as Exhibit A. The claim chart describes and demonstrates how Samsung infringes the '438 Patent. In addition, CyWee alleges that Samsung infringes one or more additional claims of the '438 Patent in a similar manner.

24.     Samsung has had knowledge of and notice of the '438 Patent and Samsung's infringement of the '438 Patent since at least as early as June 2016. In June 2016, CyWee disclosed several patents, including the '438 Patent, in pre-suit licensing discussions with Samsung. Samsung also has knowledge and notice of its infringement of the '438 Patent as a result of the complaint filed in this case. Samsung's infringement of the '438 Patent has been and continues to be willful and deliberate.

25.     Samsung has and is continuing to actively and knowingly induce, with specific

intent, infringement of the '438 Patent under 35 U.S.C. § 271(b) by making, using, offering for sale, importing, and/or selling '438 Accused Products, all with knowledge of the '438 Patent and its claims. As a result of discussions starting in June 2016, Samsung understands that its activities cause others—including distributors, resellers, and end users—to infringe the '438 Patent. Samsung encourages and facilitates infringing sales and uses of its products through the creation and dissemination of those products, promotional and marketing materials, product manuals, instructions, and/or technical materials to distributors, resellers, and end users.

26.    Defendants' acts of infringement have caused and will continue to cause substantial and irreparable damage to CyWee.

27.    As a result of Defendants' infringement of the '438 Patent, CyWee has been damaged. CyWee is, therefore, entitled to such damages pursuant to 35 U.S.C. § 284 in an amount that presently cannot be pled but that will be determined at trial.

28.    The Samsung Galaxy S6 includes a display screen.

29.    The Samsung Galaxy S6 includes a housing.

30.    The Samsung Galaxy S6 includes a 3-axis accelerometer.

31.    The Samsung Galaxy S6 includes a 3-axis gyroscope.

32.    The Samsung Galaxy S6 includes at least one printed circuit board ("PCB").

33.    The Samsung Galaxy S6 includes a 3-axis accelerometer attached to a PCB.

34.    The Samsung Galaxy S6 includes a 3-axis gyroscope attached to a PCB.

35.    The Samsung Galaxy S6 includes a 3-axis accelerometer that is capable of measuring accelerations.

36.    The Samsung Galaxy S6 includes a 3-axis gyroscope that is capable of measuring rotation rates.

37.      The Samsung Galaxy S6 includes a 3-axis accelerometer that is capable of measuring accelerations using a "Sensor Coordinate System" as described in the Android developer library. *See* https://developer.android.com/guide/topics/sensors/sensors_overview.html#sensors-coords (describing "Sensor Coordinate System").

38.      The Samsung Galaxy S6 includes a 3-axis gyroscope that is capable of measuring rotation rates using a "Sensor Coordinate System."

39.      The Samsung Galaxy S6 includes a processor that is capable of processing data associated with measurement from a 3-axis accelerometer.

40.      The Samsung Galaxy S6 includes a processor that is capable of processing data associated with measurement from a 3-axis gyroscope.

41.      The Samsung Galaxy S6 runs an Android operating system.

42.      The Android operating system that runs on the Samsung Galaxy S6 uses the measurement from a 3-axis accelerometer included in the device.

43.      The Android operating system that runs on the Samsung Galaxy S6 uses the measurement from a 3-axis gyroscope included in the device.

44.      The Android operating system that runs on the Samsung Galaxy S6 uses the measurement from a 3-axis accelerometer and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

45.      The Samsung Galaxy S6 Edge includes a display screen.

46.      The Samsung Galaxy S6 Edge includes a housing.

47.      The Samsung Galaxy S6 Edge includes a 3-axis accelerometer.

48.      The Samsung Galaxy S6 Edge includes a 3-axis gyroscope.

49.     The Samsung Galaxy S6 Edge includes at least one .

50.     The Samsung Galaxy S6 Edge includes a 3-axis accelerometer attached to a PCB.

51.     The Samsung Galaxy S6 Edge includes a 3-axis gyroscope attached to a PCB.

52.     The Samsung Galaxy S6 Edge includes a 3-axis accelerometer that is capable of measuring accelerations.

53.     The Samsung Galaxy S6 Edge includes a 3-axis gyroscope that is capable of measuring rotation rates.

54.     The Samsung Galaxy S6 Edge includes a 3-axis accelerometer that is capable of measuring accelerations using a "Sensor Coordinate System" as described in the Android developer library. *See* https://developer.android.com/guide/topics/sensors/sensors_overview.html#sensors-coords (describing "Sensor Coordinate System").

55.     The Samsung Galaxy S6 Edge includes a 3-axis gyroscope that is capable of measuring rotation rates using a "Sensor Coordinate System."

56.     The Samsung Galaxy S6 Edge includes a processor that is capable of processing data associated with measurement from a 3-axis accelerometer.

57.     The Samsung Galaxy S6 Edge includes a processor that is capable of processing data associated with measurement from a 3-axis gyroscope.

58.     The Samsung Galaxy S6 Edge runs an Android operating system.

59.     The Android operating system that runs on the Samsung Galaxy S6 Edge uses the measurement from a 3-axis accelerometer included in the device.

60.     The Android operating system that runs on the Samsung Galaxy S6 Edge uses the measurement from a 3-axis gyroscope included in the device.

61.     The Android operating system that runs on the Samsung Galaxy S6 Edge uses the measurement from a 3-axis accelerometer and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

62.     The Samsung Galaxy S6 Edge+ includes a display screen.

63.     The Samsung Galaxy S6 Edge+ includes a housing.

64.     The Samsung Galaxy S6 Edge+ includes a 3-axis accelerometer.

65.     The Samsung Galaxy S6 Edge+ includes a 3-axis gyroscope.

66.     The Samsung Galaxy S6 Edge+ includes at least one .

67.     The Samsung Galaxy S6 Edge+ includes a 3-axis accelerometer attached to a PCB.

68.     The Samsung Galaxy S6 Edge+ includes a 3-axis gyroscope attached to a PCB.

69.     The Samsung Galaxy S6 Edge+ includes a 3-axis accelerometer that is capable of measuring accelerations.

70.     The Samsung Galaxy S6 Edge+ includes a 3-axis gyroscope that is capable of measuring rotation rates.

71.     The Samsung Galaxy S6 Edge+ includes a 3-axis accelerometer that is capable of measuring accelerations using a "Sensor Coordinate System" as described in the Android developer library. *See* https://developer.android.com/guide/topics/sensors/sensors_overview.html#sensors-coords (describing "Sensor Coordinate System").

72.     The Samsung Galaxy S6 Edge+ includes a 3-axis gyroscope that is capable of measuring rotation rates using a "Sensor Coordinate System."

73.     The Samsung Galaxy S6 Edge+ includes a processor that is capable of processing

data associated with measurement from a 3-axis accelerometer.

74.     The Samsung Galaxy S6 Edge+ includes a processor that is capable of processing data associated with measurement from a 3-axis gyroscope.

75.     The Samsung Galaxy S6 Edge+ runs an Android operating system.

76.     The Android operating system that runs on the Samsung Galaxy S6 Edge+ uses the measurement from a 3-axis accelerometer included in the device.

77.     The Android operating system that runs on the Samsung Galaxy S6 Edge+ uses the measurement from a 3-axis gyroscope included in the device.

78.     The Android operating system that runs on the Samsung Galaxy S6 Edge+ uses the measurement from a 3-axis accelerometer and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

79.     The Samsung Galaxy S6 Active includes a display screen.

80.     The Samsung Galaxy S6 Active includes a housing.

81.     The Samsung Galaxy S6 Active includes a 3-axis accelerometer.

82.     The Samsung Galaxy S6 Active includes a 3-axis gyroscope.

83.     The Samsung Galaxy S6 Active includes at least one .

84.     The Samsung Galaxy S6 Active includes a 3-axis accelerometer attached to a PCB.

85.     The Samsung Galaxy S6 Active includes a 3-axis gyroscope attached to a PCB.

86.     The Samsung Galaxy S6 Active includes a 3-axis accelerometer that is capable of measuring accelerations.

87.     The Samsung Galaxy S6 Active includes a 3-axis gyroscope that is capable of measuring rotation rates.

88.     The Samsung Galaxy S6 Active includes a 3-axis accelerometer that is capable of measuring accelerations using a "Sensor Coordinate System" as described in the Android developer library. *See* https://developer.android.com/guide/topics/sensors/sensors_overview.html#sensors-coords (describing "Sensor Coordinate System").

89.     The Samsung Galaxy S6 Active includes a 3-axis gyroscope that is capable of measuring rotation rates using a "Sensor Coordinate System."

90.     The Samsung Galaxy S6 Active includes a processor that is capable of processing data associated with measurement from a 3-axis accelerometer.

91.     The Samsung Galaxy S6 Active includes a processor that is capable of processing data associated with measurement from a 3-axis gyroscope.

92.     The Samsung Galaxy S6 Active runs an Android operating system.

93.     The Android operating system that runs on the Samsung Galaxy S6 Active uses the measurement from a 3-axis accelerometer included in the device.

94.     The Android operating system that runs on the Samsung Galaxy S6 Active uses the measurement from a 3-axis gyroscope included in the device.

95.     The Android operating system that runs on the Samsung Galaxy S6 Active uses the measurement from a 3-axis accelerometer and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

96.     The Samsung Galaxy S7 includes a display screen.

97.     The Samsung Galaxy S7 includes a housing.

98.     The Samsung Galaxy S7 includes a 3-axis accelerometer.

99.     The Samsung Galaxy S7 includes a 3-axis gyroscope.

100.     The Samsung Galaxy S7 includes at least one .

101.     The Samsung Galaxy S7 includes a 3-axis accelerometer attached to a PCB.

102.     The Samsung Galaxy S7 includes a 3-axis gyroscope attached to a PCB.

103.     The Samsung Galaxy S7 includes a 3-axis accelerometer that is capable of measuring accelerations.

104.     The Samsung Galaxy S7 includes a 3-axis gyroscope that is capable of measuring rotation rates.

105.     The Samsung Galaxy S7 includes a 3-axis accelerometer that is capable of measuring accelerations using a "Sensor Coordinate System" as described in the Android developer library. *See* https://developer.android.com/guide/topics/sensors/sensors_overview.html#sensors-coords (describing "Sensor Coordinate System").

106.     The Samsung Galaxy S7 includes a 3-axis gyroscope that is capable of measuring rotation rates using a "Sensor Coordinate System."

107.     The Samsung Galaxy S7 includes a processor that is capable of processing data associated with measurement from a 3-axis accelerometer.

108.     The Samsung Galaxy S7 includes a processor that is capable of processing data associated with measurement from a 3-axis gyroscope.

109.     The Samsung Galaxy S7 runs an Android operating system.

110.     The Android operating system that runs on the Samsung Galaxy S7 uses the measurement from a 3-axis accelerometer included in the device.

111.     The Android operating system that runs on the Samsung Galaxy S7 uses the measurement from a 3-axis gyroscope included in the device.

112.    The Android operating system that runs on the Samsung Galaxy S7 uses the measurement from a 3-axis accelerometer and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

113.    The Samsung Galaxy S7 Edge includes a display screen.

114.    The Samsung Galaxy S7 Edge includes a housing.

115.    The Samsung Galaxy S7 Edge includes a 3-axis accelerometer.

116.    The Samsung Galaxy S7 Edge includes a 3-axis gyroscope.

117.    The Samsung Galaxy S7 Edge includes at least one .

118.    The Samsung Galaxy S7 Edge includes a 3-axis accelerometer attached to a PCB.

119.    The Samsung Galaxy S7 Edge includes a 3-axis gyroscope attached to a PCB.

120.    The Samsung Galaxy S7 Edge includes a 3-axis accelerometer that is capable of measuring accelerations.

121.    The Samsung Galaxy S7 Edge includes a 3-axis gyroscope that is capable of measuring rotation rates.

122.    The Samsung Galaxy S7 Edge includes a 3-axis accelerometer that is capable of measuring accelerations using a "Sensor Coordinate System" as described in the Android developer library. *See* https://developer.android.com/guide/topics/sensors/sensors_overview.html#sensors-coords (describing "Sensor Coordinate System").

123.    The Samsung Galaxy S7 Edge includes a 3-axis gyroscope that is capable of measuring rotation rates using a "Sensor Coordinate System."

124.    The Samsung Galaxy S7 Edge includes a processor that is capable of processing data associated with measurement from a 3-axis accelerometer.

125.     The Samsung Galaxy S7 Edge includes a processor that is capable of processing data associated with measurement from a 3-axis gyroscope.

126.     The Samsung Galaxy S7 Edge runs an Android operating system.

127.     The Android operating system that runs on the Samsung Galaxy S7 Edge uses the measurement from a 3-axis accelerometer included in the device.

128.     The Android operating system that runs on the Samsung Galaxy S7 Edge uses the measurement from a 3-axis gyroscope included in the device.

129.     The Android operating system that runs on the Samsung Galaxy S7 Edge uses the measurement from a 3-axis accelerometer and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

130.     The Samsung Galaxy S7 Active includes a display screen.

131.     The Samsung Galaxy S7 Active includes a housing.

132.     The Samsung Galaxy S7 Active includes a 3-axis accelerometer.

133.     The Samsung Galaxy S7 Active includes a 3-axis gyroscope.

134.     The Samsung Galaxy S7 Active includes at least one .

135.     The Samsung Galaxy S7 Active includes a 3-axis accelerometer attached to a PCB.

136.     The Samsung Galaxy S7 Active includes a 3-axis gyroscope attached to a PCB.

137.     The Samsung Galaxy S7 Active includes a 3-axis accelerometer that is capable of measuring accelerations.

138.     The Samsung Galaxy S7 Active includes a 3-axis gyroscope that is capable of measuring rotation rates.

139.     The Samsung Galaxy S7 Active includes a 3-axis accelerometer that is capable of

measuring accelerations using a "Sensor Coordinate System" as described in the Android

developer library. *See*

https://developer.android.com/guide/topics/sensors/sensors_overview.html#sensors-coords

(describing "Sensor Coordinate System").

140. The Samsung Galaxy S7 Active includes a 3-axis gyroscope that is capable of measuring rotation rates using a "Sensor Coordinate System."

141. The Samsung Galaxy S7 Active includes a processor that is capable of processing data associated with measurement from a 3-axis accelerometer.

142. The Samsung Galaxy S7 Active includes a processor that is capable of processing data associated with measurement from a 3-axis gyroscope.

143. The Samsung Galaxy S7 Active runs an Android operating system.

144. The Android operating system that runs on the Samsung Galaxy S7 Active uses the measurement from a 3-axis accelerometer included in the device.

145. The Android operating system that runs on the Samsung Galaxy S7 Active uses the measurement from a 3-axis gyroscope included in the device.

146. The Android operating system that runs on the Samsung Galaxy S7 Active uses the measurement from a 3-axis accelerometer and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

147. The Samsung Galaxy Note5 includes a display screen.

148. The Samsung Galaxy Note5 includes a housing.

149. The Samsung Galaxy Note5 includes a 3-axis accelerometer.

150. The Samsung Galaxy Note5 includes a 3-axis gyroscope.

151. The Samsung Galaxy Note5 includes at least one .

152.    The Samsung Galaxy Note5 includes a 3-axis accelerometer attached to a PCB.

153.    The Samsung Galaxy Note5 includes a 3-axis gyroscope attached to a PCB.

154.    The Samsung Galaxy Note5 includes a 3-axis accelerometer that is capable of measuring accelerations.

155.    The Samsung Galaxy Note5 includes a 3-axis gyroscope that is capable of measuring rotation rates.

156.    The Samsung Galaxy Note5 includes a 3-axis accelerometer that is capable of measuring accelerations using a "Sensor Coordinate System" as described in the Android developer library. *See*

https://developer.android.com/guide/topics/sensors/sensors_overview.html#sensors-coords

(describing "Sensor Coordinate System").

157.    The Samsung Galaxy Note5 includes a 3-axis gyroscope that is capable of measuring rotation rates using a "Sensor Coordinate System."

158.    The Samsung Galaxy Note5 includes a processor that is capable of processing data associated with measurement from a 3-axis accelerometer.

159.    The Samsung Galaxy Note5 includes a processor that is capable of processing data associated with measurement from a 3-axis gyroscope.

160.    The Samsung Galaxy Note5 runs an Android operating system.

161.    The Android operating system that runs on the Samsung Galaxy Note5 uses the measurement from a 3-axis accelerometer included in the device.

162.    The Android operating system that runs on the Samsung Galaxy Note5 uses the measurement from a 3-axis gyroscope included in the device.

163.    The Android operating system that runs on the Samsung Galaxy Note5 uses the

measurement from a 3-axis accelerometer and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

164.    The Samsung Galaxy Tab S2 8.0 includes a display screen.

165.    The Samsung Galaxy Tab S2 8.0 includes a housing.

166.    The Samsung Galaxy Tab S2 8.0 includes a 3-axis accelerometer.

167.    The Samsung Galaxy Tab S2 8.0 includes a 3-axis gyroscope.

168.    The Samsung Galaxy Tab S2 8.0 includes at least one .

169.    The Samsung Galaxy Tab S2 8.0 includes a 3-axis accelerometer attached to a PCB.

170.    The Samsung Galaxy Tab S2 8.0 includes a 3-axis gyroscope attached to a PCB.

171.    The Samsung Galaxy Tab S2 8.0 includes a 3-axis accelerometer that is capable of measuring accelerations.

172.    The Samsung Galaxy Tab S2 8.0 includes a 3-axis gyroscope that is capable of measuring rotation rates.

173.    The Samsung Galaxy Tab S2 8.0 includes a 3-axis accelerometer that is capable of measuring accelerations using a "Sensor Coordinate System" as described in the Android developer library. *See*

https://developer.android.com/guide/topics/sensors/sensors_overview.html#sensors-coords (describing "Sensor Coordinate System").

174.    The Samsung Galaxy Tab S2 8.0 includes a 3-axis gyroscope that is capable of measuring rotation rates using a "Sensor Coordinate System."

175.    The Samsung Galaxy Tab S2 8.0 includes a processor that is capable of processing data associated with measurement from a 3-axis accelerometer.

176.    The Samsung Galaxy Tab S2 8.0 includes a processor that is capable of processing data associated with measurement from a 3-axis gyroscope.

177.    The Samsung Galaxy Tab S2 8.0 runs an Android operating system.

178.    The Android operating system that runs on the Samsung Galaxy Tab S2 8.0 uses the measurement from a 3-axis accelerometer included in the device.

179.    The Android operating system that runs on the Samsung Galaxy Tab S2 8.0 uses the measurement from a 3-axis gyroscope included in the device.

180.    The Android operating system that runs on the Samsung Galaxy Tab S2 8.0 uses the measurement from a 3-axis accelerometer and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

181.    The Samsung Galaxy Tab S2 9.7 includes a display screen.

182.    The Samsung Galaxy Tab S2 9.7 includes a housing.

183.    The Samsung Galaxy Tab S2 9.7 includes a 3-axis accelerometer.

184.    The Samsung Galaxy Tab S2 9.7 includes a 3-axis gyroscope.

185.    The Samsung Galaxy Tab S2 9.7 includes at least one .

186.    The Samsung Galaxy Tab S2 9.7 includes a 3-axis accelerometer attached to a PCB.

187.    The Samsung Galaxy Tab S2 9.7 includes a 3-axis gyroscope attached to a PCB.

188.    The Samsung Galaxy Tab S2 9.7 includes a 3-axis accelerometer that is capable of measuring accelerations.

189.    The Samsung Galaxy Tab S2 9.7 includes a 3-axis gyroscope that is capable of measuring rotation rates.

190.    The Samsung Galaxy Tab S2 9.7 includes a 3-axis accelerometer that is capable

of measuring accelerations using a "Sensor Coordinate System" as described in the Android

developer library. *See*

https://developer.android.com/guide/topics/sensors/sensors_overview.html#sensors-coords

(describing "Sensor Coordinate System").

191.    The Samsung Galaxy Tab S2 9.7 includes a 3-axis gyroscope that is capable of

measuring rotation rates using a "Sensor Coordinate System."

192.    The Samsung Galaxy Tab S2 9.7 includes a processor that is capable of

processing data associated with measurement from a 3-axis accelerometer.

193.    The Samsung Galaxy Tab S2 9.7 includes a processor that is capable of

processing data associated with measurement from a 3-axis gyroscope.

194.    The Samsung Galaxy Tab S2 9.7 runs an Android operating system.

195.    The Android operating system that runs on the Samsung Galaxy Tab S2 9.7 uses

the measurement from a 3-axis accelerometer included in the device.

196.    The Android operating system that runs on the Samsung Galaxy Tab S2 9.7 uses

the measurement from a 3-axis gyroscope included in the device.

197.    The Android operating system that runs on the Samsung Galaxy Tab S2 9.7 uses

the measurement from a 3-axis accelerometer and the measurement from a 3-axis gyroscope to

calculate an attitude of the device.

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**PATENT INFRINGEMENT OF U.S. PATENT NO. 8,552,978**

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198.    Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-197 as

though fully set forth herein.

199.    The '978 Patent, titled "3D Pointing Device and Method for Compensating

Rotations of the 3D Pointing Device Thereof," was duly and legally issued by the United States

Patent and Trademark Office on October 8, 2013 to CyWee Group Limited, as assignee of named inventors Zhou Ye, Chin-Lung Li, and Shun-Nan Liou.

200.    CyWee is the owner of all right, title, and interest in and to the '978 Patent with full right to bring suit to enforce the patent, including the right to recover for past infringement damages.

201.    Each and every claim of the '978 Patent is valid and enforceable and each enjoys a statutory presumption of validity separate, apart, and in addition to the statutory presumption of validity enjoyed by every other of its claims. 35 U.S.C. § 282.

202.    CyWee is informed and believes, and thereupon alleges, that Samsung has been, and is currently directly and/or indirectly infringing one or more claims of the '978 Patent in violation of 35 U.S.C. § 271, including as stated below.

203.    CyWee is informed and believes, and thereupon alleges, that Samsung has directly infringed, literally and/or under the doctrine of equivalents, and will continue to directly infringe claims of the '978 Patent by making, using, selling, offering to sell, and/or importing into the United States products that embody or practice the apparatus and/or method covered by one or more claims of the '978 Patent, including but not limited to Defendants' devices such as Galaxy S6, Galaxy S6 Edge, Galaxy S6 Edge+, Galaxy S6 Active, Galaxy S7, Galaxy S7 Edge, Galaxy S7 Active, Galaxy Note5, Galaxy Tab S2 8.0, Galaxy Tab S2 9.7 (collectively referred to as "'978 Accused Products").

204.    CyWee adopts, and incorporates by reference, as if fully stated herein, the attached claim chart for claim 10 of the '978 Patent, which is attached hereto as Exhibit B. The claim chart describes and demonstrates how Samsung infringes the '978 Patent. In addition, CyWee alleges that Samsung infringes one or more additional claims of the '978 Patent in a

similar manner.

205.   Samsung has had knowledge of and notice of the '978 Patent and Samsung's infringement of the '978 Patent since at least as early as June 2016. In June 2016, CyWee disclosed several patents, including the '978 Patent, in pre-suit licensing discussions with Samsung. Samsung also has knowledge and notice of its infringement of the '978 Patent as a result of the complaint filed in this case. Samsung's infringement of the '978 Patent has been and continues to be willful and deliberate.

206.   Samsung has and is continuing to actively and knowingly induce, with specific intent, infringement of the '978 Patent under 35 U.S.C. § 271(b) by making, using, offering for sale, importing, and/or selling '978 Accused Products, all with knowledge of the '978 Patent and its claims. As a result of discussions starting in June 2016, Samsung understands that its activities cause others—including distributors, resellers, and end users—to infringe the '978 Patent. Samsung encourages and facilitates infringing sales and uses of its products through the creation and dissemination of those products, promotional and marketing materials, product manuals, instructions, and/or technical materials to distributors, resellers, and end users.

207.   Defendants' acts of infringement have caused and will continue to cause substantial and irreparable damage to CyWee.

208.   As a result of Defendants' infringement of the '978 Patent, CyWee has been damaged. CyWee is, therefore, entitled to such damages pursuant to 35 U.S.C. § 284 in an amount that presently cannot be pled but that will be determined at trial.

209.   The Samsung Galaxy S6 includes a 3-axis geomagnetic sensor.

210.   The Samsung Galaxy S6 includes a 3-axis geomagnetic sensor that is capable of measuring a geomagnetic field.

211.     The Samsung Galaxy S6 includes a 3-axis geomagnetic field sensor to measure a geomagnetic field using a "Sensor Coordinate System." *See* https://developer.android.com/guide/topics/sensors/sensors_overview.html#sensors-coords (describing "Sensor Coordinate System").

212.     The Android operating system that runs on the Samsung Galaxy S6 uses the measurement from a 3-axis geomagnetic sensor included in the device.

213.     The Android operating system that runs on the Samsung Galaxy S6 uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

214.     The Android operating system that runs on the Samsung Galaxy S6 uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device that can be represented by an azimuth angle, a pitch angle, and a roll angle.

215.     The Samsung Galaxy S6 has the ability to directly control apps by moving or rotating the device (for example, racing game apps).

216.     The Samsung Galaxy S6 has the ability to run apps that can provide information based on the direction your device is facing, such as a map or navigation app.

217.     The Samsung Galaxy S6 Edge includes a 3-axis geomagnetic sensor.

218.     The Samsung Galaxy S6 Edge includes a 3-axis geomagnetic sensor that is capable of measuring a geomagnetic field.

219.     The Samsung Galaxy S6 Edge includes a 3-axis geomagnetic field sensor to measure a geomagnetic field using a "Sensor Coordinate System." *See* https://developer.android.com/guide/topics/sensors/sensors_overview.html#sensors-coords

(describing "Sensor Coordinate System").

220.     The Android operating system that runs on the Samsung Galaxy S6 Edge uses the measurement from a 3-axis geomagnetic sensor included in the device.

221.     The Android operating system that runs on the Samsung Galaxy S6 Edge uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

222.     The Android operating system that runs on the Samsung Galaxy S6 Edge uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device that can be represented by an azimuth angle, a pitch angle, and a roll angle.

223.     The Samsung Galaxy S6 Edge has the ability to directly control apps by moving or rotating the device (for example, racing game apps).

224.     The Samsung Galaxy S6 Edge has the ability to run apps that can provide information based on the direction your device is facing, such as a map or navigation app.

225.     The Samsung Galaxy S6 Edge+ includes a 3-axis geomagnetic sensor.

226.     The Samsung Galaxy S6 Edge+ includes a 3-axis geomagnetic sensor that is capable of measuring a geomagnetic field.

227.     The Samsung Galaxy S6 Edge+ includes a 3-axis geomagnetic field sensor to measure a geomagnetic field using a "Sensor Coordinate System." *See* https://developer.android.com/guide/topics/sensors/sensors_overview.html#sensors-coords (describing "Sensor Coordinate System").

228.     The Android operating system that runs on the Samsung Galaxy S6 Edge+ uses the measurement from a 3-axis geomagnetic sensor included in the device.

229.     The Android operating system that runs on the Samsung Galaxy S6 Edge+ uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

230.     The Android operating system that runs on the Samsung Galaxy S6 Edge+ uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device that can be represented by an azimuth angle, a pitch angle, and a roll angle.

231.     The Samsung Galaxy S6 Edge+ has the ability to directly control apps by moving or rotating the device (for example, racing game apps).

232.     The Samsung Galaxy S6 Edge+ has the ability to run apps that can provide information based on the direction your device is facing, such as a map or navigation app.

233.     The Samsung Galaxy S6 Active includes a 3-axis geomagnetic sensor.

234.     The Samsung Galaxy S6 Active includes a 3-axis geomagnetic sensor that is capable of measuring a geomagnetic field.

235.     The Samsung Galaxy S6 Active includes a 3-axis geomagnetic field sensor to measure a geomagnetic field using a "Sensor Coordinate System." *See* https://developer.android.com/guide/topics/sensors/sensors_overview.html#sensors-coords (describing "Sensor Coordinate System").

236.     The Android operating system that runs on the Samsung Galaxy S6 Active uses the measurement from a 3-axis geomagnetic sensor included in the device.

237.     The Android operating system that runs on the Samsung Galaxy S6 Active uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

238.     The Android operating system that runs on the Samsung Galaxy S6 Active uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device that can be represented by an azimuth angle, a pitch angle, and a roll angle.

239.     The Samsung Galaxy S6 Active has the ability to directly control apps by moving or rotating the device (for example, racing game apps).

240.     The Samsung Galaxy S6 Active has the ability to run apps that can provide information based on the direction your device is facing, such as a map or navigation app.

241.     The Samsung Galaxy S7 includes a 3-axis geomagnetic sensor.

242.     The Samsung Galaxy S7 includes a 3-axis geomagnetic sensor that is capable of measuring a geomagnetic field.

243.     The Samsung Galaxy S7 includes a 3-axis geomagnetic field sensor to measure a geomagnetic   field   using   a   "Sensor   Coordinate   System."   *See* https://developer.android.com/guide/topics/sensors/sensors_overview.html#sensors-coords (describing "Sensor Coordinate System").

244.     The Android operating system that runs on the Samsung Galaxy S7 uses the measurement from a 3-axis geomagnetic sensor included in the device.

245.     The Android operating system that runs on the Samsung Galaxy S7 uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

246.     The Android operating system that runs on the Samsung Galaxy S7 uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device that

can be represented by an azimuth angle, a pitch angle, and a roll angle.

247.     The Samsung Galaxy S7 has the ability to directly control apps by moving or rotating the device (for example, racing game apps).

248.     The Samsung Galaxy S7 has the ability to run apps that can provide information based on the direction your device is facing, such as a map or navigation app.

249.     The Samsung Galaxy S7 Edge includes a 3-axis geomagnetic sensor.

250.     The Samsung Galaxy S7 Edge includes a 3-axis geomagnetic sensor that is capable of measuring a geomagnetic field.

251.     The Samsung Galaxy S7 Edge includes a 3-axis geomagnetic field sensor to measure a geomagnetic field using a "Sensor Coordinate System." *See* https://developer.android.com/guide/topics/sensors/sensors_overview.html#sensors-coords (describing "Sensor Coordinate System").

252.     The Android operating system that runs on the Samsung Galaxy S7 Edge uses the measurement from a 3-axis geomagnetic sensor included in the device.

253.     The Android operating system that runs on the Samsung Galaxy S7 Edge uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

254.     The Android operating system that runs on the Samsung Galaxy S7 Edge uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device that can be represented by an azimuth angle, a pitch angle, and a roll angle.

255.     The Samsung Galaxy S7 Edge has the ability to directly control apps by moving or rotating the device (for example, racing game apps).

256.    The Samsung Galaxy S7 Edge has the ability to run apps that can provide information based on the direction your device is facing, such as a map or navigation app.

257.    The Samsung Galaxy S7 Active includes a 3-axis geomagnetic sensor.

258.    The Samsung Galaxy S7 Active includes a 3-axis geomagnetic sensor that is capable of measuring a geomagnetic field.

259.    The Samsung Galaxy S7 Active includes a 3-axis geomagnetic field sensor to measure    a    geomagnetic    field    using    a    "Sensor    Coordinate    System."    *See* https://developer.android.com/guide/topics/sensors/sensors_overview.html#sensors-coords (describing "Sensor Coordinate System").

260.    The Android operating system that runs on the Samsung Galaxy S7 Active uses the measurement from a 3-axis geomagnetic sensor included in the device.

261.    The Android operating system that runs on the Samsung Galaxy S7 Active uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

262.    The Android operating system that runs on the Samsung Galaxy S7 Active uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device that can be represented by an azimuth angle, a pitch angle, and a roll angle.

263.    The Samsung Galaxy S7 Active has the ability to directly control apps by moving or rotating the device (for example, racing game apps).

264.    The Samsung Galaxy S7 Active has the ability to run apps that can provide information based on the direction your device is facing, such as a map or navigation app.

265.    The Samsung Galaxy Note5 includes a 3-axis geomagnetic sensor.

266.    The Samsung Galaxy Note5 includes a 3-axis geomagnetic sensor that is capable of measuring a geomagnetic field.

267.    The Samsung Galaxy Note5 includes a 3-axis geomagnetic field sensor to measure a geomagnetic field using a "Sensor Coordinate System." *See* https://developer.android.com/guide/topics/sensors/sensors_overview.html#sensors-coords (describing "Sensor Coordinate System").

268.    The Android operating system that runs on the Samsung Galaxy Note5 uses the measurement from a 3-axis geomagnetic sensor included in the device.

269.    The Android operating system that runs on the Samsung Galaxy Note5 uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

270.    The Android operating system that runs on the Samsung Galaxy Note5 uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device that can be represented by an azimuth angle, a pitch angle, and a roll angle.

271.    The Samsung Galaxy Note5 has the ability to directly control apps by moving or rotating the device (for example, racing game apps).

272.    The Samsung Galaxy Note5 has the ability to run apps that can provide information based on the direction your device is facing, such as a map or navigation app.

273.    The Samsung Galaxy Tab S2 8.0 includes a 3-axis geomagnetic sensor.

274.    The Samsung Galaxy Tab S2 8.0 includes a 3-axis geomagnetic sensor that is capable of measuring a geomagnetic field.

275.    The Samsung Galaxy Tab S2 8.0 includes a 3-axis geomagnetic field sensor to

measure a geomagnetic field using a "Sensor Coordinate System." *See* https://developer.android.com/guide/topics/sensors/sensors_overview.html#sensors-coords (describing "Sensor Coordinate System").

276.    The Android operating system that runs on the Samsung Galaxy Tab S2 8.0 uses the measurement from a 3-axis geomagnetic sensor included in the device.

277.    The Android operating system that runs on the Samsung Galaxy Tab S2 8.0 uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

278.    The Android operating system that runs on the Samsung Galaxy Tab S2 8.0 uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device that can be represented by an azimuth angle, a pitch angle, and a roll angle.

279.    The Samsung Galaxy Tab S2 8.0 has the ability to directly control apps by moving or rotating the device (for example, racing game apps).

280.    The Samsung Galaxy Tab S2 8.0 has the ability to run apps that can provide information based on the direction your device is facing, such as a map or navigation app.

281.    The Samsung Galaxy Tab S2 9.7 includes a 3-axis geomagnetic sensor.

282.    The Samsung Galaxy Tab S2 9.7 includes a 3-axis geomagnetic sensor that is capable of measuring a geomagnetic field.

283.    The Samsung Galaxy Tab S2 9.7 includes a 3-axis geomagnetic field sensor to measure a geomagnetic field using a "Sensor Coordinate System." *See* https://developer.android.com/guide/topics/sensors/sensors_overview.html#sensors-coords (describing "Sensor Coordinate System").

284.     The Android operating system that runs on the Samsung Galaxy Tab S2 9.7 uses the measurement from a 3-axis geomagnetic sensor included in the device.

285.     The Android operating system that runs on the Samsung Galaxy Tab S2 9.7 uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

286.     The Android operating system that runs on the Samsung Galaxy Tab S2 9.7 uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device that can be represented by an azimuth angle, a pitch angle, and a roll angle.

287.     The Samsung Galaxy Tab S2 9.7 has the ability to directly control apps by moving or rotating the device (for example, racing game apps).

288.     The Samsung Galaxy Tab S2 9.7 has the ability to run apps that can provide information based on the direction your device is facing, such as a map or navigation app.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for entry of judgment against Defendants as follows:

A.     A judgment that Defendants have infringed and continue to infringe the '438 Patent and '978 Patent, directly and/or indirectly by way of inducing infringement of such patents as alleged herein;

B.     That Defendants provide to CyWee an accounting of all gains, profits and advantages derived by Defendants' infringement of the '438 Patent and '978 Patent, and that CyWee be awarded damages adequate to compensate them for the wrongful infringement by Defendants, including treble damages for willful infringement, in accordance with 35 U.S.C. § 284;

C.      That CyWee be awarded any other supplemental damages and interest on all damages, including, but not limited to, attorney fees available under 35 U.S.C. § 285;

D.      That the Court permanently enjoin Defendants and all those in privity with Defendants from making, having made, selling, offering for sale, distributing and/or using products that infringe the '438 Patent and '978 Patent, including the '438 Accused Products and/or '978 Accused Products, in the United States; and

E.      That CyWee be awarded such other and further relief and all remedies available at law.

## DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), CyWee hereby demands a trial by jury on all issues triable to a jury.

Dated: March 3, 2017

Respectfully submitted,

/s/ *Alfonso Garcia Chan*
Michael W. Shore (Texas 18294915)
Alfonso G. Chan (Texas 24012408)
Christopher Evans (Texas 24058901)
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Counsel for Plaintiff

## CERTIFICATE OF SERVICE

I certify that the foregoing document has been served, via Certified Mail, Return Receipt

Requested, upon Defendant Samsung Electronics America, Inc. at 85 Challenger Road,

Ridgefield Park, New Jersey 07660.

/s/ *Ari Rafilson*
Ari Rafilson