

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

| | | |
|-------------------------------------|---|---------------------------------------|
| TRAXCELL TECHNOLOGIES, LLC., |) | |
| Plaintiff, |) | |
| |) | Civil Action No. 2:17-cv-00045 |
| v. |) | |
| |) | |
| SAMSUNG ELECTRONICS |) | JURY TRIAL DEMANDED |
| AMERICA, INC., |) | |
| Defendant. |) | |

PLAINTIFF’S SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Traxcell Technologies, LLC. (“Traxcell”) files this Second Amended Complaint and demand for jury trial seeking relief from patent infringement by Samsung Electronics America, Inc. (“Samsung America”) pursuant to Rule 15(a)(1)(b) of the Federal Rules of Civil Procedure, alleging as follows:

I. THE PARTIES

1. Plaintiff Traxcell is a Texas Limited Liability Company, with its principal place of business located 1405 Municipal Ave., Suite 2305, Plano, TX 75074.

2. On information and belief, Samsung Electronics America, Inc. (“Samsung America”) is a corporation organized and existing under the laws of the state of New York, maintains its principal place of business at 85 Challenger Road, Ridgefield Park, NJ 07660, and has a registered agent for service of process at CT Corporation System, located at 1999 Bryan Street, Suite 900, Dallas, TX 75201. On information and belief, Samsung America sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing processes into the stream of commerce knowing that they would be sold in Texas and this judicial district. Samsung appeared in this matter.

II. JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the U.S., 35 U.S.C. §§ 1 et. seq. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant Samsung America because: Samsung America is present within or has minimum contacts within the State of Texas and this judicial district; Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; Defendant regularly conducts business within the State of Texas and within this judicial district; and Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this judicial district.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b). On information and belief, Defendant conducts substantial business in this forum, directly or through intermediaries, 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.

III. INFRINGEMENT ('320 Patent (attached as Exhibit A))

6. On November 29, 2016, U.S. Patent No. 9,510,320 ("the '320 patent"), attached as Exhibit A, entitled "Machine for Providing a Dynamic Database of Geographic Location Information for a Plurality of Wireless Devices and Process for Making Same" was duly and legally issued by the U.S. Patent and Trademark Office. Traxcell owns the '320 patent by assignment.

7. The '320 Patent's Abstract states, "For a wireless network, a tuning system in which mobile phones using the network are routinely located. With the location of the mobile phones identified, load adjustments for the system are easily accomplished so that the wireless network is not subject

to an overload situation. Ideally the location of the mobile phones is accomplished whether the mobile phones are transmitting voice data or not.”

8. Samsung America makes, uses, offers to sell, or sells within or imports into the U.S. wireless networks, wireless-network components, and related services that use identified locations of wireless devices to perform adjustments such that Samsung America infringes claims 1–6 of the '320 patent, literally or under the doctrine of equivalents. Samsung's Control systems such as Smart Scheduler; Smart Database; Stackable eNodeB; Smart LTE; Samsung's LTE eNodeB (eNB); Single RAN Controller; Digital Unit (or Baseband Unit); Multi-Standard Base Station; Transmit Power Control and Antenna tilt optimization; Smart Scheduler controls; Automatic Neighbor Relation; Smart SON; Samsung's PS-LTE; Deep Packet Inspection (DPI); 2G/3G Serving GPRS Support Node (SGSN); LTE Mobility Management Entity (MME); Smart eMBMS; Smart HetNet; Centralized-RAN (C-RAN2.0); In-Building Solutions; Samsung LTE-U Solution; Mobile Packet Core; Samsung Wi Fi for Business; Mobile Device Management (MDM), SSO, and VPN solutions; Samsung SMART Signage Platform (SSP); Samsung Self Optimization (SSO); Samsung AirMove uses LTE handover technology; Smart Samsung WLAN Solution; Voice Aware Traffic Scheduling; AirEqualizer; Wireless Enterprise Communication Manager; Samsung WLAN Manager(WEM); WLAN Controllers WEC8500 & WEC8050; WLAN Self Organizing Network (SON); Samsung WLAN Controller; Network Functions Virtualization (NFV); CognitiV Cloud Manager System; CognitiV Analytic; Cloud & NFV (AdaptiV); Interference Mitigation Solution (Cluster Controller); Evolved Packet Core (EPC); P-Gateway and Multi Path TCPGateway; Samsung AirMover; Voice Aware Traffic Scheduling; Samsung Communication Manager IPX-S500 for Business; Switch IES-4024GP; Switch IES-4028FP; Wall

Plate Access Point WDS-A412H; and/or, WLAN Controller, directly or contributorily infringe when used with

a WCD or handset such as Samsung Galaxy S8; Samsung Galaxy-S7; Samsung Galaxy S6; Samsung Galaxy J3; Samsung Continuum i400 for Business; Samsung Galaxy Appeal for Business; Samsung Galaxy Core Prime; Samsung Galaxy Exhilarate for Business; Samsung Galaxy Express; Samsung Galaxy Grand Prime; Samsung Galaxy Tab S; Galaxy Tab A; Samsung Gear; and/or the like when using

a transceiver with an antennae, such as with one or more of the Small Cell Gateway(SC-GW); Home/SOHO cell; Micro cell and Macro cell products; Samsung's Enterprise cells; Enterprise WiFi Access Points (AP); WLAN Access Point WEA302 for Business; and/or WLAN Access Point and

a second computer coupled to the first computer with an access flag such as with voice-over-LTE (VoLTE); IoT Gateway or Solution; LoRaWAN technology; LTE Radio Access Solution; NB-IoT and LTE-M; Dynamic Power Amplifier; Smart Cache; IMS, eMBMS, virtualized EPC and PTT server; GPRS Support Node (GGSN); LTE Serving and Packet Gateways (S-GW/P-GW); Knox Customization; and/or Knox Workspace.

9. Defendant put the inventions claimed by the '320 Patent into service (i.e., used them); but for Defendant's actions, the claimed-inventions embodiments involving Defendant's products and services would never have been put into service. Defendant's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant obtaining monetary and commercial benefit from it.

10. Samsung America has and continues to induce infringement. Samsung America has actively encouraged or instructed others (e.g., its customers), and continues to do so, on how to

use its products and services (e.g., U.S. wireless networks, wireless-network components [e.g., Control systems such as Smart Scheduler; Smart Database; Stackable eNodeB; Smart LTE; Samsung's LTE eNodeB (eNB); Single RAN Controller; Digital Unit (or Baseband Unit); Multi-Standard Base Station; Transmit Power Control and Antenna tilt optimization; Smart Scheduler controls; Automatic Neighbor Relation; Smart SON; Samsung's PS-LTE; Deep Packet Inspection (DPI); 2G/3G Serving GPRS Support Node (SGSN); LTE Mobility Management Entity (MME); Smart eMBMS; Smart HetNet; Centralized-RAN (C-RAN2.0); In-Building Solutions; Samsung LTE-U Solution; Mobile Packet Core; Samsung Wi Fi for Business; Mobile Device Management (MDM), SSO, and VPN solutions; Samsung SMART Signage Platform (SSP); Samsung Self Optimization (SSO); Samsung AirMove uses LTE handover technology; Smart Samsung WLAN Solution; Voice Aware Traffic Scheduling; AirEqualizer; Wireless Enterprise Communication Manager; Samsung WLAN Manager(WEM); WLAN Controllers WEC8500 & WEC8050; WLAN Self Organizing Network (SON); Samsung WLAN Controller; Network Functions Virtualization (NFV); CognitiV Cloud Manager System; CognitiV Analytic; Cloud & NFV (AdaptiV); Interference Mitigation Solution (Cluster Controller); Evolved Packet Core (EPC); P-Gateway and Multi Path TCPGateway; Samsung AirMover; Voice Aware Traffic Scheduling; Samsung Communication Manager IPX-S500 for Business; Switch IES-4024GP; Switch IES-4028FP; Wall Plate Access Point WDS-A412H; and/or, WLAN Controller, directly or contributorily infringe when used with

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Galaxy Express; Samsung Galaxy Grand Prime; Samsung Galaxy Tab S; Galaxy Tab A; Samsung Gear; and/or the like when using

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11. Samsung America has caused and will continue to cause Traxcell damage by infringing (including inducing infringement of) the '320 patent.

IV. INFRINGEMENT ('284 Patent (attached as Exhibit B))

12. On March 10, 2015, U.S. Patent No. 8,977,284 ("the '284 patent"), attached as Exhibit B, entitled "Machine for Providing a Dynamic Database of Geographic Location Information for a

Plurality of Wireless Devices and Process for Making Same” was duly and legally issued by the U.S. Patent and Trademark Office. Traxcell owns the ’284 patent by assignment.

13. The ’284 Patent’s Abstract states, “For a wireless network, a tuning system in which mobile phones using the network are routinely located. With the location of the mobile phones identified, load adjustments for the system are easily accomplished so that the wireless network is not subject to an overload situation. Ideally the location of the mobile phones is accomplished whether the mobile phones are transmitting voice data or not.”

14. Samsung America makes, uses, offers to sell, or sells within or imports into the U.S. wireless networks, wireless-network components, and related services that use identified locations of wireless devices to perform adjustments such that Samsung America infringes one or more claims of the ’284 patent, including—for example—Claims 1 and 4, literally or under the doctrine of equivalents. Some examples of Control systems such as Smart Scheduler; Smart Database; Stackable eNodeB; Smart LTE; Samsung's LTE eNodeB (eNB); Single RAN Controller; Digital Unit (or Baseband Unit); Multi-Standard Base Station; Transmit Power Control and Antenna tilt optimization; Smart Scheduler controls; Automatic Neighbor Relation; Smart SON; Samsung’s PS-LTE; Deep Packet Inspection (DPI); 2G/3G Serving GPRS Support Node (SGSN); LTE Mobility Management Entity (MME); Smart eMBMS; Smart HetNet; Centralized-RAN (C-RAN2.0); In-Building Solutions; Samsung LTE-U Solution; Mobile Packet Core; Samsung Wi Fi for Business; Mobile Device Management (MDM), SSO, and VPN solutions; Samsung SMART Signage Platform (SSP); Samsung Self Optimization (SSO); Samsung AirMove uses LTE handover technology; Smart Samsung WLAN Solution; Voice Aware Traffic Scheduling; AirEqualizer; Wireless Enterprise Communication Manager; Samsung WLAN Manager(WEM); WLAN Controllers WEC8500 & WEC8050; WLAN Self Organizing Network (SON); Samsung

WLAN Controller; Network Functions Virtualization (NFV); CognitiV Cloud Manager System; CognitiV Analytic; Cloud & NFV (AdaptiV); Interference Mitigation Solution (Cluster Controller); Evolved Packet Core (EPC); P-Gateway and Multi Path TCPGateway; Samsung AirMover; Voice Aware Traffic Scheduling; Samsung Communication Manager IPX-S500 for Business; Switch IES-4024GP; Switch IES-4028FP; Wall Plate Access Point WDS-A412H; and/or, WLAN Controller, directly or contributorily infringe when used with

a WCD or handset such as Samsung Galaxy S8; Samsung Galaxy-S7; Samsung Galaxy S6; Samsung Galaxy J3; Samsung Continuum i400 for Business; Samsung Galaxy Appeal for Business; Samsung Galaxy Core Prime; Samsung Galaxy Exhilarate for Business; Samsung Galaxy Express; Samsung Galaxy Grand Prime; Samsung Galaxy Tab S; Galaxy Tab A; Samsung Gear; and/or the like when using

a transceiver with an antennae, such as with one or more of the Small Cell Gateway(SC-GW); Home/SOHO cell; Micro cell and Macro cell products; Samsung's Enterprise cells; Enterprise WiFi Access Points (AP); WLAN Access Point WEA302 for Business; and/or WLAN Access Point and

a second computer coupled to the first computer with an access flag such as with voice-over-LTE (VoLTE); IoT Gateway or Solution; LoRaWAN technology; LTE Radio Access Solution; NB-IoT and LTE-M; Dynamic Power Amplifier; Smart Cache; IMS, eMBMS, virtualized EPC and PTT server; GPRS Support Node (GGSN); LTE Serving and Packet Gateways (S-GW/P-GW); Knox Customization; and/or Knox Workspace. Defendant put the inventions claimed by the '284 Patent into service (i.e., used them); but for Defendant's actions, the claimed-inventions embodiments involving Defendant's products and services would never have been put into service. Defendant's acts complained of herein caused those claimed-invention

embodiments as a whole to perform, and Defendant obtaining monetary and commercial benefit from it.

15. Samsung America has and continues to induce infringement. Samsung America has actively encouraged or instructed others (e.g., its customers), and continues to do so, on how to use its products and services (e.g., Control systems such as Smart Scheduler; Smart Database; Stackable eNodeB; Smart LTE; Samsung's LTE eNodeB (eNB); Single RAN Controller; Digital Unit (or Baseband Unit); Multi-Standard Base Station; Transmit Power Control and Antenna tilt optimization; Smart Scheduler controls; Automatic Neighbor Relation; Smart SON; Samsung's PS-LTE; Deep Packet Inspection (DPI); 2G/3G Serving GPRS Support Node (SGSN); LTE Mobility Management Entity (MME); Smart eMBMS; Smart HetNet; Centralized-RAN (C-RAN2.0); In-Building Solutions; Samsung LTE-U Solution; Mobile Packet Core; Samsung Wi Fi for Business; Mobile Device Management (MDM), SSO, and VPN solutions; Samsung SMART Signage Platform (SSP); Samsung Self Optimization (SSO); Samsung AirMove uses LTE handover technology; Smart Samsung WLAN Solution; Voice Aware Traffic Scheduling; AirEqualizer; Wireless Enterprise Communication Manager; Samsung WLAN Manager(WEM); WLAN Controllers WEC8500 & WEC8050; WLAN Self Organizing Network (SON); Samsung WLAN Controller; Network Functions Virtualization (NFV); CognitiV Cloud Manager System; CognitiV Analytic; Cloud & NFV (AdaptiV); Interference Mitigation Solution (Cluster Controller); Evolved Packet Core (EPC); P-Gateway and Multi Path TCPGateway; Samsung AirMover; Voice Aware Traffic Scheduling; Samsung Communication Manager IPX-S500 for Business; Switch IES-4024GP; Switch IES-4028FP; Wall Plate Access Point WDS-A412H; and/or, WLAN Controller, directly or contributorily infringe when used with

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16. Samsung America has caused and will continue to cause Traxcell damage by infringing (including inducing infringement of) the '284 patent.

V. INFRINGEMENT ('024 Patent (Attached as exhibit C))

17. On May 2, 2017, U.S. Patent No. 9,642,024 (“the '024 patent”) entitled “Machine for Providing a Dynamic Database of Geographic Location Information for a Plurality of Wireless Devices and Process for Making Same” was duly and legally issued by the U.S. Patent and Trademark Office. Traxcell owns the '024 patent by assignment.

18. The '024 Patent’s Abstract states, “For a wireless network, a tuning system in which mobile phones using the network are routinely located. With the location of the mobile phones identified, load adjustments for the system are easily accomplished so that the wireless network is not subject to an overload situation. Ideally the location of the mobile phones is accomplished whether the mobile phones are transmitting voice data or not.”

19. Samsung America makes, uses, offers to sell, or sells within or imports into the U.S. wireless networks, wireless-network components, and related services that use identified locations of wireless devices to perform adjustments such that Samsung America infringes one or more claims of the '024 patent, including—for example, but not by way of limitation—Claims 2, 6, 11, and 17, literally or under the doctrine of equivalents. Some examples of Control systems such as Smart Scheduler; Smart Database; Stackable eNodeB; Smart LTE; Samsung's LTE eNodeB (eNB); Single RAN Controller; Digital Unit (or Baseband Unit); Multi-Standard Base Station; Transmit Power Control and Antenna tilt optimization; Smart Scheduler controls; Automatic Neighbor Relation; Smart SON; Samsung’s PS-LTE; Deep Packet Inspection (DPI); 2G/3G Serving GPRS Support Node (SGSN); LTE Mobility Management Entity (MME); Smart eMBMS; Smart HetNet; Centralized-RAN (C-RAN2.0); In-Building Solutions; Samsung LTE-U Solution;

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NB-IoT and LTE-M; Dynamic Power Amplifier; Smart Cache; IMS, eMBMS, virtualized EPC and PTT server; GPRS Support Node (GGSN); LTE Serving and Packet Gateways (S-GW/P-GW); Knox Customization; and/or Knox Workspace. Defendant put the inventions claimed by the '024 Patent into service (i.e., used them); but for Defendant's actions, the claimed-inventions embodiments involving Defendant's products and services would never have been put into service. Defendant's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant obtaining monetary and commercial benefit from it.

20. Samsung America has and continues to induce infringement. Samsung America has actively encouraged or instructed others (e.g., its customers), and continues to do so, on how to use its products and services (e.g., Control systems such as Smart Scheduler; Smart Database; Stackable eNodeB; Smart LTE; Samsung's LTE eNodeB (eNB); Single RAN Controller; Digital Unit (or Baseband Unit); Multi-Standard Base Station; Transmit Power Control and Antenna tilt optimization; Smart Scheduler controls; Automatic Neighbor Relation; Smart SON; Samsung's PS-LTE; Deep Packet Inspection (DPI); 2G/3G Serving GPRS Support Node (SGSN); LTE Mobility Management Entity (MME); Smart eMBMS; Smart HetNet; Centralized-RAN (C-RAN2.0); In-Building Solutions; Samsung LTE-U Solution; Mobile Packet Core; Samsung Wi Fi for Business; Mobile Device Management (MDM), SSO, and VPN solutions; Samsung SMART Signage Platform (SSP); Samsung Self Optimization (SSO); Samsung AirMove uses LTE handover technology; Smart Samsung WLAN Solution; Voice Aware Traffic Scheduling; AirEqualizer; Wireless Enterprise Communication Manager; Samsung WLAN Manager(WEM); WLAN Controllers WEC8500 & WEC8050; WLAN Self Organizing Network (SON); Samsung WLAN Controller; Network Functions Virtualization (NFV); CognitiV Cloud Manager System;

CognitiV Analytic; Cloud & NFV (AdaptiV); Interference Mitigation Solution (Cluster Controller); Evolved Packet Core (EPC); P-Gateway and Multi Path TCPGateway; Samsung AirMover; Voice Aware Traffic Scheduling; Samsung Communication Manager IPX-S500 for Business; Switch IES-4024GP; Switch IES-4028FP; Wall Plate Access Point WDS-A412H; and/or, WLAN Controller, directly or contributorily infringe when used with

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patent, by at least by the date of the patent's issuance, which followed the date that the patent's underlying application was cited to Samsung America by the U.S. Patent and Trademark Office during prosecution of one of Samsung America's patent applications, such that Samsung America knew and should have known that it was and would be inducing infringement.

21. Samsung America has caused and will continue to cause Traxcell damage by infringing (including inducing infringement of) the '024 patent.

PRAYER FOR RELIEF

WHEREFORE, Traxcell respectfully requests that this Court:

- i. enter judgment that Samsung Electronics America, Inc. has infringed the '284, '320, and '024 patents;
- ii. award Traxcell damages in an amount sufficient to compensate it for Samsung America's infringement of the '284, '320, and '024 patents, in an amount no less than a reasonable royalty, together with prejudgment and post-judgment interest and costs under 35 U.S.C. § 284;
- iii. award Traxcell an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
- iv. declare this case to be "exceptional" under 35 U.S.C. § 285 and award Traxcell its attorneys' fees, expenses, and costs incurred in this action; and,
- v. award Traxcell such other and further relief as this Court deems just and proper.

JURY DEMAND

Traxcell hereby requests a trial by jury on issues so triable by right.

Respectfully submitted,

Ramey & Schwaller, LLP

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Attorneys for Traxcell

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5, I hereby certify that all counsel of record who have appeared in this case are being served today, May 2, 2017, with a copy of the foregoing via the Court's CM/ECF system.

/s/ William P. Ramey, III
William P. Ramey, III