

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(ALEXANDRIA DIVISION)

SmarTEN LLC)	
Plaintiff)	
)	
vs.)	Case #
)	
Samsung Electronics America, Inc.)	
c/o Registered Agent)	
CT Corporation Systems)	
4701 Cox Rd., Suite 285)	
Glen Allen, VA 23060)	
Defendant)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff SmarTEN LLC asks for judgment in its favor, and against the Defendant, on the following Complaint:

The Parties, Jurisdiction & Venue

1. The plaintiff SmarTEN LLC (“SMARTEN”) is a limited liability company of the State of Virginia having its records office at 7103 Country Meadow Court, McLean, VA 22101.
2. The defendant Samsung Electronics America, Inc. (“Samsung”) is a corporation of the state of New York with its principal office in Ridgefield, New Jersey. Samsung has regular and established places of business in the Eastern District of Virginia, including Alexandria, and regularly does business in the Eastern District of Virginia. Its registered agent for service of process in Virginia is C T Corporation System, 4701 Cox Road, Suite 285, Glen Allen, VA 23060.
3. Samsung has caused tortious injury to SMARTEN in Virginia by acts of patent infringement in the Eastern District of Virginia, in addition to having regular and

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established places of business in Virginia. Jurisdiction is proper pursuant to 28 U.S.C. §1338(a). Venue is proper pursuant to 28 U.S.C. §1400(b).

Factual Background

4. SMARTEN is the owner, by registered assignment from the inventors, of the following U. S. Patents: 9,280,640 (the ‘640 patent); 9,378,657 (the ‘657 patent); 9,514,655 (the ‘655 patent); and 9,728,102 (the ‘102 patent). All of these patents are in full force and effect and have not expired or lapsed.

5. On February 8, 2017, Samsung received by express mail at its headquarters in Ridgefield, New Jersey notification that it was infringing the ‘640, ‘657, and ‘655 patents, and was provided with a copy of the ‘640 patent and the claims of the ‘657 and ‘655 patents (which have essentially the identical disclosure to the ‘640 patent). Specifically, Samsung was provided with a detailed claim chart exactly specifying how smartphones made, used, and sold by Samsung with its built-in S Health App in the United States literally infringed claim 1 of the ‘640 patent. [The “S Health” App name was changed by Samsung to “Samsung Health” in or about April, 2017. This App is referred to herein alternatively as S Health or Samsung Health.]

6. Samsung never responded to the notice letter it received on February 8, 2017. Instead it continued to sell smartphones with its built-in S Health App that infringed the ‘640, ‘657, and ‘655 patents. In addition, subsequent to the letter received by Samsung on February 8, 2017 the ‘102 patent issued on August 8, 2017. Smartphones made, used, and/or sold by Samsung including its built-in Samsung Health App literally infringe the ‘102 patent.

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7. Specifically, at least all Samsung Galaxy S7 and S8 Series smartphones, and the recently introduced Note 8 Series smartphones, sold in the United States on or after the issue dates of the patents identified below, having the built-in S-Health App in existence at the dates indicated below, and later iterations of that App, pursuant to 35 U. S. C. §271 literally and directly infringe the following referenced claims of the indicated patents:

--Since March 8, 2016, claims 1-3, 5-7, 9, 10, 13-20, 24, 26-28, 30, 32, 34, 41, 43, 44, 46, 50, 54, and 56 of the '640 patent;

--Since June 28, 2016, claims 1-8, 11, 13-15, 17, 19, and 21 of the '657 patent;

--Since December 6, 2016, claims 1-9, 11, 13-17, 20, 22, and 23 of the '655 patent; and

--Since August 8, 2017, claims 26-30 of the '102 patent.

8. Samsung's infringement of the claims of the SMARTEN patents has been wanton, willful, and intentional, and continues to this day, and Samsung will not terminate its infringement unless ordered to by this Court.

9. SMARTEN has been damaged by the sale of millions of Samsung smartphones with the S Health App in the United States covered by SMARTEN's patents, and will continue to be damaged without action by this Court. Wherefore SMARTEN asks for judgment in its favor pursuant to the following prayer for relief.

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PRAYER FOR RELIEF

A. An award of damages adequate to compensate SMARTEN for Samsung's infringement of SMARTEN's patents, but not less than a reasonable royalty, pursuant to 35 U. S. C. §284;

B. Due to Samsung's intentional infringement that the award of damages be trebled pursuant to 35 U. S. C. §284;

C. Due to the exceptional nature of this case an award to SMARTEN of its attorney fees pursuant to 35 U. S. C. §285;

D. The costs of bringing this action pursuant to 35 U. S. C. §284;

E. An injunction barring future infringement of SMARTEN's patents by Samsung; and

F. Such other relief as this Court deems just and proper in order to do justice and to make plaintiff whole at law; and, in equity.

Jury Demand

Plaintiff demands a trial by jury on all issues triable by right to a jury under the Seventh Amendment of the Constitution of the United States, and Federal Rules of Civil Procedure 5(d) and 38.

Respectfully submitted,
Counsel for Plaintiff

_____/s/_____
Robert A. Vanderhye
Va. Bar #13,523
801 Ridge Dr.
McLean, VA 22101-1625
703-444-0422

December 5, 2017
Date