

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

IMMERSION CORPORATION,

Plaintiff,

v.

SAMSUNG ELECTRONICS AMERICA, INC;
SAMSUNG ELECTRONICS CO., LTD.

Defendants.

Civil Action No. 2:18-cv-55

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Immersion Corporation (“Immersion”) brings this action against Samsung Electronics America, Inc. (“SEA”) and Samsung Electronics Co., Ltd. (“SEC”) (collectively, “Samsung”) and alleges as follows:

NATURE OF THE ACTION

1. This action is based on Samsung’s infringement of U.S. Patent No. 8,619,051 (“the ’051 patent” or “the Asserted Patent”), covering Samsung’s use of haptic feedback technology (“haptic feedback”) in mobile devices.

2. For many years, Samsung licensed software from Immersion to implement haptic feedback in its flagship phones. At the beginning of January 2013, Samsung expanded its license to allow it to use Immersion’s patented technology even in products that do not use Immersion software. Although Samsung decided not to renew its software and patent license with Immersion at the end of 2015, Samsung continued to include the haptic feedback technology covered by the patents in its new products (the old products that Samsung commenced commercially producing, distributing, and selling before January 1, 2016 remained

licensed). Despite its continuing use of Immersion's patented technology, Samsung has declined to enter into a new license agreement with Immersion.

PARTIES

3. Immersion is a Delaware corporation with its principal place of business located at 50 Rio Robles, San Jose, California 95134. Immersion owns the Asserted Patent.

4. Founded in 1993, Immersion develops products for the mobile electronics industry, including creating software for implementing advanced haptic effects on cellular phones, smartphones, smart wearable devices (such as smart watches), and other handheld computers. Immersion also owns and licenses a broad portfolio of pioneering patents related to the use of haptics technology. Immersion's software is used in products that are sold and used worldwide, including cell phones, tablets, medical simulation devices, automobiles, and other consumer devices. Immersion's patented technology is used even more widely, pursuant to patent licenses entered into by Immersion.

5. Defendant Samsung Electronics America, Inc. is a New York corporation with its principal place of business located at 85 Challenger Road, Ridgefield Park, NJ 07660. Samsung Electronics America, Inc. can be served through its registered agent CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, TX 75201-3136.

6. Defendant Samsung Electronics Co., Ltd. is a Korean corporation with its principal place of business located at 129 Samsung-Ro, Maetan-3-dong, Yeongtong-gu, Seoul 443-772, Republic of Korea.

JURISDICTION AND VENUE

7. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, including but not limited to 35 U.S.C. § 271.

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

9. This Court has general and specific personal jurisdiction over Samsung. Samsung has sufficient contacts with this judicial district, including but not limited to a regular and established place of business for SEA located within the district at 1301 E. Lookout Drive, Richardson, TX 75080 (“the Richardson facility”). Samsung also maintains multiple service centers within the district. Samsung has admitted in numerous other cases that it is subject to jurisdiction in this district.

10. Venue in this judicial district is proper pursuant to 28 U.S.C. §§ 1391(b),(c) and 28 U.S.C. § 1400(b). SEC is a foreign corporation, and SEA has a regular and established place of business located at the Richardson Facility. The Richardson Facility is located in the Eastern District of Texas and employs individuals residing in the Eastern District of Texas. On information and belief, Samsung develops and markets phones and tablets out of the Richardson Facility. A substantial part of the infringement alleged in this Complaint has occurred and is occurring in this district, including the marketing, selling, and offering for sale of infringing products.

HAPTIC FEEDBACK TECHNOLOGY

11. Haptic feedback provides touch or tactile sensations to users of electronic applications and may include tactile sensations produced by an actuator, such as a motor, a linear resonant actuator, or a piezoelectric actuator in an electronic device. Haptic feedback is integrated into many mobile electronic devices, including cell phones and tablets. The infringing Samsung devices include haptic feedback technology.

12. A common application of haptic feedback is to provide confirmation that a user

has pressed a virtual key or selected an icon in a graphical user interface, such as the touch screen of a smart phone or handheld computer. When the key or icon is touched, the user feels a vibration or pulse.

13. Haptic feedback is especially useful in electronic devices containing touchscreens, which tend to have primarily virtual buttons to control the device and very few physical buttons. Vibrations restore a mechanical feel to electronic devices, immediately reassuring a user that he or she has successfully engaged a virtual button and improving the interface for consumers.

14. Samsung has used haptics features in its phones for many years. For several years, Samsung licensed Immersion's TouchSense software to implement haptics feedback in some of its phones, including several versions of its Galaxy S phones. The companies worked closely together for several years to implement haptic functionality using Immersion's software in Samsung phones. In addition, Samsung licensed the right to use Immersion's patented technology in devices that did not use Immersion's software. In or around December 2015, Samsung decided it no longer wished to use Immersion's software and declined to renew the software and patent license covering Immersion's software and patented haptic technology. Samsung, however, continues to use Immersion's patented haptic technology. Immersion is bringing this suit based on Samsung's unauthorized use of its patented technology.

CLAIMS FOR RELIEF

15. Immersion incorporates by reference and repeats each and every preceding paragraph with the same force and effect as if set forth in full here.

16. On information and belief, Samsung has infringed and continues to infringe one or more of the claims of the Asserted Patent. Samsung's infringing activities include the development, manufacture, use, importation, sale, and/or offer for sale of infringing touch screen

mobile phones that Samsung had not commenced commercially producing, distributing, and selling before January 1, 2016 (collectively, “the Accused Phones”). On information and belief, these products include, but are not limited to, the Galaxy J3 Eclipse, Galaxy J3 Emerge, Galaxy J3, Galaxy J7 Perx, Galaxy J7 Sky Pro, Galaxy J7 V, Galaxy J7, Galaxy S7, Galaxy S7 Edge, Galaxy S8, Galaxy S8+, Galaxy S8 Active, and the Galaxy Note 8. Samsung is in the best position to know what other similar devices it developed, manufactured, used, imported, sold, and/or offered for sale (and that Samsung had not commenced commercially producing, distributing, and selling before January 1, 2016, as such products remained licensed), and, on information and belief, Immersion accuses all such other devices of infringement in this action whether or not specifically listed above.

COUNT I: INFRINGEMENT OF THE '051 PATENT

17. Immersion incorporates by reference and repeats each and every preceding paragraph with the same force and effect as if set forth in full here.

18. Immersion owns, by assignment, all rights, title, and interests in and to United States Patent No. 8,619,051, entitled “Haptic Feedback System with Stored Effects,” which was duly and legally issued on December 31, 2013.

19. Each of Samsung’s Accused Phones infringes at least one claim of the ’051 patent, literally or under the doctrine of equivalents.

20. By way of example and not limitation, Samsung’s Galaxy S8 meets or embodies every element of at least claim 1 of the ’051 patent, as set forth below:

a. A haptic feedback system comprising:

To the extent the preamble is limiting, the Galaxy S8 includes a haptic feedback system.

i. A processor; a memory coupled to the processor, wherein the memory stores a plurality of pre-defined haptic effects; an actuator

drive circuit coupled to the processor; and an actuator coupled to the actuator drive circuit;

The Galaxy S8 has an application processor and a memory coupled to the processor that stores a plurality of pre-defined haptic effects. The Galaxy S8 has many pre-defined haptic effects (e.g., “long press,” “keyboard tap,” and “virtual key” haptic effects). The Galaxy S8 also has an actuator drive circuit coupled to the application processor, and an actuator coupled to the actuator drive circuit.

- ii. wherein the processor is adapted to output a first stored haptic effect of the pre-defined haptic effects in response to a haptic effect request;

The Galaxy S8 contains an application processor that is adapted to output a first stored, pre-defined haptic effect in response to a haptic effect request. For example, the Galaxy S8’s applications processor is adapted to output the stored, pre-defined “virtual key” haptic effect when requested by an application.

- iii. wherein the haptic effect request is a control signal generated in response to a first application that identifies the first stored haptic effect to be played;

The haptic effect request is a control signal generated by the Galaxy S8 in response to a first application that identifies the first stored haptic effect to be played. For example, an application may identify the “virtual key” haptic effect to be played by using the VIRTUAL_KEY constant defined in the HapticFeedbackConstants class.

- iv. wherein the output causes the first stored haptic effect to be played;

The output generated by the Galaxy S8’s application processor causes the first stored haptic effect to be played. For example, the “virtual key” haptic effect will be played when outputted.

- v. wherein the entire haptic output in response to the haptic effect request consists of the first stored haptic effect;

The Galaxy S8's entire haptic output in response to the haptic effect request consists of the first stored haptic effect. For example, the haptic output in response to a request for the "virtual key" haptic effect is the "virtual key" haptic effect.

- vi. wherein an application program interface (API) receives the haptic effect request from the first application and retrieves the requested first stored haptic effect, wherein the first application is registered with the API and a second application is also registered with the API and has access to the first stored haptic effect.

The Galaxy S8 uses an Android operating system, which includes an API. The API receives the haptic effect request from the first application and retrieves the requested first stored haptic effect, wherein the first application is registered with the API and a second application is also registered with the API and has access to the first stored haptic effect. For example, an application may request haptic feedback from the API by calling the `performHapticFeedback()` method of the `View` class. The API retrieves the requested stored haptic effect corresponding to the `feedbackConstant` parameter of the method. The `View` objects of the application enable this haptic feedback by setting the `android:hapticFeedbackEnabled` attribute to "true" or by calling the `setHapticFeedbackEnabled` method. In addition, an application may obtain access to the Galaxy S8's vibrator if it has obtained the `VIBRATE` permission. In this example, all applications with the `VIBRATE` permission may access the stored haptic effects corresponding to various constants defined in the `HapticFeedbackConstants` class.

21. Samsung has made, used, offered to sell, sold, or imported the Accused Phones in the United States and continues to do so. Samsung's infringement has caused substantial damage to Immersion.

22. Immersion is entitled to damages, attorneys' fees, costs, and other remedies available under the law based on Samsung's infringement.

PRAYER FOR RELIEF

WHEREFORE, Immersion prays for the following relief:

- A. That the Court enter judgment declaring that Samsung infringes the '051 patent, literally or under the doctrine of equivalents, in violation of 35 U.S.C. § 271;
- B. That the Court award Immersion damages adequate to compensate Immersion for Samsung's infringement of the '051 patent;
- C. That the Court temporarily, preliminarily, and permanently enjoin Samsung, its successors, assigns, subsidiaries and transferees, and its officers, directors, agents, employees, as follows:
 - i. from selling or offering for sale any product falling within the scope of the claims of the '051 patent that Samsung had not commenced commercially producing, distributing, and selling before January 1, 2016 (including but not limited to the Galaxy J3 Eclipse, Galaxy J3 Emerge, Galaxy J3, Galaxy J7 Perx, Galaxy J7 Sky Pro, Galaxy J7 V, Galaxy J7, Galaxy S7, Galaxy S7 Edge, Galaxy S8, Galaxy S8+, Galaxy S8 Active, and the Galaxy Note 8);
 - ii. from importing into the United States any product falling within the scope of the claims of the '051 patent that Samsung had not commenced commercially producing, distributing, and selling before January 1, 2016;
 - iii. from manufacturing any product falling within the scope of the claims of the '051 patent that Samsung had not commenced commercially producing, distributing, and selling before January 1, 2016;

- iv. from using any product or method falling within the scope of any of the claims of the '051 patent that Samsung had not commenced commercially producing, distributing, and selling before January 1, 2016;
 - v. from all other acts of infringement of any of the claims of the '051 patent with respect to any product that Samsung had not commenced commercially producing, distributing, and selling before January 1, 2016;
- D. That the Court enter judgment against Samsung for the maximum damages and awards determined by the Court to be just and proper; and
- E. That the Court award Immersion its costs of suit, including reasonable attorneys' fees.

JURY DEMAND

Pursuant to Rule 38(a) of the Federal Rules of Civil Procedure and E.D. Tex. L.R.

CV-38, Immersion demands a trial by jury of any and all issues triable to a jury.

Dated: March 8, 2018

Respectfully submitted,

/s/ BRYAN WILSON BY PERMISSION CLAIRE HENRY

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