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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PINN, INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS AMERICA, INC.,

Defendant.

CASE NO. 8:19-cv-1856-DOC-JDE

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

DEMAND FOR JURY TRIAL

Pinn files this First Amended Complaint against Samsung for infringement of U.S. Patent Nos. 9,807,491 (the "'491 Patent") and 10,455,066 (the "'066 Patent").

PARTIES

1. Pinn, Inc. ("Pinn" or "Plaintiff") is a California corporation, with its headquarters and principal place of business at 192 Technology Drive, Suite V, Irvine,

California 92618.

2. Samsung Electronics America, Inc. ("SEA") is a corporation organized and existing under the laws of New York, headquartered at 85 Challenger Rd, Ridgefield Park, NJ 07660, and maintains an office at 18600 S. Broadwick St., Compton, California, 90220. SEA has appeared, has yet to answer, and consented in writing to the filing of this amended complaint.

3. SEA is involved in the sale, marketing and distribution of certain Samsung-branded electronics in the United States including those accused of infringement in this case.

JURISDICTION AND VENUE

4. Pinn brings this action for patent infringement under the patent laws of the United States, including 35 U.S.C. §§ 154, 271, 281, and 283-285. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Samsung is subject to the general and specific personal jurisdiction of this Court based upon its regularly conducted business in the State of California and in the Central District of California, including conduct giving rise to this action.

6. Samsung conducts business and has committed, and continues to commit, acts of direct and indirect infringement in California, within this judicial district, and throughout the United States, by, among other things, making, using, selling, or offering for sale in the United States, and/or importing into the United States, electronic devices and systems with wireless earbuds that embody one or more of the inventions claimed in the '491 and '066 Patents.

7. Samsung maintains regular and established places of business in this district where it promotes, sells, offers for sale, uses, provides technical support for, develops, and demonstrates infringing products.

8. Samsung conducts business in and from its offices at 18600 S. Broadwick St., Compton, California, 90220; 14251 Firestone Blvd., La Mirada, California, 90638; and 3150 Wilshire Blvd., Ste. 206, Los Angeles, California, 90010.

9. Samsung maintains an established place of business in this district and sells, offers for sale, and demonstrates infringing products at the Samsung Experience Shop at the Best Buy, located at 11301 W. Pico Blvd., Los Angeles, California 90064.

10. Samsung sells infringing devices and systems and provides customer service and technical support to retailers, customers, and other end users in this district.

11. Defendant has established sufficient contacts with this forum such that the exercise of jurisdiction over Defendant comports with traditional notions of fair play and substantial justice.

12. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1400(b).

13. In other patent infringement matters, Samsung has admitted that it maintains a regular and established place of business, and that venue is proper, in this judicial district. *See, e.g.*, *SpeakWare, Inc. v. Samsung Elecs. Co., Ltd. et al.*, CACD-8-18-cv-01300 (C.D. Cal.) (Dkt. 16, ¶¶ 8-9).

THE PINN PATENTS

14. Defendant has infringed and continues to infringe one or more claims of Pinn's '491 and '066 Patents. The '491 and '066 Patents may be referred to as the Patents in Suit or collectively as the Asserted Patents.

15. In general, the Asserted Patents claim methods, apparatuses, and systems relating to a personal wireless media station having a wireless earbud and main body, wherein the wireless earbud is capable of pairing with a device, such as a smartphone, to receive and play audio data and capable of connecting to an electric circuit in the main body for wired communication when plugged into a connection hole of the main body.

16. Pinn is the assignee of all right, title, and interest in and to each of the Asserted Patents and has the exclusive right to assert all causes of action arising under, or that may arise under, the Asserted Patents, including the right to pursue and recover any and all monetary and equitable remedies for infringement.

The '491 Patent: "Electronic Device with Wireless Earbud"

17. On October 31, 2017, the United States Patent and Trademark Office ("USPTO") issued the '491 Patent following a full examination of U.S. Pat. App. Ser. No. 15/625,935, which was filed June 16, 2017, and claims priority to PCT App. No. PCT/US2016/025936 (filed on April 4, 2016) and U.S. Prov. App. No. 62/142,978 (filed April 3, 2015).

18. Exhibit A is a true and correct copy of the '491 Patent.

19. The '491 Patent describes a personal wireless media station that includes a main body and wireless earbud.

20. In reference to one disclosed embodiment, the '491 Patent describes an apparatus comprising a main body, a wireless earbud configured for plugging into a connection hole of the main body to form a single integrated body, a user input button, at least one processor, and at least one memory.

21. Claim 1 of the '491 Patent recites:

> 1. An apparatus comprising:
>
> a main body comprising a connection hole, a user input button, at least one processor and at least one memory; and
>
> a wireless earbud configured for plugging into the connection hole of the main body to form a single integrated body with the main body,
>
> wherein the wireless earbud has wireless communication capability for wirelessly pairing with a smartphone and is configured to receive audio data from the smartphone and to play audio using the audio data from the smartphone when wirelessly paired with the smartphone,
>
> wherein in addition to wireless communication capability for wireless pairing with the smartphone, the wireless earbud comprises an earbud connector for connecting with an electric circuit of the main body for wired communication capability with the main body when plugged into the connection hole,

wherein, when wireless earbud is plugged into the connection hole, the wireless earbud is configured to perform wired two-way data communication with the main body,

wherein the at least one processor of the main body is configured to execute computer program instructions stored in the at least one memory

for initiating the wireless pairing with the smartphone in response to pressing of the user input button provided on the main body,

for initiating battery charging of the wireless earbud in response to the wireless earbud's plugging into the connection hole, and

for turning off the wireless pairing with the smartphone when the wireless earbud is being charged.

22. Figure 2 illustrates certain exemplary uses of an embodiment of the '491 Patent:

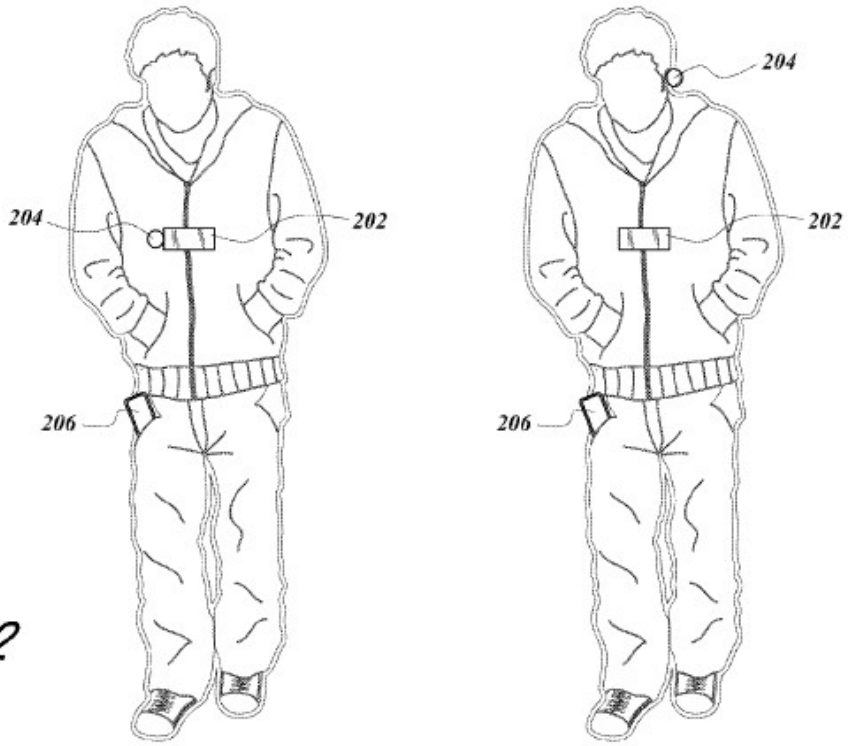


FIG. 2

23. The technologies and innovations recited in the claims of the '491 Patent, including Claim 1, provide inventive concepts and do not claim an abstract idea. The individual elements of the claims of the '491 Patent, including claim 1, were not well-understood, routine, or conventional to persons of skill in the art at the time of the invention. Instead, the claims of the '491 Patent are directed to unconventional, inventive concepts that implement technical solutions to solve various problems, including problems unique to wireless earbud pairing. Those inventive concepts enhance the operation and functionality of the wireless earbuds. As one example, the '491 Patent provides a technical solution that eliminates the need to have unobstructed access to the smartphone's inputs and outputs and facilitates pairing between the smartphone and the wireless earbud. *See, e.g.*, '491 Patent, Col. 1, lines 14-26.

24. Technological solutions taught by the '491 Patent provide advantages over, and improvements to, the state of the art at the time. For example, the teachings of the '491 Patent improve the performance of a wireless earbud system by simplifying the pairing process and by providing a mechanism for charging wireless earbuds when away from a traditional power source.

25. The inventions and the limitations recited in the claims of the '491 Patent, whether alone or in combination with other limitations, embody a number of inventive concepts. For example, claim 1 of the '491 Patent describes a consumer product or system featuring distributed intelligence and an earbud that communicates wirelessly with a smartphone and communicates via wired two-way communication with the main body. The main body is configured to initiate wireless pairing with a smartphone when a user presses the input button on the main body. When plugged into the connection holes, the wireless earbuds are configured such that the earbud batteries are charged by the main body and perform two-way data communication with the main body. *See, e.g.*, '491 Patent at 1:45-49.

The '066 Patent: "Mobile System with Wireless Earbud"

26. On October 22, 2019, the USPTO issued the '066 Patent following a full

examination of U.S. Pat. App. Ser. No. 15/563,937, which was filed October 2, 2017, and claims priority to PCT App. No. PCT/US2016/025936 (filed April 4, 2016) and U.S. Prov. App. Nos. 62/199,943 (filed July 31, 2015) and 62/142,978 (filed April 3, 2015).

27. The USPTO published the '937 App. on May 10, 2018.

28. Since May 10, 2018, all papers in the '937 App. file have been available to the public.

29. On August 28, 2019, the USPTO allowed claims 23-60 of the '937 App. (sometimes referred to as the "'937 App. Published Claims"). *See* Exhibit. B.

30. On September 3, 2019, Pinn paid the issue fee.

31. U.S. Pat. No. 10,455,066 issued from the '937 App. with claims substantially identical to the '937 App. Published Claims listed in Exhibit B.

32. Exhibit D is a true and correct copy of the '066 Patent.

33. Original claim 23 of the '937 App. (final claim 1 in the '066 Patent) recites:

> A mobile system comprising:
>
> a base station comprising a connection hole, a user input button, at least one processor, at least one memory, and circuitry; and
>
> a wireless earbud configured for plugging into the connection hole of the base station to form an integrated body with the base station,
>
> wherein the system is capable of wirelessly pairing with a smartphone for the wireless earbud to receive audio data originated from the smartphone,
>
> wherein, in response to pressing of the user input button, the at least one processor is configured to execute computer program instructions stored in the at least one memory to initiate processing for the wireless pairing with the smartphone such that the wireless earbud receives audio data originated from the smartphone and plays audio using the audio data from the smartphone,
>
> wherein, in response to plugging the wireless earbud into the connection hole, the at least one processor

> is configured to execute computer program instructions stored in the at least one memory to initiate charging of a battery of the wireless earbud,
>
> wherein, when the wireless earbud is plugged into the connection hole of the base station, the wireless earbud is configured to electrically connect with the circuitry of the base station and further configured to performing wired data communication with the base station.

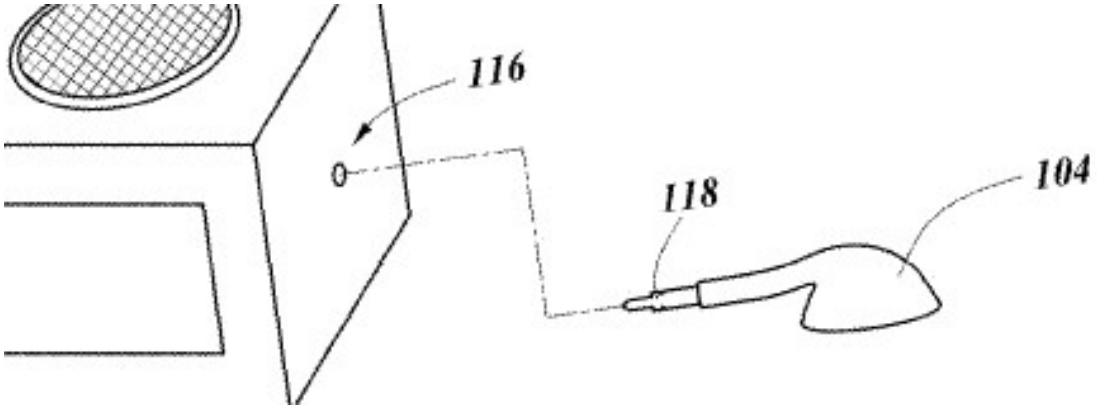
See Ex. B, claim 23 (Ex. D, Claim 1).

34. The particular combination of elements as recited above in original claim 23 of the '937 App. was not well-understood, routine, or conventional to persons of skill in the art at the time of the invention. Instead, the '066 Patent, including claim 1, is directed to unconventional, inventive concepts disclosed in the specification.

35. Whether alone or in combination with other limitations, the claimed inventions and limitations recited in the '066 Patent embody a number of inventive concepts. Claim 1, for example, describes, among other things, a mobile system having distributed intelligence. The system enables wireless pairing of an earbud and smartphone in response to pressing a user input button and includes a base station featuring a connection hole into which an earbud is plugged for charging and for wired data communication.

36. For example, in one embodiment described in claim 21 of the '066 Patent, "the at least one processor is configured to execute computer program instructions stored in the at least one memory to turn off the wireless pairing while the wireless earbud is being charged."

37. As illustrated in Figure 1 (excerpted below), the earbud connector of the wireless earbud is mateable with the connector of the main body. The specification further describes: "The wireless earbud and the main body form a single integrated body when the earbud connector and the main body connector are connected with each other."



U.S. Pat. App. Ser. No. 15/694,736:

"Personal Media System Including Base Station and Wireless Earbud"

38. Mr. Kim filed the '736 App. on September 1, 2017, as a continuation of U.S. Pat. App. Ser. No. 15/625,935 (filed June 16, 2017), which is a continuation of PCT App. No. PCT/US2016/025936 (filed April 4, 2016), claiming priority to U.S. Prov. App. No. 62/142,978.

39. The USPTO published the '736 App. on December 28, 2017.

40. Since December 28, 2017, all papers in the '736 App. file have been available to the public.

41. On June 19, 2019, the USPTO allowed claims 1-29 of the '736 App. (sometimes referred to as the "'736 App. Published Claims").

42. The patent to issue from the '736 App. is expected to issue with claims that are in a form substantially identical to the '736 App. Published Claims listed in Exhibit C.

43. Claim 1 of the '736 App. Published Claims recites:

> A mobile system comprising:
>
> a mobile base station comprising a connection hole, a user input button, at least one processor, at least one memory, a circuitry; and a wireless earbud configured for plugging into the connection hole of the mobile bases station to form an integrated body with the mobile base station,

> wherein, while the wireless earbud in plugged in the connection hole of the mobile base station, the wireless earbud is configured to electrically connect with the circuitry of the mobile base station and further configured to perform wired data communication with the mobile base station, wherein, while the wireless earbud is plugged in the connection hole of the mobile base station, the circuitry of the mobile base station is configured to obtain characteristics of the wireless earbud and send the characteristics to the at least one processor,
>
> wherein, while the wireless earbud is plugged in the connection hole of the mobile base station, the at least one processor is configured to execute computer program instructions stored in the at least one memory to initiate charging of a battery of the wireless earbud,
>
> wherein the wireless earbud has wireless communication for wireless pairing with a smartphone to perform data communication with the smartphone,
>
> wherein the mobile system is configured to generate sound when a mobile application installed on the smartphone is searching for the mobile system while the wireless earbud is paired with the smartphone,
>
> wherein, in response to pressing of the user input button of the mobile base station, the at least one processor is configured to execute computer program instructions stored in the at least one memory to initiate processing for the wireless pairing,
>
> wherein the wireless earbud is not capable of wirelessly sending data to the mobile base station.

See Ex. C, Claim 1.

44. The particular combination of elements as recited in claim 1 of the '736 App. Published Claims was not well-understood, routine, or conventional to persons of skill in the art at the time of the invention. Instead, the claimed subject matter is directed to unconventional, inventive concepts disclosed in the specification.

45. Whether alone or in combination with other limitations, the claimed inventions and limitations recited in the '736 App. Published Claims embody a number of inventive concepts. Claim 1, for example, describes, among other things,

a mobile system featuring distributed intelligence. The system enables wireless pairing of an earbud and smartphone to perform data communication with the smartphone and enables emission of sound when a mobile application installed on the smartphone is searching for the mobile system while the earbud is paired.

46. The specification of the '736 App. describes at least one embodiment that features an application for finding a personal wireless media station within the station's communication ranges and for monitoring and controlling various features of the personal wireless media station, such as battery level.

47. In at least one embodiment of the device finder, Pinn Finder beeps and blinks when the mobile app is searching for the Pinn device.

48. Pinn provided notice of the '736 App., the claims that Pinn expects to issue from the '736 App., and intends to amend its complaint to allege infringement of the patent that is expected to issue from the '736 App.

PINN, INC.

49. Pinn was founded by Seung Jin ("Sean") Kim in 2015, with a vision toward designing and developing wearable technology that enhances the smartphone experience and eliminates frustrating phone problems like trying to locate and retrieve your phone quickly to answer an incoming call.

50. Pinn is headquartered, and Mr. Kim resides, in Irvine, California.

51. Pinn's product inventory, company files, and documents relating to the Patents in Suit and claims in this lawsuit are located in Irvine.

52. Sean Kim received a bachelor's degree in Music Composition and Orchestra Conduction from Seoul National University in 2003. In addition to being

an accomplished composer, Mr. Kim is an entrepreneur and inventor.

53. While serving as an IP and business consultant to Deca International Corporation, Mr. Kim developed and helped Deca commercialize a variety of GPS-based golf rangefinders, voice-based products, and laser-based rangefinders.

54. After Deca, Mr. Kim worked with AQ Corporation, a mobile nearfield communication company. He assisted AQ in developing its intellectual property assets and helped direct AQ's research and development efforts. While at AQ, Mr. Kim worked on the design of an interactive, event-specific digital signage platform for use on mobile devices, called Anniver.

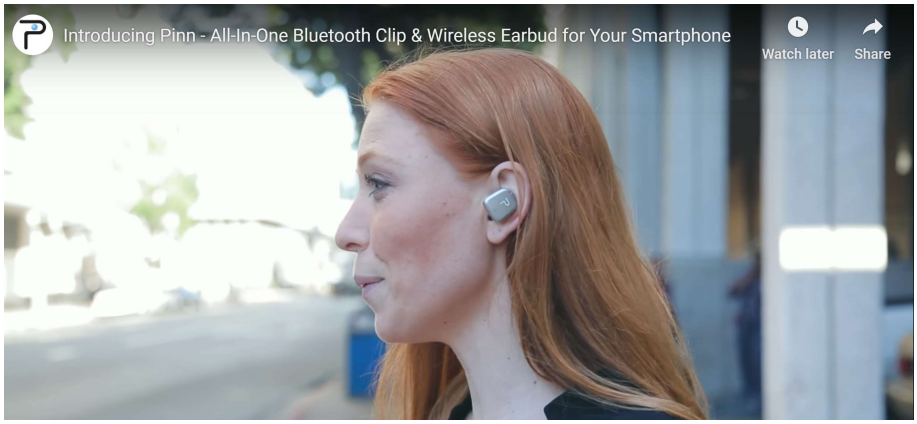
55. Recognizing the need for a personal media system with simplified operation and structure, Mr. Kim conceived of the Pinn device in 2014 and founded Pinn Inc. the following year to develop a first-generation wearable product that would provide consumers with an easier way to use their smartphones, by simplifying and enhancing the wireless capabilities and operation of the device. Mr. Kim recognized that a system having distributed intelligence and processing, along with an integrated modular design, would improve ease of use and functionality.

56. The USPTO recognized Mr. Kim's innovations by granting the first of his Pinn patents, the '491 Patent, in 2017.

57. Pinn proved Mr. Kim's concept in October 2015 and successfully launched the Pinn product soon after. Pinn became available to the public in 2017.

58. Pinn includes a wireless earbud that is docked and integrated into the Pinn clip or main body.

59. Pinn wirelessly connects to a user's smartphone via Bluetooth.



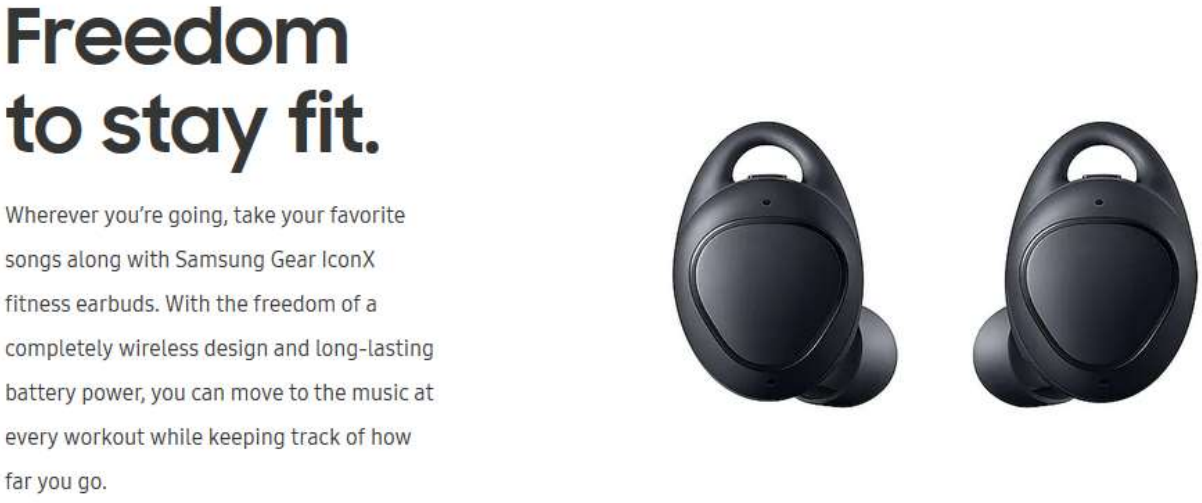
SAMSUNG GEAR ICONX

60. Samsung makes, has made, uses, sells, and offers for sale in the U.S., and imports into the U.S., versions of a wireless media system that practice the Pinn Patents in Suit: Samsung Gear IconX earbuds with charging case (the "Accused

Product").

61. The Accused Product was first released in July 2016.

62. The earbuds connect wirelessly to a Samsung mobile phone or wearable device and to other compatible devices, and allow music playback:



See https://www.samsung.com/us/mobile/audio/headphones/gear-iconx--black-sm-r140nzkaxar/

63. The Accused Product includes a charging case that features a connection hole for each earbud.

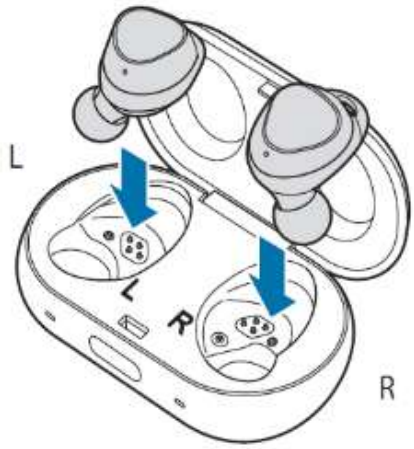
64. The charging case includes a user input (pairing) button.

65. The charging case includes at least one processor and at least one memory.

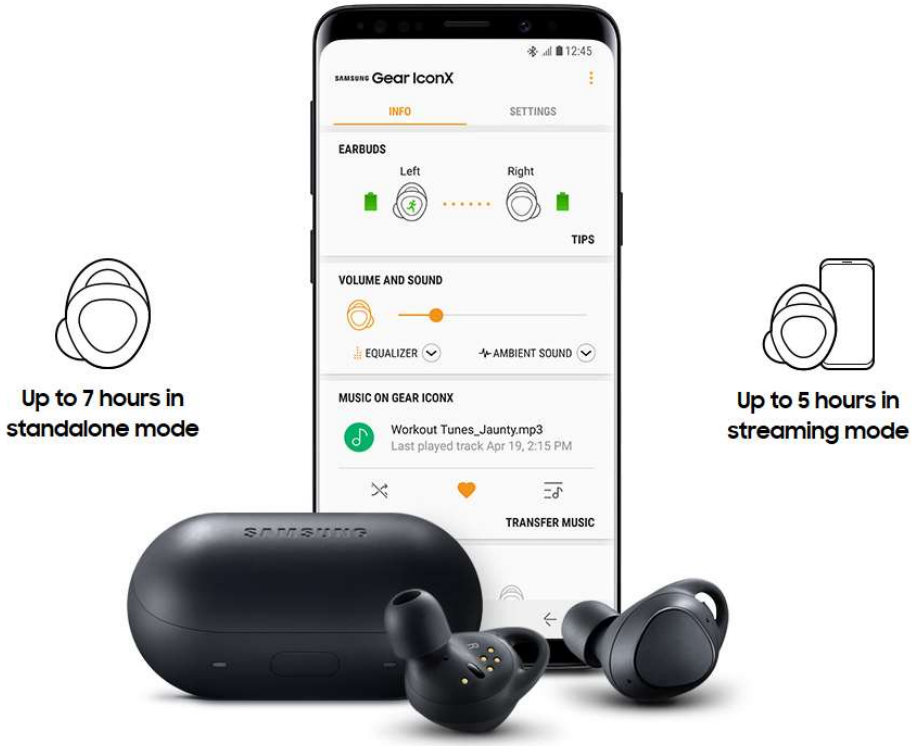
Charging Case

Backside of Case

66. The Accused Product includes wireless earbuds that are configured for plugging into the connection hole of the charging case to form a single integrated body with the charging case.



67. The earbuds of the Accused Product have wireless communication capability for wirelessly pairing with a smartphone.



68. The Accused Product's earbuds are configured to receive audio data from the smartphone and to play audio using the audio data from the smartphone when wirelessly paired with the smartphone.

69. The Accused Product is comprised of an earbud connector for connecting with an electric circuit of the main body for wired communication capability with the main body when the earbuds are plugged into the connection holes.

70. The Accused Product has an electric circuit in the charging case for wired communication capability between the charging case and the earbuds when the earbuds are plugged into the connection hole.

71. When the wireless earbuds are plugged into the connection holes, they are configured to perform wired two-way data communication with the mobile base station via an electrical connection between the earbuds and the circuitry of the mobile base station:

Syncing data between earbuds

If you manually transfer music files without using the Samsung Gear app or the Gear IconX Manager, you can Sync the music files on the earbuds.

1 Insert the earbuds into the charging case and close the charging case cover.

If one of the earbuds does not touch with the charging case's contact, Gear IconX Manager will not recognize the earbuds.

2 Connect the charging case and the computer through the USB cable.

3 On your computer's desktop, click **Gear IconX** > **More** > **Balance earbud data**.

72. The charging case includes a processor that is, on information and belief, configured to execute computer program instructions stored in memory for initiating wireless pairing between a smartphone and the earbuds when a user presses the user input button on the charging case:

Pair Gear IconX (2018)

With the earbuds inserted in the charging case and the case closed, press the **Pair** button on the back of the case for approximately 3 to 5 seconds. The charging case indicator will flash red, green, and then blue while in pairing mode. Go to the Bluetooth settings on your device and select **Gear IconX** from the list of available devices.

See https://www.samsung.com/us/support/answer/ANS00078134/.

73. The charging case includes a processor configured to execute computer program instructions stored in memory for initiating battery charging of the earbuds in response to plugging the earbuds into the connection hole of the charging case.

74. The case charges the earbuds. For example, by putting the earbuds in the case for ten minutes, the user gets a full hour of play time. The charging case is advertised as a "charging case."

Power that keeps up.

Get up to seven hours of MP3 listening and up to five hours of Bluetooth battery life from a single charge.[1] When it's time to power up, get a full hour of play time from just ten minutes of plug-in time. Need to recharge on the go? Just stick your Gear IconX in the carrying case. With its own integrated battery, the case packs nearly another full charge.

See https://www.samsung.com/us/mobile/audio/headphones/gear-iconx--black-sm-r140nzkaxar/.

75. The charging case is configured to obtain characteristics of the wireless earbuds while the wireless earbuds are plugged in the connection hole of the charging case and to send the characteristics to a processor in the charging case.

76. The processor of the main body is configured to execute computer program instructions for turning off the wireless pairing with the smartphone when the wireless earbud is being charged.

77. The Accused Product, when paired with a smartphone, such as an Android mobile device (e.g., Samsung Galaxy), may allow a mobile app on the smartphone, such as Samsung's Galaxy Wearable app or the Samsung Gear app, to control functions of the Accused Product. For example, a user may use a mobile app to transfer music files from the mobile device to the earbuds.

Customize settings

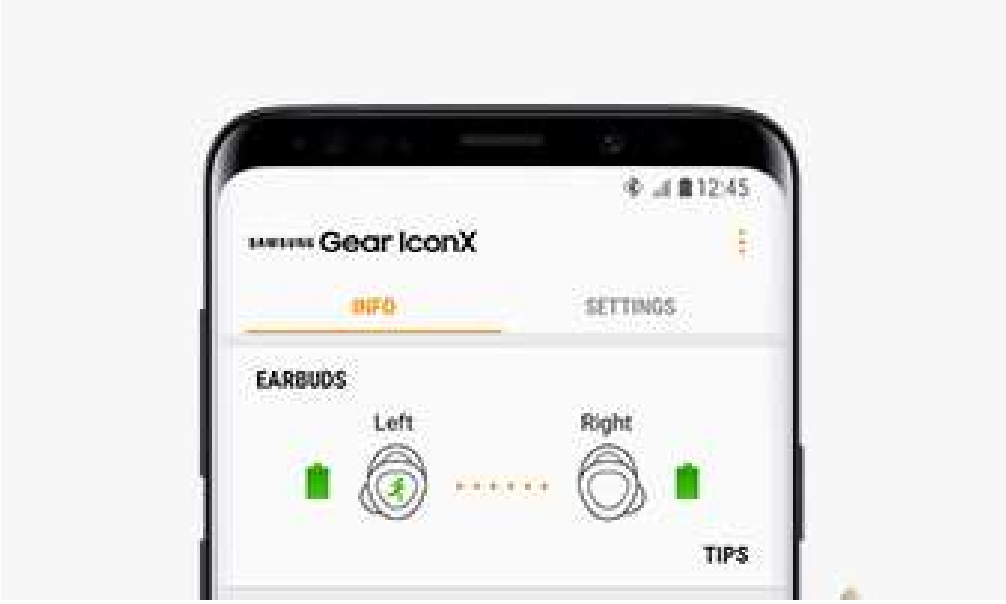
Customize the settings of the earbuds connected to your mobile device.

▶ On the Apps screen of the mobile device, tap **Samsung Gear** > **Settings**.

Music

- **Manage tracks**: Transfer music files from your mobile device to the earbuds. Refer to Transfer music files to the earbuds for more information.
- **Shuffle**: Turn shuffle on or off.
- **Music control feedback**: Select a feedback sound type when you touch the touchpad to control music playback.
- **Play music from**: Select whether to play music from the earbuds or your mobile device.

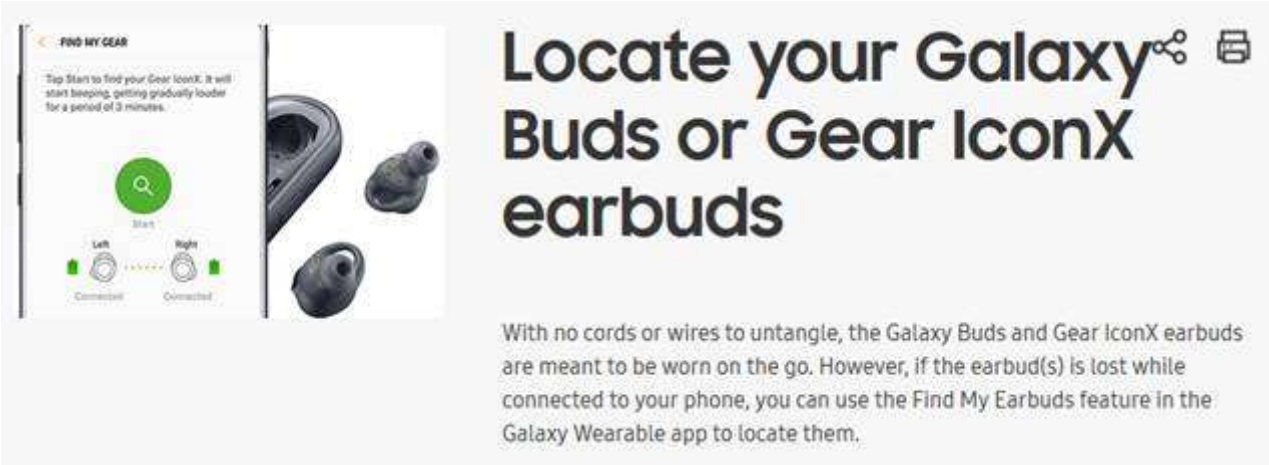
78. The Accused Product is configured to provide battery status to a smartphone, such as an Android device like the Samsung Galaxy, for display on a mobile application:



79. The earbuds of the Accused Product do not communicate wirelessly with the base station; i.e., there is no wireless data transmission between the earbud and the base station.

80. The Accused Product is configured to generate sound when a mobile

application installed on a smartphone is searching for the mobile system while the wireless earbud is paired with the smartphone.



See https://www.samsung.com/us/support/troubleshooting/TSG01111245/.

81. The Accused Product is configured such that in response to removing the earbuds from the user's ears, the earbuds stop playing sound.

82. The earbuds are capable of wirelessly pairing with the smartphone, such that the earbuds receive audio data from the smartphone.

83. Upon pressing the user input button, the initiation of wireless pairing with the smartphone commences.

COUNT 1

DIRECT INFRINGEMENT OF U.S. PATENT NO. 9,807,491

84. Pinn realleges and incorporates by reference the allegations set forth in the preceding paragraphs as if set forth here in full.

85. As the owner of the '491 Patent, Pinn holds all substantial rights in and to the '491 Patent, including the right to exclude others from practicing its patented inventions, the right to enforce the '491 Patent, and the right to sue and recover damages for infringement of the '491 Patent.

86. Samsung has no authority or license to practice the inventions claimed in the '491 Patent.

87. The ’491 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code, after a full and fair examination by the USPTO.

88. Samsung has infringed and continues to infringe at least claims 1, 9, and 10 of the ’491 Patent by, among other things, making, using, selling, and offering for sale in the United States, and/or importing into the United States – without license or authority – products, devices, or systems, including Samsung Gear IconX earbuds with charging case (the “Accused Product”), that fall within the scope of those claims, in violation of at least 35 U.S.C. § 271(a).

89. By way of example, the Accused Product is an apparatus that includes headphones and a charging case. *See, e.g.*, Samsung Gear IconX Earbuds and Charging Case (2018):

90. The Accused Product also includes a main body and a connection hole:

See https://www.samsung.com/us/mobile/audio/headphones/gear-iconx--black-sm-r140nzkaxar/.

91. The Accused Product also includes a button on the main body for manually initiating the Bluetooth pairing process:

92. The Accused Product also includes at least one processor of the main body, configured to execute computer program instructions stored in the at least one memory:

Indicator Light

The charging case has its own indicator light to show the status of the case. To check the battery status of the charging case, insert the earbuds in the charging case and then close it. Check out this chart for a breakdown on what each light means:

COLOR	STATUS
Red	Charging or below 30% battery
Green	Fully charged or above 60% battery
Yellow	Between 30% and 60% battery
Flashing Red	Charging disabled or error due to abnormal temperatures or low charging case battery
Blue	Updating software
Red > Green > Blue Alternates	In pairing mode

See https://www.samsung.com/ca/support/mobile-devices/sm-r140-galaxy-iconx-2018-charge-the-case/; *see also* https://www.youtube.com/watch?v=gwYrY-nU7AU.

93. The Accused Product also includes a wireless earbud that is configured to perform wired two-way data communication with the main body when the wireless earbud is plugged into the connection hole.

94. As a result of its infringing conduct, Samsung is liable to Pinn in an amount that adequately compensates it for Samsung's infringement, which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

95. As a result of Samsung's ongoing infringing conduct described in this Count, Pinn will continue to be damaged unless Defendant is enjoined from further infringement.

COUNT 2: INDIRECT INFRINGEMENT OF U.S. PATENT NO. 9,807,491

96. Plaintiff realleges and incorporates by reference the factual allegations set forth in the preceding paragraphs as if set forth here in full.

97. Samsung is liable for indirect infringement of at least claims 1, 9, and 10 of the '491 Patent, at least from the time of service of the Original Complaint because it knowingly encourages, aids, and directs others (e.g., end users and customers) to use and operate the Accused Product in an infringing manner and to perform the claimed method of the '491 Patent.

98. Since at least as early as service of the Original Complaint, Samsung has had knowledge of the '491 Patent. Since that time, Samsung has specifically intended, and continue to specifically intend, for persons who acquire and use the Accused Product, including Defendant's customers (e.g., individual users, etc.), to use such devices and systems in a manner that infringes the '491 Patent. This is evident when Samsung encourages and instructs customers and other end users in the use and operation of the Accused Product, via advertisement, technical material, instructional material, instructional videos, or otherwise.

99. Samsung encourages, directs, aids, and abets the use, assembly, configuration, and installation of the Accused Product, which has no substantial non-infringing uses.

100. Samsung specifically intends the Accused Product to be used and operated to infringe one or more claims of the '491 Patent.

101. For example, Defendant has provided, and continues to provide, instructional materials, such as user guides, owner manuals, and online resources (e.g., https://www.samsung.com/us/support/owners/product/gear-iconx-2018), along with other instructional materials and documentation provided or made available by Defendant to customers after purchase, that teach and encourage customers and other end users to use the Accused Product in an infringing manner. Samsung actively induces infringement of the '491 Patent.

See https://www.samsung.com/us/support/answer/ANS00078134/.

102. The Accused Product includes hardware components and software instructions that operate in concert to perform specific, intended functions that constitute material parts of the inventions claimed in the '491 Patent and are not staple articles of commerce suitable for substantial non-infringing uses.

103. For example, the Accused Product includes circuitry configured to operate in combination with software instructions to perform specific functions, such as pairing, playing audio data received from a smartphone, and initiating charging of wireless earbuds, as claimed in the '491 Patent. Such hardware and software have no substantial non-infringing use.

104. Since receiving notice of the '491 Patent, Samsung has continued to perform acts of indirect infringement and has taken no steps to modify the Accused Product or to instruct end users or customers how to use the Accused Product in a way to avoid infringement.

105. As a result of Defendant's infringing conduct, Samsung is liable to Pinn in an amount that adequately compensates it for infringement, which, by law, can be

no less than a reasonable royalty, together with interest and costs as fixed by this Court.

106. As a result of Samsung's ongoing infringing conduct described in this Count, Pinn will continue to be damaged unless Defendant is enjoined from further infringement.

COUNT 3: DIRECT INFRINGEMENT OF U.S. PATENT NO. 10,455,066

107. Plaintiff realleges and incorporates by reference the factual allegations set forth in the preceding paragraphs as if set forth here in full.

108. As the owner of the '066 Patent, Pinn holds all substantial rights in and to the '066 Patent, including the right to exclude others from practicing its patented inventions, the right to enforce the '066 Patent, and the right to sue and recover damages for infringement of the '066 Patent, including past damages.

109. The Patent Office published the '937 App. on May 10, 2018.

110. The Patent Office allowed claims 23-60 of the '937 App. on August 28, 2019.

111. The '066 Patent issued on October 22, 2019.

112. Claims 23-60 of the '937 App. issued in a form substantially identical to those shown in Exhibit B. *See* Exhibit D, '066 Patent.

113. Samsung has no authority or license to practice the inventions claimed in the '066 Patent.

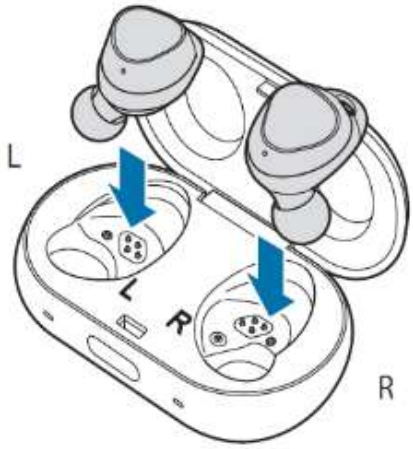
114. The '066 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code after a full and fair examination by the USPTO.

115. Samsung has infringed and continues to infringe, at least claims 1, 2, 4, 6, 8-10, 12, 14, 16, 18-25, 27-31, and 34-37 by, among other things, making, using, selling, and offering for sale in the United States, and/or importing into the United States, products, devices, or systems, including Samsung Gear IconX earbuds with charging case (an "Accused Product"), that fall within the scope of those claims, in

violation of at least 35 U.S.C. § 271(a).

116. By way of example, the Accused Product features a charging case that charges wireless earbuds via a wired connection in a connection hole, a user input button, at least one processor, at least one memory, and circuitry.

117. The earbuds plug into the connection hole of the charging case and form an integrated body with the charging case.



118. The earbuds are capable of wirelessly pairing with a smartphone for the wireless earbud to receive audio data from the smartphone. For example, in response to pressing of the user input button, the processor of the base station is configured to execute computer program instructions stored in the memory to initiate processing for the wireless pairing of the earbuds with the smartphone.

Pair Gear IconX (2018)

With the earbuds inserted in the charging case and the case closed, press the **Pair** button on the back of the case for approximately 3 to 5 seconds. The charging case indicator will flash red, green, and then blue while in pairing mode. Go to the Bluetooth settings on your device and select **Gear IconX** from the list of available devices.

119. The wireless earbud receives audio data from the smartphone and plays audio using the audio data from the smartphone.

Play music files saved in your mobile device

Listen to music saved in your mobile device by connecting the earbuds to the mobile device. You can stream music played from the connected mobile device without saving music files in the earbuds.

1 On the Apps screen of the mobile device, tap **Samsung Gear**.

2 Tap **Settings** > **Music** > **Play music from**, and then tap **Phone** to activate the feature.

3 Launch a music player app and play music.

You can control the playback in the same way when playing music saved in the earbuds.

- Adjust the volume through your connected device if the sound is low on your earbuds while at full volume.
- If you connect the earbuds to your mobile device while listening to music, the volume may change.

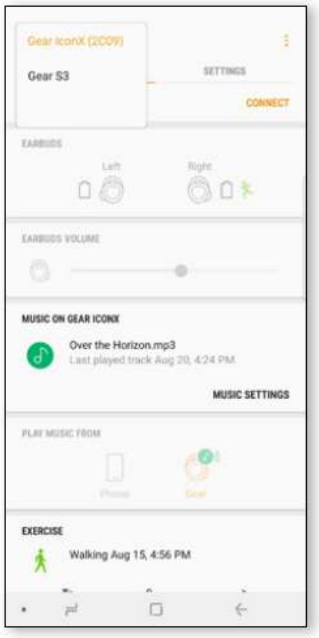
120. The charging case includes a processor that is configured to execute computer program instructions stored in memory to initiate charging of the earbud batteries after plugging the earbuds into the connection hole of the charging case.

121. The Accused Product is comprised of an earbud connector for connecting with an electric circuit of the base station. When the wireless earbud is plugged into the connection hole of base station, the electrical connection allows for wired communication between the earbud and the base station:

Transfer Music Files From Phone

1. Insert earbuds into the charging case and close the cover.
2. Connect the charging case to your phone using the USB to Micro USB cable and adapter.
3. Open the Gear Manager app and select **Gear IconX**.
4. Tap **Settings** › **Music** › **Transfer tracks to Gear**
5. Tap **ADD** or **DELETE** to manage the tracks.

Note: IconX has 3.4GB of usable memory. For information about compatible audio file types, visit **samsung.com/us/support/owners/product/gear-iconx-2018**



122. The Accused Product is configured such that there is no wireless data transmission between the wireless earbuds and the base station.

123. As a result of its infringing conduct, Samsung is liable to Pinn in an amount that adequately compensates it for Samsung's infringement, which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

124. As a result of Samsung's ongoing infringing conduct described in this

Count, Pinn will continue to be damaged unless Defendant is enjoined from further infringement.

COUNT 4: INDIRECT INFRINGEMENT OF U.S. PATENT NO. 10,455,066

125. Plaintiff re-alleges and incorporates by reference the factual allegations set forth in the preceding paragraphs as if set forth here in full.

126. Samsung is liable for indirect infringement of at least claims 1, 2, 4, 6, 8-10, 12, 14, 16, 18-25, 27-31, and 34-37 of the '066 Patent and has been indirectly infringing such claims since at least as early as the date of service of this First Amended Complaint, if not earlier, because it knowingly encourages, aids, and directs others (e.g., end users and customers) to use and operate the Accused Product in an infringing manner and to perform the claimed method of the '066 Patent.

127. Since at least as early as October 22, 2019, if not earlier, Samsung has had knowledge of the '066 Patent and its claims. Since that time, Samsung has specifically intended, and continues to specifically intend, for persons who acquire and use the Accused Product, including Defendant's customers (e.g., individual users, etc.), to use such devices and systems in a manner that infringes the '066 Patent. This is evident when Samsung encourages and instructs customers and other end users in the use and operation of the Accused Product, via advertisement, technical material, instructional material, instructional videos, or otherwise.

128. The Patent Office published the '736 App. on December 28, 2017.

129. Samsung encourages, directs, aids, and abets the use, assembly, configuration, and installation of the Accused Product, which has no substantial non-infringing uses.

130. Samsung specifically intends the Accused Product to be used and operated to infringe one or more claims of the '066 Patent.

131. For example, Defendant has provided, and continues to provide, instructional materials, such as user guides, owner manuals, and online resources (e.g., https://www.samsung.com/us/support/owners/product/gear-iconx-2018), along

with other instructional materials and documentation provided or made available by Defendant to customers after purchase, that teach and encourage customers and other end users to use the Accused Product in an infringing manner. Samsung actively induces infringement of the '066 Patent.

See https://www.samsung.com/us/support/answer/ANS00078134/.

132. The Accused Product includes hardware components and software instructions that operate in concert to perform specific, intended functions that constitute material parts of the inventions claimed in the '066 Patent and are not staple articles of commerce suitable for substantial non-infringing uses.

133. For example, the Accused Product includes circuitry configured to operate in combination with software instructions to perform specific functions, such as pairing, playing audio data received from a smartphone, and initiating charging of wireless earbuds, as claimed in the '066 Patent. Such hardware and software have no substantial non-infringing uses. Since receiving notice of the '066 Patent, Samsung has continued to perform acts of indirect infringement and has taken no steps to modify the Accused Products or to instruct end users or customers how to use the

Accused Products in a way to avoid infringement.

134. As a result of Defendant's infringing conduct, Samsung is liable to Pinn in an amount that adequately compensates it for infringement, which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court.

135. As a result of Samsung's ongoing infringing conduct described in this Count, Pinn will continue to be damaged unless Defendant is enjoined from further infringement.

NOTICE

136. Pinn has complied with 35 U.S.C. § 287.

NOTICE OF REQUIREMENT OF LITIGATION HOLD

137. Samsung is hereby notified that it is legally obligated to locate, preserve, and maintain all records, notes, drawings, documents, data, communications, materials, electronic recordings, audio/video/photographic recordings, and digital files, including edited and unedited or "raw" source material, and other information and tangible things that Defendant knows, or reasonably should know, may be relevant to actual or potential claims, counterclaims, defenses, and/or damages by any party or potential party in this lawsuit, whether created or residing in hard copy form or in the form of electronically stored information (hereafter, "Potential Evidence"). As used above, the phrase "electronically stored information" includes, without limitation: computer files (and file fragments), e-mail (both sent and received, whether internally or externally), information concerning e-mail (including but not limited to logs of e-mail history and usage, header information, and deleted but recoverable e-mails), text files (including drafts, revisions, and active or deleted word processing documents), instant messages, audio recordings and files, video footage and files, audio files, photographic footage and files, spreadsheets, databases, calendars, telephone logs, contact manager information, internet usage files, and all other information created, received, or maintained on any and all electronic and/or

digital forms, sources and media, including, without limitation, any and all hard disks, removable media, peripheral computer or electronic storage devices, laptop computers, mobile phones, personal data assistant devices, Blackberry devices, iPhones, Samsung phones, video cameras and still cameras, and any and all other locations where electronic data is stored. These sources may also include any personal electronic, digital, and storage devices of any and all of Defendant's agents, resellers, or employees if Defendant's electronically stored information resides there.

138. Samsung is hereby further notified and forewarned that any alteration, destruction, negligent loss, or unavailability, by act or omission, of any Potential Evidence may result in damages or a legal presumption by the Court and/or jury that the Potential Evidence is not favorable to Defendant's claims and/or defenses. To avoid such a result, Defendant's preservation duties include, but are not limited to, the requirement that Defendant immediately notify its agents and employees to halt and/or supervise the auto-delete functions of Defendant's electronic systems and refrain from deleting Potential Evidence, either manually or through a policy of periodic deletion.

PRAYER FOR RELIEF

Pinn prays for the following relief:

(i) Judgment that Defendant has directly infringed the Patents in Suit;

(ii) Judgment that Defendant has indirectly infringed the Patents in Suit;

(iii) Judgment that the Patents in Suit are valid and enforceable;

(iv) An award of damages adequate to compensate Pinn for Defendant's direct and indirect infringement up to and including the date such judgment is entered, to the full extent damages are available under 35 U.S.C. §§ 154(d), 284, or otherwise, along with prejudgment and post-judgment interest at the highest allowable rates;

(v) Judgment that this case is exceptional, along with a corresponding award of reasonable attorney fees, pursuant to 35 U.S.C. § 285;

(vi) Costs and disbursements, pursuant to Fed. R. Civ. P. 54(d), 28 U.S.C. §

1920, 35 U.S.C. § 284, or otherwise;

(vii) An accounting;

(viii) A permanent injunction, or, alternatively (if the Court declines to grant injunctive relief), and to the extent calculable, damages adequate to compensate Pinn for Defendant's ongoing or future infringement; and

(ix) Such other and further relief, whether at law or in equity, as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pinn demands a trial by jury on all issues so triable, pursuant to Fed. R. Civ. P. 38(b) and Civil L.R. 3-6(a).

November 21, 2019

By */s/ Ryan Hatch*

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