

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

GUMMARUS, LLC,

Plaintiff

v.

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

Defendants.

Civil Action No.: 4:20-cv-310

JURY TRIAL DEMANDED

PATENT CASE

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Gummarus, LLC (“Gummarus” or “Plaintiff”), files this Complaint against Samsung Electronics Co., Ltd. (“SEK”) and Samsung Electronics America, Inc. (“SEA”) (together “Defendants”) seeking damages and other relief for patent infringement, and alleges with knowledge to its own acts, and on information and belief as to other matters, as follows:

PARTIES

1. Gummarus is a limited liability company organized and existing under the laws of the State of Delaware, and its registered agent for service of process in Delaware is Cogency Global Inc., 850 New Burton Road, Suite 201, Dover, Delaware, 19904.

2. SEK is a corporation organized and existing under the laws of the Republic of Korea with a principal place of business at 129, Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-Do, Korea 443-742.

3. SEA is a corporation organized and existing under the laws of New York with a place of business at 85 Challenger Road, Ridgefield Park, New Jersey, 07660, and with offices at 1301 East Lookout Drive, Richardson, Texas, 75082 and at 6625 Declaration Drive, Plano, Texas

75023. SEA can be served through its registered agent, CT Corporation System, 28 Liberty Street, New York, NY 10005.

4. This Court has personal jurisdiction over SEK at least because SEK conducts business, including infringing acts described herein, in this District. For example, SEK provides customer service through its website, <http://www.samsung.com>, in this District and throughout the state of Texas.

5. Defendants do business in Texas, directly or through intermediaries and offer products or services, including those accused herein of infringement, to customers, and potential customers located in Texas, including in the Eastern District of Texas.

JURISDICTION AND VENUE

6. This action arises under the patent laws of the United States, 35 U.S.C. § 101, et seq. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

7. As to SEA, venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b). SEA maintains an established place of business in the state of Texas and the Eastern District of Texas specifically, including an office at 1301 East Lookout Drive, Richardson, Texas 75080, and an office at 6625 Declaration Drive, Plano, Texas 75023.

8. As to SEK, venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(c)(3), as venue is proper over a foreign corporation in “any judicial district.”

9. Defendants have not disputed this District’s personal jurisdiction over them in other recent patent infringement actions. *See, e.g.*, Answer at ¶ 10, *Richardson v. Samsung Electronics Co.*, No. 6-17-cv-428 (E.D. Tex. Oct. 20, 2017); Answer at ¶ 9, *Immersion Corp. v. Samsung Electronics America*, No. 16-cv-572 (E.D. Tex. Oct. 24, 2017).

10. Defendants are subject to this Court’s specific and general personal jurisdiction pursuant to due process or the Texas Long Arm Statute, because Defendants do substantial business in this forum, including: (i) making and/or using at least a portion of an instant messaging application (e.g., the Samsung chatbot) that is configured to cooperate with a web browser (e.g., Google Chrome) operating on a personal computing device (e.g., a desktop computer, laptop computer, smartphone, tablet computer, etc.) (“Accused Devices”); or (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to citizens and residents in Texas and in this District.

THE PATENTS IN SUIT

11. On November 3, 2017, Robert Paul Morris filed United States Patent Application No. 15/803,733 (“’733 application”). The ’733 application was duly examined and issued as United States Patent No. 9,998,410 (“’410 patent”) (entitled “Methods, systems, and computer program products for processing a request for a resource in a communication”), on June 12, 2018.

12. Gummarus is the owner of the ’410 patent and has the full and exclusive right to bring actions and recover past, present, and future damages for the Defendants’ infringement of the ’410 patent.

13. The ’410 patent is valid and enforceable. A true and correct copy of the ’410 patent is attached hereto as Exhibit A.

14. On April 2, 2018, Robert Paul Morris filed United States Patent Application No. 15/943,679 (“’679 application”). The ’679 application was duly examined and issued as United States Patent No. 10,419,374 (“’374 patent”) (entitled “Methods, systems, and computer program products for processing a request for a resource in a communication”), on September 17, 2019.

15. Gummarus is the owner of the '374 patent and has the full and exclusive right to bring actions and recover past, present, and future damages for the Defendants' infringement of the '374 patent.

16. The '374 patent is valid and enforceable. A true and correct copy of the '374 patent is attached hereto as Exhibit B.

17. On November 3, 2017, Robert Paul Morris filed United States Patent Application No. 15/803,739 ("739 application"). The '739 application was duly examined and issued as United States Patent No. 10,019,135 ("135 patent") (entitled "Methods, and computer program products for constraining a communication exchange"), on July 10, 2018.

18. Gummarus is the owner of the '135 patent and has the full and exclusive right to bring actions and recover past, present, and future damages for the Defendants' infringement of the '135 patent.

19. The '135 patent is valid and enforceable. A true and correct copy of the '135 patent is attached hereto as Exhibit C.

20. On April 2, 2018, Robert Paul Morris filed United States Patent Application No. 15/943,669 ("669 application"). The '669 application was duly examined and issued as United States Patent No. 10,158,590 ("590 patent") (entitled "Methods, systems, and computer program products for processing a request for a resource in a communication"), on December 18, 2018.

21. Gummarus is the owner of the '590 patent and has the full and exclusive right to bring actions and recover past, present, and future damages for Defendants' infringement of the '590 patent.

22. The '590 patent is valid and enforceable. A true and correct copy of the '590 patent is attached hereto as Exhibit D

23. On April 2, 2018, Robert Paul Morris filed United States Patent Application No. 15/943,672 (“’672 application”). The ’672 application was duly examined and issued as United States Patent No. 10,171,392 (“’392 patent”) (entitled “Methods, systems, and computer program products for processing a request for a resource in a communication”), on January 1, 2019.

24. Gummarus is the owner of the ’392 patent and has the full and exclusive right to bring actions and recover past, present, and future damages for the Defendants’ infringement of the ’392 patent.

25. The ’392 patent is valid and enforceable. A true and correct copy of the ’392 patent is attached hereto as Exhibit E.

26. On April 2, 2018, Robert Paul Morris filed United States Patent Application No. 15/943,677 (“’677 application”). The ’677 application was duly examined and issued as United States Patent No. 10,212,112 (“’112 patent”) (entitled “Methods, Systems, and Computer Program Products for Processing a Request for a Resource in a Communication”), on February 19, 2019.

27. Gummarus is the owner of the ’112 patent and has the full and exclusive right to bring actions and recover past, present, and future damages for Defendants’ infringement of the ’112 patent.

28. The ’112 patent is valid and enforceable. A true and correct copy of the ’112 patent is attached hereto as Exhibit F.

29. On May 20, 2018, Robert Paul Morris filed United States Patent Application No. 15/984,404 (“’404 application”). The ’404 application was duly examined and issued as United States Patent No. 10,397,150 (“’150 patent”) (entitled “Methods and computer program products for processing a search query”), on August 27, 2019.

30. Gummarus is the owner of the '150 patent and has the full and exclusive right to bring actions and recover past, present, and future damages for Defendants' infringement of the '150 patent.

31. The '150 patent is valid and enforceable. A true and correct copy of the '150 patent is attached hereto as Exhibit G.

32. The '410, '374, '135, '590, '392, '112, and '150 patents are collectively referred to herein as the "patents" or the "patents in suit."

33. Gummarus has not practiced any claimed invention of the patents in suit.

34. Defendants infringe the patents at least by making and/or using the Accused Devices.

COUNT I: INFRINGEMENT OF THE '410 PATENT

35. Gummarus repeats and re-alleges the allegations of the above paragraphs as if fully set forth herein.

36. The '410 patent includes 30 claims. '410 patent, Ex. A at 43:48-57:22.

37. Defendants directly infringe one or more claims of the '410 patent without authority by making, using (including without limitation testing), selling, importing, and/or offering to sell products and systems, including by way of example, the Accused Devices. *See* Claim Chart for the '410 patent, attached hereto as Exhibit H.

38. Defendants have been and are directly infringing, either literally or under the doctrine of equivalents, at least claim 1 of the '410 patent by making, using (including without limitation testing), selling, importing, and/or offering to sell the Accused Devices. *See* Ex. H. As demonstrated by the attached claim chart, each and every element of claim 1 of the '410 patent is found in the Accused Devices.

39. Defendants have had actual knowledge of the '410 patent at least as early as the date of filing of this Complaint.

40. Defendants' acts of infringement have occurred within this District and elsewhere throughout the United States.

COUNT II: INFRINGEMENT OF THE '374 PATENT

41. Gummarus repeats and re-alleges the allegations of the above paragraphs as if fully set forth herein.

42. The '374 patent includes 20 claims. '374 patent, Ex. B at 47:31–54:43.

43. Defendants directly infringe one or more claims of the '374 patent without authority by making, using (including without limitation testing), selling, importing, and/or offering to sell products and systems, including by way of example, the Accused Devices. *See* Claim Chart for the '374 patent, attached hereto as Exhibit I.

44. Defendants have been and are directly infringing, either literally or under the doctrine of equivalents, at least claim 1 of the '374 patent by making, using (including without limitation testing), selling, importing, and/or offering to sell the Accused Devices. *See* Ex. I. As demonstrated by the attached claim chart, each and every element of claim 1 of the '374 patent is found in the Accused Devices.

45. Defendants have had actual knowledge of the '374 patent at least as early as the date of filing of this Complaint.

46. Defendants' acts of infringement have occurred within this District and elsewhere throughout the United States.

COUNT III: INFRINGEMENT OF THE '135 PATENT

47. Gummarus repeats and re-alleges the allegations of the above paragraphs as if fully set forth herein.

48. The '135 patent includes 30 claims. '135 patent, Ex. C at 50:25-67:13.

49. Defendants directly infringe one or more claims of the '135 patent without authority by making, using (including without limitation testing), selling, importing, and/or offering to sell products and systems, including by way of example, the Accused Devices. *See* Claim Chart for the '135 patent, attached hereto as Exhibit J.

50. Defendants have been and are directly infringing, either literally or under the doctrine of equivalents, at least claim 1 of the '135 patent by making, using (including without limitation testing), selling, importing, and/or offering to sell the Accused Devices. *See* Ex. J. As demonstrated by the attached claim chart, each and every element of claim 1 of the '135 patent is found in the Accused Devices.

51. Defendants have had actual knowledge of the '135 patent at least as early as the date of filing of this Complaint.

52. Defendants' acts of infringement have occurred within this District and elsewhere throughout the United States.

COUNT IV: INFRINGEMENT OF THE '590 PATENT

53. Gummarus repeats and re-alleges the allegations of the above paragraphs as if fully set forth herein.

54. The '590 patent includes 31 claims. '590 patent, Ex. D at 47:32–58:19.

55. Defendants directly infringe one or more claims of the '590 patent without authority by making, using (including without limitation testing), selling, importing, and/or offering to sell

products and systems, including by way of example, the Accused Devices. *See* Claim Chart for the '590 patent, attached hereto as Exhibit K.

56. Defendants have been and are directly infringing, either literally or under the doctrine of equivalents, at least claim 5 of the '590 patent by making, using (including without limitation testing), selling, importing, and/or offering to sell the Accused Devices. *See* Ex. K. As demonstrated by the attached claim chart, each and every element of claim 5 of the '590 patent is found in the Accused Devices.

57. Defendants have had actual knowledge of the '590 patent at least as early as the date of filing of this Complaint.

58. Defendants' acts of infringement have occurred within this District and elsewhere throughout the United States.

COUNT V: INFRINGEMENT OF THE '392 PATENT

59. Gummarus repeats and re-alleges the allegations of the above paragraphs as if fully set forth herein.

60. The '392 patent includes 30 claims. '392 patent, Ex. E at 46:31-54:53.

61. Defendants directly infringe one or more claims of the '392 patent without authority by making, using (including without limitation testing), selling, importing, and/or offering to sell products and systems, including by way of example, the Accused Devices. *See* Claim Chart for the '392 patent, attached hereto as Exhibit L.

62. Defendants have been and are directly infringing, either literally or under the doctrine of equivalents, at least claim 24 of the '392 patent by making, using (including without limitation testing), selling, importing, and/or offering to sell the Accused Devices. *See* Ex. L. As

demonstrated by the attached claim chart, each and every element of claim 24 of the '392 patent is found in the Accused Devices.

63. Defendants have had actual knowledge of the '392 patent at least as early as the date of filing of this Complaint.

64. Defendants' acts of infringement have occurred within this District and elsewhere throughout the United States.

COUNT VI: INFRINGEMENT OF THE '112 PATENT

65. Gummarus repeats and re-alleges the allegations of the above paragraphs as if fully set forth herein.

66. The '112 patent includes 27 claims. '112 patent, Ex. F at 47:31–58:62.

67. Defendants directly infringe one or more claims of the '112 patent without authority by making, using (including without limitation testing), selling, importing, and/or offering to sell products and systems, including by way of example, the Accused Devices. *See* Claim Chart for the '112 patent, attached hereto as Exhibit M.

68. Defendants have been and are directly infringing, either literally or under the doctrine of equivalents, at least claim 24 of the '112 patent by making, using (including without limitation testing), selling, importing, and/or offering to sell the Accused Devices. *See* Ex. M. As demonstrated by the attached claim chart, each and every element of claim 24 of the '112 patent is found in the Accused Devices.

69. Defendants have had actual knowledge of the '112 patent at least as early as the date of filing of this Complaint.

70. Defendants' acts of infringement have occurred within this District and elsewhere throughout the United States.

COUNT VII: INFRINGEMENT OF THE '150 PATENT

71. Gummarus repeats and re-alleges the allegations of the above paragraphs as if fully set forth herein.

72. The '150 patent includes 26 claims. '150 patent, Ex. G at 44:31-48:29.

73. Defendants directly infringe one or more claims of the '150 patent without authority by making, using (including without limitation testing), selling, importing, and/or offering to sell products and systems, including by way of example, the Accused Devices. *See* Claim Chart for the '150 patent, attached hereto as Exhibit N.

74. Defendants have been and are directly infringing, either literally or under the doctrine of equivalents, at least claim 1 of the '150 patent by making, using (including without limitation testing), selling, importing, and/or offering to sell the Accused Devices. *See* Ex. N. As demonstrated by the attached claim chart, each and every element of claim 1 of the '150 patent is found in the Accused Devices.

75. Defendants have had actual knowledge of the '150 patent at least as early as the date of filing of this Complaint.

76. Defendants' acts of infringement have occurred within this District and elsewhere throughout the United States.

RELIEF REQUESTED

WHEREFORE, Gummarus respectfully requests that the Court:

- A. Declaring that Defendants have infringed the patents in suit;
- B. Awarding damages in an amount to be proven at trial, but in no event less than a reasonable royalty for Defendants' infringement including pre-judgment and post-judgment interest at the maximum rate permitted by law;

- C. Ordering an award of reasonable attorneys' fees and enhanced damages as appropriate against Defendants to Gummarus as provided by 35 U.S.C. § 285;
- D. Awarding expenses, costs, and disbursements in this action against Defendants, including prejudgment interest; and
- E. All other relief necessary or appropriate.

JURY DEMAND

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

Dated: April 13, 2020

Respectfully submitted,

/s/ Derek Dahlgren

Timothy Devlin (DE Bar No. 4241)

Derek Dahlgren (*pro hac vice* to be filed)

Cory Edwards (*pro hac vice* to be filed)

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