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16 *ATTORNEYS FOR PLAINTIFF*  
17 *PRINCEPS SECUNDUS LLC*

18 UNITED STATES DISTRICT COURT  
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
20 OAKLAND DIVISION

21 PRINCEPS SECUNDUS LLC,

22 Plaintiff,

23 v.

24 SAMSUNG ELECTRONICS CO., LTD., and  
25 SAMSUNG ELECTRONICS AMERICA, INC.,

26 ‘

27 Defendants.

Case No.: 5:20-cv-00201-EMC

**FIRST AMENDED COMPLAINT FOR  
PATENT INFRINGEMENT**

1 Plaintiff Princeps Secundus LLC (“Princeps” or “Plaintiff”), for its First Amended Complaint  
2 against Defendants Samsung Electronics Co., Ltd. (“SEC”); and Samsung Electronics America, Inc.  
3 (“SEA”), (collectively “Samsung” or “Defendants”), alleges the following.

4 **NATURE OF THE ACTION**

5 1. This is an action for patent infringement arising under the Patent Laws of the United  
6 States, 35 U.S.C. § 1 *et seq.*

7 **THE PARTIES**

8 2. Plaintiff Princeps is a limited liability company organized under the laws of the State of  
9 Delaware with a place of business at Princeps Secundus LLC, 261 West 35<sup>th</sup> Street, Suite No. 1003,  
10 New York, New York 10001.

11 3. Defendant Samsung Electronics Co., Ltd. (“SEC”) is a foreign corporation having its  
12 principal place of business at 129, Samsung-Ro, Yeongtong-Gu, Suwon, Republic of Korea 16677.  
13 SEC produces and sells telecommunications, electronics and mobile phone technologies worldwide,  
14 including in the United States.

15 4. Defendant Samsung Electronics America, Inc. (“SEA”) is a corporation organized and  
16 existing under the laws of New York having its principal place of business at 85 Challenger Road,  
17 Ridgefield Park, New Jersey 07660. Upon information and belief, SEA is a wholly owned subsidiary  
18 of Samsung Electronics Co., Ltd. (SEC). As explained in more detail below, SEA has a regular and  
19 established place of business in this District and manufactures, supplies and sells consumer electronics  
20 and products throughout the United States, including in this District.

21 5. SEA is a subsidiary of SEC. The Defendants (SEC and SEA) act in concert regarding  
22 the allegations set forth in this Complaint and, therefore, the conducts described herein are fairly  
23 attributable to either or both entities. More specifically, Defendants work collectively in the designing,  
24 manufacturing, importing, distributing and selling of the Accused Instrumentalities described in more  
25 detail below and in the attached claim charts (Exhibits A-1 and A-2).

26 **JURISDICTION AND VENUE**

27 6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

28 7. Venue with respect to Defendant SEC is proper in this District under 28 U.S.C. §

1 1391(c)(3) because Defendant SEC is not a resident of the United States, and also under 28 U.S.C. §  
2 1391(b)(2) because SEC, imports, sells and offers to sell products and services throughout the United  
3 States, including in this District, and introduces products and services into the stream of commerce and  
4 effectuates these sales knowing that the products and services would be sold in this District and  
5 elsewhere in the United States.

6 8. This Court has personal jurisdiction over SEC. SEC is amenable to service of summons  
7 for this action. Defendant SEC has sought protection and benefit from the laws of the State of  
8 California by maintaining the facilities of one or more of its United States affiliates (Defendant SEA)  
9 in this District and/or by placing infringing products into the stream of commerce through an  
10 established distribution channel with the awareness and/or intent that they will be purchased by  
11 consumers in this District.

12 9. SEC – directly or through intermediaries (including distributors, retailers, and others),  
13 subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the  
14 United States and this District. SEC has purposefully and voluntarily placed one or more of its  
15 infringing products into the stream of commerce with the awareness and/or intent that they will be  
16 purchased by consumers in this District. SEC knowingly and purposefully ships infringing products  
17 into and within this District through an established distribution channel. These infringing products  
18 have been and continue to be purchased by consumers in this District. Upon information and belief,  
19 through those activities, SEC has committed the tort of patent infringement in this District.

20 10. On information and belief, Defendant SEC is subject to this Court’s general and specific  
21 personal jurisdiction because SEC has sufficient minimum contacts within California and this District,  
22 because Defendant SEC purposefully availed itself of the privileges of conducting business in  
23 California and in this District, because Defendant SEC regularly conducts and solicits business within  
24 California and within this District, and because Plaintiff’s causes of action arise directly from  
25 Defendant SEC’s business contacts and other activities in California and this District. Having  
26 purposefully availed itself of the privilege of conducting business within this District, Defendant SEC  
27 should reasonably and fairly anticipate being brought into court here.

28 11. Venue with respect to Defendant SEA is proper in this District under 28 U.S.C.

1 § 1400(b) because, upon information and belief, Defendant SEA maintains a regular and established  
2 place of business in this District, the Samsung Device Solutions America campus, also known as  
3 “Samsung@First”. Samsung Device Solutions America campus is located at 3655 North 1<sup>st</sup> Street,  
4 San Jose, California 95134, and has committed infringing acts in this District through its sales of the  
5 Accused Instrumentalities in this District, and also under 28 U.S.C. § 1391(b)(2) because SEA both  
6 sells and offers to sell products and services throughout the United States, including in this District,  
7 and introduces products and services into the stream of commerce and effectuates these sales knowing  
8 that the products and services would be sold in this District and elsewhere in the United States. In  
9 addition, on information and belief, Defendant SEA is a wholly owned subsidiary of SEC, a closely  
10 related co-defendant in this action over which this Court has venue under 28 U.S.C. § 1391(c)(3) and  
11 28 U.S.C. § 1391(b)(2) as noted above.

12 12. This Court has personal jurisdiction over SEA. SEA has conducted and regularly  
13 conducts business within the United States and this District. SEA has purposefully availed itself of the  
14 privileges of conducting business in the United States, and more specifically in California and this  
15 District. SEA has sought protection and benefit from the laws of California placing infringing  
16 products into the stream of commerce through an established distribution channel with the awareness  
17 and/or intent that they will be purchased by consumers in this District.

18 13. SEA – directly or through intermediaries (including distributors, retailers, and others),  
19 subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the  
20 United States and this District. SEA has purposefully and voluntarily placed one or more of its  
21 infringing products into the stream of commerce with the awareness and/or intent that they will be  
22 purchased by consumers in this District. SEA knowingly and purposefully ships infringing products  
23 into and within this District through an established distribution channel. These infringing products  
24 have been and continue to be purchased by consumers in this District. Upon information and belief,  
25 through those activities, SEA has committed the tort of patent infringement in this District.

26 14. On information and belief, Defendant SEA is subject to this Court’s general and  
27 specific personal jurisdiction because SEA has sufficient minimum contacts within California and this  
28 District, because Defendant SEA purposefully availed itself of the privileges of conducting business in

1 California and in this District, because Defendant SEA regularly conducts and solicits business within  
2 California and within this District, and because Plaintiff's causes of action arise directly from  
3 Defendant SEA's business contacts and other activities in California and this District. Having  
4 purposefully availed itself of the privilege of conducting business within this District, Defendant SEA  
5 should reasonably and fairly anticipate being brought into court here.

6 **BACKGROUND**

7 **The Inventions**

8 15. Timothy B. Higginson is the sole inventor (hereinafter "the Inventor") of U.S. Patent  
9 No. 6,703,963 ("the '963 patent" or "the patent in suit"). A true and correct copy of the '963 patent is  
10 attached hereto as Exhibit A.

11 16. The '963 patent resulted from the pioneering efforts of the Inventor in the area of small-  
12 profile multifunctional input devices. These efforts resulted in the development of novel input devices,  
13 and methods for operating them. The input devices utilize one or more functional modes and one or  
14 more domain levels associated with entering input values into the devices. A provisional patent  
15 application directed to the inventions was filed in the United States in September 2001.

16 17. At the time of the Inventor's pioneering efforts, the most widely implemented  
17 technology used to address keying input data still involved implementing variants of the traditional  
18 two-handed QWERTY keyboard. In that type of system, as explained in the '963 patent:

19 The QWERTY keyboard has been used as an input means since the development of the  
20 very first electronic devices. However, with the development of smaller, portable electronic  
21 devices, use of the QWERTY keyboard with these devices has certain drawbacks. As  
22 electronic devices have become smaller through advances in integrated circuitry, the traditional  
23 QWERTY keyboard is simply too large for many of the smaller electronic devices as the  
24 keyboard must be large enough to accommodate both hands of the user. Moreover, due the  
25 large size of the traditional keyboard, it is not sufficiently portable for use in conjunction with  
26 many of these electronic devices.

27 Previous attempts to overcome this short coming of the keyboard have included the use  
28 of foldable keyboards as shown in U.S. Pat. No. 6,174,097 and the use of keyboards that allow  
for the direct connection of the electronic device to a full-size portable QWERTY keyboard as  
shown in U.S. Pat. No. 6,108,200. However, neither of these approaches reduces the area  
required for the use of the keyboard.

1 ...An additional drawback to the QWERTY keyboard is that it was designed to  
2 accommodate the mechanical components of the first typewriters, as such, the layout of its keys  
3 does not facilitate the rapid input of data from the keyboard.

4 ...Another drawback to the traditional QWERTY keyboard is that it has typically only  
5 had a single functionality, namely alphanumeric input. However, with the decrease in size of  
6 many of electronic devices, additional functions are required from a smaller keyboard that  
7 current keyboards cannot accommodate.

8 (See Exhibit A, '963 patent at 1:37 to 2:23.)<sup>1</sup>

9 18. The Inventor conceived of the inventions claimed in the '963 patent to address the  
10 aforementioned drawbacks of the prior art. As explained in the '963 patent:

11 The miniaturization of many electronic devices has allowed them to be designed such  
12 that they can be operated with only a single hand of the user or has made their use incompatible  
13 with a full-sized QWERTY keyboard. Because the QWERTY keyboard was developed for  
14 two-handed use with the original typewriter, it cannot be readily adapted for efficient use by  
15 only a single hand, or one or both thumbs when used in conjunction with many electronic  
16 devices.

17 ...Previous attempts to increase the speed and efficiency of data input into an electronic  
18 device have included the development and use of voice-recognition software. However, the  
19 error rate typically associated with this type of software has thus far prevented its large-scale  
20 use as an effective input device.

21 ...Previous attempts to overcome shortcomings of the QWERTY keyboard have included the  
22 use of alternative keyboards, such as the standard 12-key arrangement found on most telephone  
23 and cellular phones. A drawback of using the standard telephone as a data-input device is the  
24 slow rate of input due to use of only a single finger or thumb to activate the keys.

25 (See Exhibit A, '963 patent at 1:56 to 2:30.)

26 The present invention provides a multifunctional input device. The input device  
27 includes a functional mode which defines the mode of operation of the input device. Each  
28 functional mode includes one or more domain levels with each domain level containing one or  
more domain-level values. Each domain level-value within each functional mode is assigned to  
one of a plurality of programmable input keys. The domain-level value assigned to each input  
key controls the function of that input key within a given functionality and domain level. The  
present invention also includes a display to indicate the domain-level value associated with  
each of the programmable input keys within a given functionality.

(See Exhibit A, '963 patent at 2:33-45.)

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<sup>1</sup> Citations to patents in this Complaint refer to columns and lines within columns of any cited patent. For example, the citation referenced by this footnote refers to column 1, at line 37 through column 2, at line 23 in the '963 patent.

1 **Technological Innovation**

2 19. The patented inventions disclosed in the '963 patent resolve technical problems related  
3 to data input devices, and particularly, to problems related to the utilization of small-profile data input  
4 devices. As the patent explains, there are several limitations of the prior art as regards full-sized  
5 QWERTY keyboards in that:

6 [T]he keyboard must be large enough to accommodate both hands of the user.  
7 Moreover, due the large size of the traditional keyboard, it is not sufficiently portable for use in  
8 conjunction with many of these electronic devices.

9 ('963 patent at 1:40-48.)

10 The miniaturization of many electronic devices has allowed them to be designed such  
11 that they can be operated with only a single hand of the user or has made their use incompatible  
12 with a full-sized QWERTY keyboard.

13 ('963 patent at 1:56-59.)

14 Moreover, the size of the standard QWERTY keyboard, which can have in excess of  
15 100 keys, often limits its versatility and utility as an input device.

16 ('963 patent at 1:64-66.)

17 20. The claims of the '963 patent do not merely recite the performance of some well-known  
18 business practice from the pre-Internet world along with the requirement to perform it on the Internet.  
19 Instead, the claims of the patent in suit recite inventive concepts that are deeply rooted in computerized  
20 data input and data processing. They offer technology that overcomes problems specifically arising  
21 out of how to maximize efficiency and versatility associated with entering data into a small profile data  
22 input device.

23 21. In addition, the claims of the patent in suit recite inventive concepts that improve the  
24 functioning of electronic data input devices catalogs, particularly as they recite a combination of  
25 controls by which a user can dynamically generate user-specific data input interfaces for the devices.

26 22. Moreover, the claims of the '963 patent recite inventive concepts that are not merely  
27 routine or a conventional use of computer technology or transaction processing. Instead, the patented  
28 inventions disclosed in the patent in suit provide a new and novel solution to specific problems related  
to automating and customizing the process of entering data into small profile input devices by

1 dynamically utilizing user specified control combinations. The claims of the patent in suit thus specify  
2 how interfaces for entering user data are manipulated to yield a desired result.

3 23. And finally, the patented inventions disclosed in the patent in suit do not preempt all the  
4 ways that user-specific interface selections may be used to improve entering data into small profile  
5 input devices, nor does the patent in suit preempt a well-known or prior art technology, such as a  
6 standard QWERTY keyboard.

7 24. Accordingly, the claims in the '963 patent recite a combination of elements sufficient to  
8 ensure that the claims, in substance and in practice, amount to significantly more than a patent-  
9 ineligible abstract idea.

10 **COUNT I - INFRINGEMENT OF U.S. PATENT NO. 6,703,963**

11 25. The allegations set forth in the foregoing paragraphs are incorporated herein by  
12 reference.

13 26. On March 9, 2004, the '963 patent was duly and legally issued by the United States  
14 Patent and Trademark Office under the title "Universal Keyboard."

15 27. Princeps is the assignee and owner of the right, title and interest in and to the '963  
16 patent, including the right to assert all causes of action arising under said patent and the right to any  
17 remedies for infringement of it.

18 28. Upon information and belief, Defendants have directly infringed and continue to  
19 directly infringe at least claims 1, 2, 3, 9, 12 and 60 of the '963 patent under 35 U.S.C. § 271(a) by  
20 making, using, selling, offering to sell and/or importing information input devices such as Samsung  
21 phones with proprietary Samsung Apps and/or third-party Apps with keyboard functionalities and an  
22 operating system such as the Android operating system (the "Accused Instrumentalities"), as set forth  
23 in detail in the attached preliminary and exemplary claim charts provided in Exhibits A-1 and A-2.  
24 (*See* Princeps' Claim Charts for claims 1, 2, 3, 9, 12 and 60 of the '963 patent, Exhibits A-1 and A-2.)

25 29. The Accused Instrumentalities infringed and continue to infringe claims 1, 2, 3, 9, 12  
26 and 60 of the '963 patent during the pendency of the '963 patent.

27 30. Samsung was made aware of the '963 patent and its infringement thereof at least as  
28 early as June 24, 2019, when it was served a Complaint based on the '963 patent in an earlier action



1 brought in another District, Del. C.A. No. 1:19-cv-01103-CFC (see Dkt. No. 8 in that case), dismissed  
2 without prejudice.

3 31. Users in California and elsewhere in the United States have used and interacted with  
4 Defendants' systems as recited in claims 1, 2, 3, 9, 12 and 60 of the '963 patent.

5 32. On information and belief, collective Defendant Samsung is a for-profit organization  
6 with revenues of approximately \$221 billion U.S.D. per year. Moreover, Defendant Samsung,  
7 including their employees and/or agents, make, use, sell, offer to sell, import, provide and cause to be  
8 used the Accused Instrumentalities for Defendants' customers, leading to direct and indirect revenues  
9 and profit. As one example of indirect profit, entities such as Defendants will frequently offer the  
10 Accused Instrumentalities at reduced pricing as an inducement to attract select categories of customers,  
11 such as students, who then purchase additional products or services. On information and belief,  
12 without the availability of infringing tools such as the Accused Instrumentalities, Defendants would be  
13 at a disadvantage in the marketplace and would generate less revenue overall.

14 33. Princeps has been harmed by Samsung's infringing activities.

15 34. Princeps reserves the right to modify its infringement theories as discovery progresses  
16 in this case. It shall not be estopped for purposes of its infringement contentions or its claim  
17 constructions by the claim charts it provides with this Complaint. Princeps intends the claim charts  
18 (Exhibits A-1 and A-2) for the '963 patent to satisfy the notice requirements of Rule 8(a)(2) of the  
19 Federal Rule of Civil Procedure. The claim charts are not Princeps's preliminary or final infringement  
20 contentions or preliminary or final claim construction positions.

21 **JURY DEMAND**

22 35. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, and Rule 3-6 of the Civil  
23 Local Rules, Plaintiff demands a trial by jury on all issues triable as such.

24 **PRAYER FOR RELIEF**

25 36. WHEREFORE, Plaintiff Princeps demands judgment for itself and against the  
26 Defendants as follows:

- 27 A. An adjudication that the Defendants have infringed the '963 patent;  
28 B. An award of damages to be paid by Defendants adequate to compensate Plaintiff for the

1 Defendants' past infringement of the '963 patent, and any continuing or future  
2 infringement through the date such judgment is entered, including interest, costs,  
3 expenses and an accounting of all infringing acts including, but not limited to, those acts  
4 not presented at trial;

5 C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of  
6 Plaintiff's reasonable attorneys' fees; and

7 D. An award to Plaintiff of such further relief at law or in equity as the Court deems just  
8 and proper.

9  
10 Dated: April 29, 2020

Respectfully submitted,

11  
12 /s/ Patrick R. Delaney

Patrick R. Delaney

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