

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

LONGHORN HD LLC.,

Plaintiff,

v.

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

Defendant.

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Case No.

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Longhorn HD LLC. (“LHD” or “Plaintiff”) for its Complaint against Defendants Samsung Electronics Co., Ltd. (“Samsung Electronics”) and Samsung Electronics America, Inc. (“Samsung Electronics America”) (collectively “Samsung” or “Defendants”) for patent infringement under 35 U.S.C. § 271 and alleges as follows:

**THE PARTIES**

1. LHD is a limited liability company organized and existing under the laws of the State of Texas, with its principal place of business located at 203 East Travis Street, Marshall, Texas 75670.

2. Defendant Samsung Electronics is a corporation organized and existing under the laws of the Republic of Korea, with its principal place of business at 129 Samsung-Ro, Yeongtong-Gu, Suwon-Si, Gyeonggi-Do, 443-742, Republic of Korea. Upon information and belief, Samsung Electronics does business in Texas, directly or through intermediaries, and offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas, including in the Judicial District of the Eastern District of Texas.

3. Defendant Samsung Electronics America is a corporation organized under the laws of New York, with its principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660. Upon information and belief, Samsung Electronics America has corporate offices in the Eastern District of Texas at 1303 East Lookout Drive, Richardson, Texas 75082 and 2800 Technology Drive, Suite 200, Plano, Texas 75074. Samsung Electronics America has publicly indicated that in early 2019, it would be centralizing multiple offices in a new location in the Eastern District of Texas at the Legacy Central Office Campus, located at 6225 Declaration Drive, Plano, Texas 75023. Samsung Electronics America may be served with process through its registered agent CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

4. Defendants have authorized sellers and sales representatives that offer and sell products pertinent to this Complaint through the State of Texas, including in this Judicial District, and to consumers throughout this Judicial District, such as: Best Buy, 422 West TX-281 Loop, Suite 100, Longview, Texas 75605; AT&T Store, 1712 East Grand Avenue, Marshall, Texas 75670; Sprint Store, 1806 East End Boulevard North, Suite 100, Marshall, TX 75670; T-Mobile, 900 East End Boulevard North, Suite 100, Marshall, TX 75670; Verizon authorized retailers, including Russell Cellular, 1111 East Grand Avenue, Marshall, Texas 75670; Victra, 1006 East End Boulevard, Marshall, Texas 75670; and Cricket Wireless authorized retailer, 120 East End Boulevard South, Marshall, TX 75670.

### **JURISDICTION**

5. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) and 1367.

6. This Court has specific and personal jurisdiction over each of the Defendants consistent with the requirements of the Due Process Clause of the United States Constitution and the Texas Long Arm Statute. Upon information and belief, each Defendant has sufficient minimum contacts with the forum because each Defendant transacts substantial business in the State of Texas and in this Judicial District. Further, each Defendant has, directly or through subsidiaries or intermediaries, committed and continues to commit acts of patent infringement in the State of Texas and in this Judicial District as alleged in this Complaint, as alleged more particularly below.

7. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1400(b) and 1391(b) and (c) because each Defendant is subject to personal jurisdiction in this Judicial District, has committed acts of patent infringement in this Judicial District, and has a regular and established place of business in this Judicial District. Each Defendant, through its own acts and/or through the acts of each other Defendant, makes, uses, sells, and/or offers to sell infringing products within this Judicial District, regularly does and solicits business in this Judicial District, and has the requisite minimum contacts with the Judicial District such that this venue is a fair and reasonable one. Further, upon information and belief, the Defendants have admitted or not contested proper venue in this Judicial District in other patent infringement actions.

#### **PATENTS-IN-SUIT**

8. On May 13, 2004, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,725,924 (the “’924 Patent”) entitled “Information Backup System with Storing Mechanism and Method of Operation Thereof.” A true and correct copy of the ’924 Patent is available at <http://pdfpiw.uspto.gov/piw?PageNum=0&docid=8725924>.

9. LHD is the sole and exclusive owner of all right, title, and interest in the '924 Patent (the "Patents-in-Suit"), and holds the exclusive right to take all actions necessary to enforce its rights to the Patents-in-Suit, including the filing of this patent infringement lawsuit. LHD also has the right to recover all damages for past, present, and future infringement of the Patents-in-Suit and to seek injunctive relief as appropriate under the law.

### **FACTUAL ALLEGATIONS**

10. The Patents-in-Suit generally cover systems and methods for computer and network security.

11. The '924 Patent generally relates to technology regarding information backup systems, particularly to a system with storage. The technology described in the '924 Patent was developed by Simon B. Johnson and Lev M. Bolotin of ClevX, LLC. By way of example, this technology is implemented today in information backup systems which include a power supply and communication ports connecting a host microcontroller.

12. Samsung has infringed and is continuing to infringe one or more of the Patents-in-Suit by making, using, selling, offering to sell, and/or importing, and by actively inducing others to make, use, sell, offer to sell, and/or importing, products that include information backup systems and SSDs with fall sensors. Such products include at least the Samsung mobile devices which are compatible with Samsung Smart Switch technology, such as the Galaxy S20, S20+, S20 Ultra, Z Flip, Note10, Note10+, S10e, S10, S10+, Fold, Galaxy Note9, S9, S9+, Note8, S8, S8+, S7, and S7 edge which utilize functionality that infringes the Patents-in-Suit ("Accused Products").

### **COUNT I** **(Infringement of the '924 Patent)**

13. Paragraphs 1 through 12 are incorporated by reference as if fully set forth herein.

14. LHD has not licensed or otherwise authorized Defendants to make, use, offer for sale, sell, or import any products that embody the inventions of the '924 Patent.

15. Defendants have and continue to directly infringe the '924 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '924 Patent. Such products include at least the Samsung Smart Switch technology, such as the Galaxy S20, S20+, S20 Ultra, Z Flip, Note10, Note10+, S10e, S10, S10+, Fold, Galaxy Note9, S9, S9+, Note8, S8, S8+, S7, and S7 edge.

16. For example, Defendants have and continue to directly infringe at least claim 1 of the '924 Patent by making, using, offering to sell, selling, and/or importing into the United States products that include information back systems. The infringing systems include a power supply and communication ports connecting a host microcontroller, for example, Samsung mobile devices compatible with Samsung Smart Switch.

**What is Smart Switch?**

Seamless and worry-free, Smart Switch makes it supremely easy to transfer photos, files and important data from your old mobile devices to your Galaxy S and Note series. Even if your old phone is not a Galaxy device, transferring data to a new Galaxy phone via USB Cable, Wi-Fi or computer is done in a flash.

When transferring via Wi-Fi, you need to download the Smart Switch app, and when connecting via USB Cable, you only need the USB connector included with new Galaxy phones. From contact info to messages, from your photos and videos to your music library, your calendar events to your favorite apps, and even your mobile setting preferences, with Smart Switch, you can pick up exactly where you last left off.

Smart Switch is available on Galaxy S20, S20+, S20 Ultra, Z Flip, Note10, Note10+, S10e, S10, S10+, Fold, Galaxy Note9, S9, S9+, Note8, S8, S8+, S7, and S7 edge.

Discover more about Galaxy for yourself.

[Go to Galaxy S20 | S20+ | S20 Ultra 5G](#) [Go to Galaxy Z Flip](#)

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17. The Accused Products perform a method of an information backup system comprising supplying a power to a first communication port (i.e. the usb connector in a handheld device such as the Galaxy S10) and a second communication port (i.e. the storage of a handheld device such as the Galaxy S10) with an internal power supply (i.e. the battery of a handheld device such as the Galaxy S10).

18. Additionally, the Accused Products perform a method of electrically connecting a host microcontroller (i.e. the Snapdragon processor) to the first communication port for connecting a handheld device and electrically connecting the host microcontroller to the second communication port for connecting a mass storage device, the host microcontroller is for functioning as a host to the second communication port and the first communication port; and transferring data between the first communication port and the second communication port:

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<sup>1</sup> <https://www.samsung.com/us/apps/smart-switch/>.

**Performance**

**Battery Capacity**

**Galaxy S10e**

3100mAh (typical)

**Galaxy S10**

3400mAh (typical)

**Galaxy S10+**

4100mAh (typical)

**Galaxy S10 5G**

4500mAh (typical)

\*Typical value tested under third-party laboratory condition. Typical value is the estimated average value considering the deviation in battery capacity among the battery samples tested under IEC 61960 standard. Rated (minimum) capacity is 3000mAh for Galaxy S10e, 3300mAh for Galaxy S10, 4000mAh for Galaxy S10+, and 4400mAh for Galaxy S10 5G. Actual battery life may vary depending on network environment, usage patterns and other factors.

**Network & Connectivity**

Enhanced 4x4 MIMO, Up to 7CA, LAA, LTE Cat.20  
Up to 2.0Gbps Download / Up to 150Mbps Upload

5G Non-Standalone (NSA), Sub6 / mmWave (Galaxy S10 5G only)

Wi-Fi 802.11 a/b/g/n/ac/ax (2.4/5GHz), VHT80 MU-MIMO, 1024QAM  
Up to 1.2Gbps Download / Up to 1.2Gbps Upload

Bluetooth® v 5.0 (LE up to 2Mbps), ANT+, USB type-C, NFC, Location (GPS, Galileo, Glonass, BeiDou)

\*Actual speed may vary depending on country, carrier, and user environment.

\*Depending on country or carrier, 5G connectivity may use Sub6 only, mmWave only, or Sub6 and mmWave together.

\*Galileo and BeiDou coverage may be limited. BeiDou may not be available for certain countries.

**Memory**

**Galaxy S10e**

- 6GB RAM with 128GB internal storage
- 8GB RAM with 256GB internal storage

**Galaxy S10**

- 8GB RAM with 128GB internal storage
- 8GB RAM with 512GB internal storage

**Galaxy S10+**

- 8GB RAM with 128GB internal storage
- 8GB RAM with 512GB internal storage (Only ceramic models)
- 12GB RAM with 1TB internal storage (Only Performance Edition ceramic models)

**Galaxy S10 5G**

- 8GB RAM with 256GB internal storage
- 8GB RAM with 512GB internal storage

**AP**

8nm 64-bit Octa-Core Processor ※ 2.73GHz (Maximum Clock Speed) + 2.31GHz + 1.95GHz

7nm 64-bit Octa-Core Processor ※ 2.84GHz (Maximum Clock Speed) + 2.41GHz + 1.78GHz

<sup>2</sup> <https://www.samsung.com/global/galaxy/galaxy-s10/specs/>.

19. Defendants have and continue to indirectly infringe one or more claims of the '924 Patent by knowingly and intentionally inducing others, including Samsung customers and end-users, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States products that include infringing technology, such as the Samsung Smart Switch software for mobile devices.

20. Defendants, with knowledge that these products, or the use thereof, infringe the '924 Patent at least as of the date of this Complaint, knowingly and intentionally induced, and continue to knowingly and intentionally induce, direct infringement of the '924 Patent by providing these products to end users for use in an infringing manner.

21. Defendants induced infringement by others, including end users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end users, infringe the '924 Patent, but while remaining willfully blind to the infringement.

22. LHD has suffered damages as a result of Defendants' direct and indirect infringement of the '924 Patent in an amount to be proved at trial.

23. LHD has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '924 Patent, for which there is no adequate remedy at law, unless Defendants' infringement is enjoined by this Court.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury for all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, LHD prays for relief against Defendants as follows:

- a. Entry of judgment declaring that Defendants have directly and/or indirectly



infringed one or more claims of each of the Patents-in-Suit;

b. An order pursuant to 35 U.S.C. § 283 permanently enjoining Defendants, their officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them, from further acts of infringement of the Patents-in-Suit;

c. An order awarding damages sufficient to compensate LHD for Defendants' infringement of the Patents-in-Suit, but in no event less than a reasonable royalty, together with interest and costs;

d. Entry of judgment declaring that this case is exceptional and awarding LHD its costs and reasonable attorney fees under 35 U.S.C. § 285; and,

e. Such other and further relief as the Court deems just and proper.

Dated: November 5, 2020

Respectfully submitted,

/s/ Alfred R. Fabricant

Alfred R. Fabricant

NY Bar No. 2219392

Email: afabricant@fabricantllp.com

Peter Lambrianakos

NY Bar No. 2894392

Email: plambrianakos@fabricantllp.com

Vincent J. Rubino, III

NY Bar No. 4557435

Email: vrubino@fabricantllp.com

**FABRICANT LLP**

230 Park Avenue, 3<sup>rd</sup> Floor W.

New York, NY 10169

Telephone: (212) 257-5797

Facsimile: (212) 257-5796

John Andrew Rubino

NY Bar No. 5020797

Email: jarubino@rubinoip.com

**RUBINO LAW LLC**

830 Morris Turnpike

Short Hills, NJ, 07078

Telephone: (973) 535-0920  
Facsimile (973) 535-0921

Justin Kurt Truelove  
Texas Bar No. 24013653  
Email: kurt@truelovelawfirm.com  
**TRUELOVE LAW FIRM, PLLC**  
100 West Houston  
Marshall, Texas 75670  
Telephone: (903) 938-8321  
Facsimile: (903) 215-8510

**ATTORNEYS FOR PLAINTIFF  
LONGHORN HD LLC.**