

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

Plaintiffs,

v.

POLARIS POWERLED TECHNOLOGIES,
LLC,

Defendant.

Civil Action No. _____

**CONFIDENTIAL –
FILED UNDER SEAL**

COMPLAINT FOR DECLARATORY JUDGMENT

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Plaintiffs Samsung Electronics America, Inc. (“SEA”) and Samsung Electronics Co., Ltd. (“SEC”) (collectively “Samsung” or “Plaintiffs”), file this Complaint for Declaratory Judgment against Defendant Polaris PowerLED Technologies, LLC (“Polaris”), and allege as follows:

NATURE OF THE ACTION

1. This is an action for a declaratory judgment of non-infringement arising under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201, 2202.

2. Samsung seeks a declaratory judgment that Samsung does not infringe United States Patent Number 7,239,087 (“’087 patent”). Ex. A.

3. Samsung seeks relief because Polaris previously sued Samsung for allegedly infringing the ’087 patent by making, using, offering for sale, or selling within the United States or importing into the United States certain Samsung televisions, displays, and monitors; Samsung and Polaris subsequently entered into a litigation standstill agreement; the standstill agreement

expired yesterday; and Samsung has not infringed any claims of the '087 patent, induced others to infringe the '087 patent, or contributed to the infringement of the '087 patent by others, willfully or otherwise, literally or under the doctrine of equivalents, by or through making, using, offering for sale, selling within the United States and/or importing any infringing products.

4. Polaris's past actions have created uncertainty about whether Samsung infringes the '087 patent. For example, Polaris's public actions, including previously filing suit against Samsung alleging infringement of this same patent, would lead observers to believe that Polaris will again file suit against Samsung accusing Samsung of infringing the '087 patent, and may mistakenly lead some observers to believe Polaris's claims to be true. On information and belief, Polaris is a patent-holding company whose primary, if not sole, business purpose is the acquisition, sale, licensing, and assertion of patents. Polaris's actions have therefore created a substantial and concrete controversy between Polaris and Samsung that warrants declaratory judicial resolution.

PARTIES

5. SEA is a New York corporation with its principal place of business located at 85 Challenger Road, Ridgefield Park, New Jersey 07660.

6. SEC is a corporation organized and existing under the laws of the Republic of Korea with its principal place of business at 129 Samsung-ro, Maetan-3dong, Yeongton-gu, Suwon-si, Gyeonggi-do, 443-742, Republic of Korea.

7. SEA is a wholly-owned subsidiary of SEC.

8. Polaris is a Delaware limited liability company having its address at 32932 Pacific Coast Highway #14-498, Dana Point, California. On information and belief, Polaris's principal place of business is in California.

JURISDICTION AND VENUE

9. This action for a declaratory judgment of non-infringement arises under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201, 2202.

10. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1338, 2201, 2202, and 35 U.S.C. § 1, *et seq.*

11. Polaris is subject to personal jurisdiction in the District of Delaware because Polaris is organized under the laws of Delaware. Polaris purposefully availed itself of the benefits and protections of Delaware by organizing under Delaware’s laws. Given Polaris’s organization under the laws of Delaware, Polaris has more than sufficient minimum contacts with Delaware to create personal jurisdiction.

12. Venue in this Court is proper under 28 U.S.C. §§ 1391(b), (c), and/or 1400(b) because Polaris resides in Delaware.

PATENT-IN-SUIT

13. On information and belief, the ’087 patent was issued on July 3, 2007, to Newton E. Ball with the title “Method and Apparatus to Drive LED Arrays Using Time Sharing Technique.” A copy of the ’087 patent obtained from the United States Patent and Trademark Office (“PTO”) website is attached as Exhibit A.

14. Polaris claims to own the ’087 patent and to have the legal right to sue others for infringement of that patent. Polaris has filed lawsuits asserting that it owns the ’087 patent and accusing others of infringement of the ’087 patent.

15. PTO records indicate that Polaris is the current owner of the ’087 patent by assignment.

EXISTENCE OF AN ACTUAL CONTROVERSY

16. Polaris's past actions demonstrate the existence of an actual controversy between Polaris and Samsung regarding the '087 patent under 28 U.S.C. §§ 2201 and 2202.

17. Polaris filed a complaint against Samsung on June 15, 2019, in the Eastern District of Texas alleging that certain "Accused Products" infringe at least claims 1, 3, 4, 7, and 9 of the '087 patent (Case No. 2:19-cv-00229, the "Prior Litigation").

18. In its complaint in the Prior Litigation, Polaris defined Accused Products as "various Samsung electronics products, including most, if not all, of its televisions made and offered for sale in the United States, including for example, 4K UHD televisions (e.g., the UN49MU8000 TV and UN55NU8000 TV), 4K SUHD televisions (e.g., 2016 4K SUHD Smart televisions (KS8 Series) such as UN65KS8500FXZA), QLED televisions (e.g., 2017 4K QLED TVs (Q6F Series) such as QN55Q6FAMFXZA), Full HD televisions (e.g., M530x Series such as UN32M5300FXZA), and all other Samsung televisions, monitors and displays that include a local or zone dimming feature that dims the backlight behind parts of the screen that are displaying black." ¶¶ 7, 20.

19. Effective July 22, 2019, Samsung and Polaris settled a separate lawsuit in the Eastern District of Texas regarding U.S. Patent No. 8,223,117 ("117 patent") (Case No. 2:17-cv-00715). The settlement agreement did not contain any release, covenant not to sue, or license agreement as to the '087 patent. Instead, as part of the settlement agreement, Polaris and Samsung agreed that Polaris would dismiss the Prior Litigation without prejudice. The agreement included an acknowledgement by Polaris that it had not yet served the '087 patent complaint on Samsung and an agreement by Polaris that it would not do so prior to the case's dismissal.

20. The settlement agreement also included a standstill provision under which Polaris would not sue Samsung for infringement of any of Polaris's patents, including the '087 patent, for 18 months (i.e., up through and including January 21, 2021).

21. Polaris and Samsung jointly moved on July 22, 2019 to dismiss the Prior Litigation without prejudice.

22. The Court granted the motion to dismiss the Prior Litigation, but mistakenly ordered dismissal with prejudice.

23. In June 2020, Polaris contacted Samsung to discuss how to handle the mistake. Samsung agreed not to oppose a motion to correct the error, which Polaris filed on August 5, 2020.

24. Polaris's motion stated that "[r]ecently, on or about June 3, 2020, the counsel for Polaris first became aware that the Court's order dismissing this case contains a clerical error stating that the dismissal is *with* prejudice (rather than *without* prejudice as the parties had moved for)."

25. On August 6, 2020, the Court granted Polaris's motion, correcting the dismissal so that it is without prejudice.

26. Polaris's relatively recent interest in the dismissed case's status demonstrates that Polaris intends to continue to assert that Samsung infringes the '087 patent.

27. Polaris has been actively litigating lawsuits alleging infringement of the '087 patent against other entities. For example, Polaris filed a complaint against Vizio, Inc., alleging infringement of the '087 patent, the '117 patent, and one other patent in the Central District of California on September 4, 2018 (Case No. 8:18-cv-01571). Polaris accused numerous Vizio "televisions" and "other consumer electronics display products" of infringing the '087 patent by use of at least local or zone dimming. *See* Third Am. Compl. ¶¶ 11, 17, *Polaris PowerLED Techs.*,

LLC v. Vizio, Inc., Case No. 8:18-cv-01571 (C.D. Cal. Sept. 4, 2019), ECF No. 95. The court entered judgment of non-infringement in favor of Vizio on August 24, 2020. Polaris has appealed.

28. As another example, Polaris filed a complaint against Top Victory Electronics (Taiwan) Co. Ltd. and several affiliate companies alleging infringement of the '087 patent and the '117 patent in the Central District of California on August 16, 2019 (Case No. 8:19-cv-01580)—two months after Polaris filed its complaint for the '087 patent against Samsung. Polaris again accused Vizio displays of infringement of the '087 patent, alleging that these defendants manufactured, sold for importation, offered for sale for importation, imported, and distributed the Vizio displays. The parties stipulated to dismissal without prejudice on February 7, 2020.

29. As another example, Polaris filed a complaint against Hon Hai Precision Industry Co., Ltd. D/B/A Foxconn Technology Group alleging infringement of the '087 patent and the '117 patent in the Central District of California on October 8, 2019 (Case No. 8:19-cv-01926). Polaris again accused Vizio displays of infringement of the '087 patent, alleging that this defendant made, used, offered for sale, distributed, sold, and imported into the United States the Vizio displays. The parties stipulated to dismissal without prejudice on February 12, 2020.

30. As another example, Polaris filed a complaint against Amtran Technology Co., Ltd., and an affiliate company alleging infringement of the '087 patent and the '117 patent in the Central District of California on August 23, 2019 (Case No. 8:19-cv-01630). Polaris again accused Vizio displays of infringement of the '087 patent, alleging that these defendants manufactured, sold for importation, offered for sale for importation, and imported into the United States the Vizio displays. The parties stipulated to dismissal without prejudice on February 24, 2020.

31. As another example, Polaris filed a complaint against Wistron Corporation alleging infringement of the '087 patent and the '117 patent in the Central District of California on October

9, 2019 (Case No. 8:19-cv-01935). Polaris again accused Vizio displays of infringement of the '087 patent, alleging that the defendant made, used, offered for sale, sold, and imported into the United States the Vizio displays. The parties stipulated to dismissal without prejudice on February 28, 2020.

32. As another example, Polaris filed a complaint against TCL Corporation and several affiliate companies alleging infringement of the '087 patent in the Central District of California on January 21, 2020 (Case No. 8:20-cv-00127). Polaris accused TCL televisions and products “that contain local dimming, black frame insertion, or scanning backlight features” of infringing the '087 patent. Compl. ¶ 18, *Polaris PowerLED Techs., LLC v. TCL Corp.*, Case No. 8:20-cv-00127 (C.D. Cal. Jan. 21, 2020), ECF No. 1. TCL and other entities filed a petition for *inter partes* review of the '087 patent on June 15, 2020. The court granted TCL’s motion to stay the case pending *inter partes* review on July 24, 2020.

33. As another example, Polaris filed a complaint against Hisense Electronics Manufacturing Company of America Corporation and several affiliate companies alleging infringement of the '087 patent and the '117 patent in the Central District of California on January 21, 2020 (Case No. 8:20-cv-00123). Polaris accused Hisense televisions and products “that have a system for individual control of LED strings, including, but not limited to, local dimming, black frame insertion, or scanning backlight features” of infringing the '087 patent. Compl. ¶ 36, *Polaris PowerLED Techs., LLC v. Hisense Elecs. Mfg. Co. of Am. Corp.*, Case No. 8:20-cv-00123 (C.D. Cal. Jan. 21, 2020), ECF No. 1. Hisense joined TCL’s petition for *inter partes* review of the '087 patent, filed on June 15, 2020. Hisense and other entities also filed two petitions for *inter partes* review of the '117 patent on July 16, 2020, and July 21, 2020. The court granted Hisense’s motion to stay the case pending *inter partes* review on August 26, 2020.

34. As another example, Polaris filed a complaint against LG Electronics, Inc., and an affiliate company alleging infringement of the '087 patent and the '117 patent in the Central District of California on January 21, 2020 (Case No. 8:20-cv-00125). Polaris accused LG televisions and products “that contain local dimming and TruMotion features” of infringing the '087 patent. Compl. ¶ 26, *Polaris PowerLED Techs., LLC v. LG Elecs., Inc.*, Case No. 8:20-cv-00125 (C.D. Cal. Jan. 21, 2020), ECF No. 1. LG joined Hisense’s petitions for *inter partes* review of the '117 patent filed on July 16, 2020, and July 21, 2020. The court granted LG’s motion to stay the case pending *inter partes* review on August 26, 2020.

35. The actions by Polaris described above demonstrate the existence of an actual, justiciable controversy between Polaris and Samsung as to whether the Accused Products infringe the '087 patent. Namely, Polaris’s actions—including Polaris’s past suit against Samsung alleging infringement of this very patent, for which it recently corrected a dismissal with prejudice to a dismissal without prejudice—show that it intends to pursue litigation of this patent against Samsung at some point in the future, which would be in accord with Polaris’s numerous litigations against other parties concerning both the '087 patent and '117 patent.

36. Polaris’s actions have also cast uncertainty over Samsung’s products and business. Absent a declaration of non-infringement, Polaris will continue to wrongfully allege that Samsung infringes the '087 patent, and thereby cause a restraint on Samsung’s free exploitation of non-infringing devices or an immediate threat of such a restraint.

CLAIMS FOR RELIEF

Count I (Non-infringement of '087 Patent)

37. Samsung realleges and incorporates all above paragraphs as if fully set forth herein.

38. As a result of the acts described in the preceding paragraphs, there exists a controversy of sufficient immediacy and reality regarding whether Samsung’s Accused Products

infringe the '087 patent, including Samsung facing an imminent threat of restraint on free exploitation of its non-infringing goods, such that a declaratory judgment of non-infringement is warranted.

39. Samsung has not infringed, induced others to infringe, or infringed contributorily, willfully or otherwise, literally or under the doctrine of equivalents, any claim of the '087 patent by or through making, using, offering for sale, selling within the United States and/or importing the Accused Products.

40. Claim 1 of the '087 patent is directed to:

A multi-load time sharing driver comprising:

a current source configured to provide a regulated current;

a network of semiconductor switches coupled in series; and

a plurality of light sources in a backlight system, each light source associated with a semiconductor switch, wherein the semiconductor switch selectively opens to allow the associated light source to conduct the regulated current.

41. Samsung does not infringe claim 1 of the '087 patent at least because the Accused Products do not embody all of the limitations of claim 1.

42. For example, claim 1 requires “a current source configured to provide a regulated current.” But the Samsung Accused Products, including the UN49MU8000 television identified in Polaris’s complaint in the Prior Litigation, do not use current sources to drive their backlight LEDs. They use voltage sources.

43. As another example, claim 1 requires “a network of semiconductor switches coupled in series.” In its complaint in the Prior Litigation, Polaris identified the following as meeting this claim element: “the Samsung UN49MU8000 TVs include network of semiconductor switches (e.g., AOD8N5 N-channel MOSFET switches) coupled in series with both a regulated power supply source and SLM4173 LED drivers.” In fact, those AOD8N5 transistors are not

coupled in series. They are arranged in parallel with each other. The other Accused Products also lack a network of semiconductor switches coupled in series, as required by claim 1.

44. As another example, claim 1 requires “a plurality of light sources in a backlight system, each light source associated with a semiconductor switch, wherein the semiconductor switch selectively opens to allow the associated light source to conduct the regulated current.” In its complaint in the Prior Litigation, Polaris identified the following as meeting this claim element: “the Samsung UN49MU8000 TVs include a plurality of LED light sources in a backlight system. Each light source (i.e., LED string) is associated with a semiconductor switch (e.g., one of the AOD8N25 MOSFETs), which selectively opens to allow the associated light source to conduct the regulated current.” In fact, those AOD8N25 transistors do not open to allow current to flow through their associated light sources. Instead, they allow current to flow through their associated light sources when they are closed. The other Accused Products also do not meet this claim limitation.

45. The Accused Products do not infringe any of claims 2–8 at least because these claims depend directly or indirectly on claim 1.

46. Claim 9 of the '087 patent is directed to:

A method to selectively power one or more light sources in a backlight system using a single power source, the method comprising the acts of:

- generating a regulated current;
- coupling the regulated current to a plurality of semiconductor switches connected in series;
- coupling a different light source across each of the semiconductor switches; and
- selectively opening the semiconductor switches to provide power to the respective light sources.

47. Samsung does not infringe claim 9 of the '087 patent at least because the Accused Products do not practice all of the limitations of claim 9.

48. For the same reasons described above for claim 1, the Accused Products do not meet at least the claim limitations in claim 9 for “generating a regulated current,” “coupling the regulated current to a plurality of semiconductor switches connected in series,” and “selectively opening the semiconductor switches to provide power to the respective light sources.”

49. The Accused Products do not infringe any of claims 10–12 at least because these claims depend directly or indirectly on claim 9.

50. For the same reasons described above for claim 1, the Accused Products do not meet at least the claim limitations in claim 13 requiring “means for generating a regulated current,” “wherein the light emitting diodes are coupled in series” and “each semiconductor switch is coupled across a different group of series-connected light emitting diodes corresponding to a different row in the array.”

51. Samsung does not induce infringement of claims 1–13 or otherwise indirectly infringe those claims because, for at least the reasons stated above, there is no direct infringement of those claims because the Accused Products do not satisfy several limitations of those claims. Additionally, Samsung has not acted with the specific intent necessary for induced infringement.

52. Samsung does not contributorily infringe claims 1–13 because, for at least the reasons stated above, there is no direct infringement of those claims because the Accused Products do not satisfy several limitations of those claims. In addition, the Accused Products have substantial non-infringing uses and Samsung did not have the knowledge or intent necessary for contributory infringement.

53. Accordingly, Samsung is entitled to a declaratory judgment that it has not directly infringed, induced others to infringe, or infringed contributorily, willfully or otherwise, literally or under the doctrine of equivalents, any claim of the '087 patent by or through making, using, offering for sale, selling within the United States and/or importing the Accused Products.

54. A judicial determination is necessary and appropriate so Samsung may ascertain its rights regarding the claims of the '087 patent.

PRAYER FOR RELIEF

WHEREFORE, Samsung seeks an order and entry of judgment against Polaris as follows:

- a. Judgment that Samsung does not and did not infringe, induce others to infringe, or infringe contributorily, willfully or otherwise, literally or under the doctrine of equivalents, any claim of the '087 patent in violation of 35 U.S.C. § 271 by or through making, using, offering for sale, selling within the United States and/or importing the Accused Products;
- b. Order that Polaris and each of its officers, directors, agents, counsel, servants, employees, and all persons in active concert or participation with any of them, be restrained and enjoined from alleging, representing, or otherwise stating that Samsung infringes any claims of the '087 patent or from instituting or initiating any action or proceeding alleging infringement of any claims of the '087 patent against Samsung or any customers, manufacturers, users, importers, or sellers of the Accused Products;
- c. Declaring Samsung as the prevailing party and this case as exceptional, and awarding Samsung its reasonable attorneys' fees, pursuant to 35 U.S.C. § 285;

- d. Ordering Polaris to pay all fees, expenses, and costs associated with this action; and
- e. Ordering such other relief as the Court deems just and proper.

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