

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

<b>360HEROS, INC.,</b>	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil Action No. 6:21-cv-00883</b>
<b>v.</b>	)	
	)	
<b>SAMSUNG ELECTRONICS</b>	)	
<b>AMERICA, INC. and SAMSUNG</b>	)	
<b>AUSTIN SEMICONDUCTOR, LLC</b>	)	<b>JURY TRIAL DEMANDED</b>
<b>Defendant.</b>	)	

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

360Heros, Inc. (“360Heros”) files this Original Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 9,152,019 (“the ‘019 patent”) (referred to as the “Patent-in-Suit”) by Samsung Electronics America, Inc. (“SEC”) and Samsung Austin Semiconductor, LLC (“SAS”) (collectively referred to as “Samsung”).

**I. THE PARTIES**

1. Plaintiff 360Heros is a Delaware Corporation with its principal place of business located at 2216 West State Street, Olean, New York 14760.

2. On information and belief, SEC is a corporation organized and existing under the laws of the state of New York, with a principal place of business located at 12100 Samsung Blvd, Austin, TX 78754. On information and belief, SEC manufactures, sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Texas and this judicial district.

3. On information and belief, SAS is a limited liability company organized under the laws of the State of Texas, with a principal place of business located at 12100 Samsung Blvd, Austin, TX

78754. On information and belief, SAS manufactures, sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Texas and this judicial district. Samsung can be served with process at its registered agent C T Corporation System 1999 Bryan St., Ste. 900, Dallas, TX 75201-3136 USA or anywhere else it may be found.

## II. JURISDICTION AND VENUE

4. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271.

5. This Court has personal jurisdiction over Samsung because: (i) Samsung is present within or has minimum contacts within the State of Texas and this judicial district; (ii) Samsung has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Samsung's business contacts and other activities in the State of Texas and in this judicial district.

6. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Samsung has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Samsung conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas and this District.

## III. INFRINGEMENT

A. Infringement of the '019 Patent

7. On October 6, 2015, U.S. Patent No. 9,152,019 (“the ‘019 patent”, attached as Exhibit A) entitled “360 Degree Camera Mount and Related Photographic and Video System” was duly and legally issued by the U.S. Patent and Trademark Office. 360Heros, LLC owns the ‘019 patent by assignment.

8. The ‘019 patent provide an apparatus and associated systems and methods for releasably retaining a plurality of cameras in predetermined orientations to allow for capturing of 360-degree composite images or 360 degree by 180 degree full spherical images. By providing an assembly that releasably retains cameras in necessary positions rather than fixing them into an assembly, a user can easily remove and replace cameras as needed for troubleshooting and service. Ex. 1 at 2:38-58.

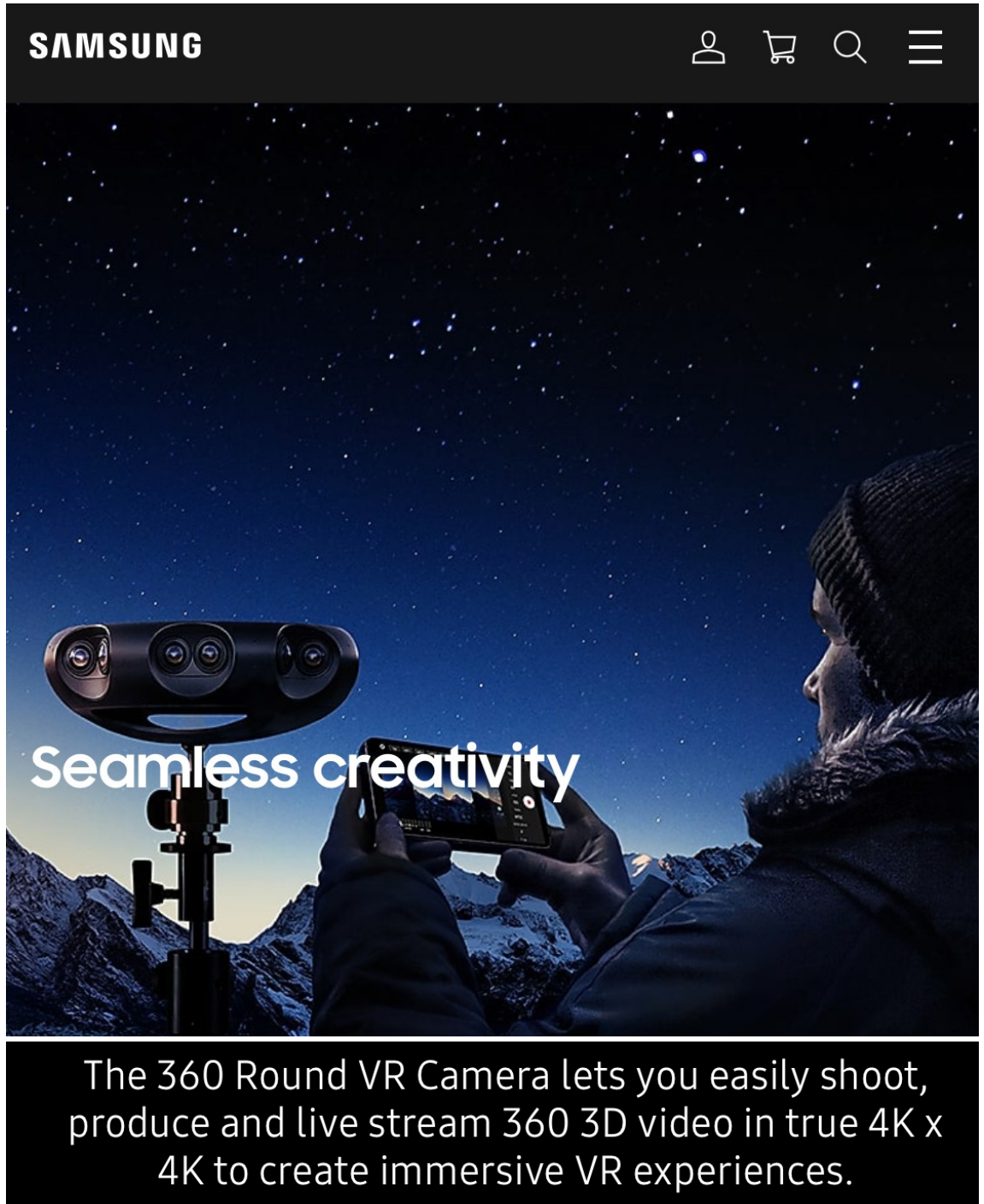
9. Samsung designs, manufactures, markets and sells photographic equipment, including, but not limited to, the 360-Round camera system, that infringe one or more claims of the ‘019 patent, including one or more of claims 1-37, literally or under the doctrine of equivalents. Samsung put the inventions claimed by the ‘019 Patent into service (i.e., used them); but for Samsung’s actions, the claimed-inventions embodiments involving Samsung’s products and services would never have been put into service. Samsung’s acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Samsung’s procurement of monetary and commercial benefit from it.

10. Support for the allegations of infringement may be found in the following preliminary table:

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Samsung: 360 Round

1. A holding assembly configured to releasably retain a plurality of photographic cameras in a predetermined orientation, said holding assembly comprising:



The advertisement features a dark blue header with the "SAMSUNG" logo on the left and navigation icons (user, shopping cart, search, menu) on the right. The main image shows a person in a winter hat and jacket holding a smartphone, with a Samsung 360 Round VR camera mounted on a tripod in the foreground. The background is a starry night sky over a snowy mountain range. The text "Seamless creativity" is overlaid on the image. Below the image, a black box contains white text describing the camera's capabilities.

**SAMSUNG**

Seamless creativity

The 360 Round VR Camera lets you easily shoot, produce and live stream 360 3D video in true 4K x 4K to create immersive VR experiences.

**Copyright © 2017 Samsung Electronics**

<https://www.samsung.com/us/business/mobile/virtual-reality/360-round-vr-camera/>

Samsung: 360 Round has a holding assembly configured to releasably retain a plurality of photographic cameras in a predetermined orientation.

The reference includes subject matter disclosed by the claims of the patent after the priority date.

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Samsung: 360 Round

a support including a support body having a plurality of support arms extending outwardly and radially from the support body; and



<<https://www.samsung.com/us/business/mobile/virtual-reality/360-round-vr-camera/>>

The reference describes a support including a support body having a plurality of support arms extending outwardly and radially from the support body.

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Samsung: 360 Round

each of the support arms including a receptacle disposed thereon and in which a plurality of the receptacles are disposed radially about the exterior of said support body,



<<https://www.samsung.com/us/business/mobile/virtual-reality/360-round-vr-camera/>>

The reference describes each of the support arms including a receptacle disposed thereon and in which a plurality of the receptacles are disposed radially about the exterior of said support body.



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each of said receptacles defining an open-ended enclosure having at least one latching feature for enabling a photographic camera to be releasably retained within the defined enclosure



The reference describes each of said receptacles defining an open-ended enclosure having at least one latching feature for enabling a photographic camera to be releasably retained within the defined enclosure.

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wherein the receptacles are oriented about said support such that each retained camera provides an overlapping field of view, the cameras being disposed on the support to create either a 360 degree by 180 degree full spherical composite image or a 360 degree composite image.



## Weave your stories seamlessly

The 360 Round comes bundled with the advanced Samsung Stitching Program.<sup>5</sup> It extracts videos from each of its 17 cameras and weaves them together seamlessly, automatically stitching 8 stereoscopic perspectives to allow you to preview video instantly and broadcast it the way you want it.

<<https://www.samsung.com/us/business/mobile/virtual-reality/360-round-vr-camera/>>

The reference describes the receptacles are oriented about said support such that each retained camera provides an overlapping field of view, the cameras being disposed on the support to create either a 360 degree by 180 degree fullspherical composite image or a 360 degree composite image.



11. These allegations of infringement are preliminary and are therefore subject to change. For instance, there are other of Samsung's products that infringe.

12. Samsung has and continues to induce infringement. Samsung has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., photographic equipment to enable 360-degree photography) such as to cause infringement of one or more of claims 1–37 of the '019 patent, literally or under the doctrine of equivalents. Moreover, Samsung has known of the '019 patent and the technology underlying it from at least the date of issuance of the patent or the date of the filing of this lawsuit.

13. Samsung has and continues to contributorily infringe. Samsung has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., photographic equipment to enable 360-degree photography) such as to cause infringement of one or more of claims 1–37 of the '019 patent, literally or under the doctrine of equivalents. Moreover, Samsung has known of the '019 patent and the technology underlying it from at least the date of issuance of the patent or the date of the filing of this lawsuit.

14. Samsung has caused and will continue to cause 360Heros damage by direct and indirect infringement of (including inducing infringement of) the claims of the '019 patent.

#### IV. JURY DEMAND

360Heros hereby requests a trial by jury on issues so triable by right.

#### V. PRAYER FOR RELIEF

WHEREFORE, 360Heros prays for relief as follows:

- a. enter judgment that Samsung has infringed the claims of the '019 patent;
- b. award 360Heros damages in an amount sufficient to compensate it for Samsung's infringement of the '019 patent in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;
- c. award 360Heros an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
- d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award 360Heros its attorneys' fees, expenses, and costs incurred in this action;
- e. declare Samsung's infringement to be willful and treble the damages, including attorneys' fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;
- f. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Samsung and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Samsung from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Samsung will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and
- g. award 360Heros such other and further relief as this Court deems just and proper.

DATED: August 24, 2021

Respectfully submitted,

**RAMEY & SCHWALLER, LLP**

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