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

Evolved Wireless, LLC,	§	
	§	
***Plaintiff*,**	§	
	§	
v.	§	**Civil Action No. 2:21-CV-00033**
	§	
Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc.,	§	**Jury Trial Demanded**
	§	
***Defendants*.**	§	
	§	

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Evolved Wireless, LLC ("Evolved") files this First Amended Complaint for patent infringement against Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. (collectively, "Samsung"), alleging as follows:

NATURE OF THE SUIT

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

2. Evolved filed an Original Complaint in this case on February 1, 2021. *See* Dkt. No. 1. The case was stayed pending a parallel proceeding at the International Trade Commission, styled *Certain LTE-Compliant Cellular Communication Devices*, Inv. No. 337-TA-1253. *See* Dkt. No. 14 (Mar. 10, 2021) ("ITC Investigation"). After the ITC Investigation was terminated (effective February 22, 2022) by agreement of the Parties, the Parties jointly moved to lift the stay in the present case, and the Court granted the joint motion to lift the stay on May 4, 2022. *See* Dkt. No. 19. The Court's order lifting the stay ordered Evolved to file an Amended Complaint within ten (10) days. *See id.*

3. Evolved served Samsung with claim charts detailing its infringement theories with the Original Complaint in this case and with the Original Complaint in the ITC Investigation.

4. During the ITC Investigation, the Parties engaged in substantial discovery, including exchanging and/or answering hundreds of Interrogatories, Requests for Production, and Requests for Admission, providing individual and corporate deposition testimony, and exchanging over a million pages of documents and source code. Non-parties produced over 150,000 pages documents and source code. Evolved's and Samsung's experts provided their infringement and validity reports and gave deposition testimony on their opinions.

THE PARTIES

5. Plaintiff **Evolved Wireless, LLC ("Plaintiff" or "Evolved")** is a Delaware limited liability company with its principal place of business at 900 South Capital of Texas Highway, Suite 150, Austin, Texas 78746.

6. Defendant **Samsung Electronics Co., Ltd. ("SEC")** is a multinational corporation organized and existing under the laws of the Republic of Korea with its principal place of business at 129 Samseong-Ro, Yoeongtong-Gu, Suwon-Si, Gyeonngi-Do 16677, Republic of Korea. SEC has several wholly owned subsidiaries doing business in several locations throughout the United States, including the New York metropolitan area, California, and Texas.

7. Defendant **Samsung Electronics America, Inc. ("SEA")** is a New York corporation with a principal place of business located at 85 Challenger Road, Ridgefield Park, New Jersey 07660-2118. SEA is a wholly owned subsidiary of SEC. SEA is registered to do business in Texas and may be served via its registered agent, C T Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

8. Defendants SEC and SEA are each individually liable and are jointly and severally liable for infringement of the Asserted Patents. Under theories of alter ego, single business

enterprise liability, and agency, the conduct of each can be attributed to and considered the conduct of the other for purposes of infringement of the Asserted Patents. SEC and SEA have in the past and continue to hold themselves out as a single entity – "Samsung" – acting in concert, with knowledge of each other's actions and control over each other.

9. Defendants SEC and SEA are hereinafter collectively referred to as **"Defendants"** or **"Samsung."**

JURISDICTION AND VENUE

10. This action arises under the patent laws of the United States, 35 U.S.C. § 101, *et seq*. This Court's jurisdiction over this action is proper under the above statutes, including 35 U.S.C. § 271, *et seq*., 28 U.S.C. § 1331 (federal question jurisdiction) and § 1338 (jurisdiction over patent actions).

11. Samsung is subject to personal jurisdiction in this Court. In particular, this Court has personal jurisdiction over Samsung because Samsung has engaged in continuous, systematic, and substantial activities within this State, including substantial marketing and sales of products within this State and this District. Furthermore, upon information and belief, this Court has personal jurisdiction over Samsung because Samsung has committed acts giving rise to Evolved's claims for patent infringement within and directed to this District.

12. Upon information and belief, Samsung has committed acts of infringement in this District and has one or more regular and established places of business within this District under the language of 28 U.S.C. § 1400(b).

13. Upon information and belief, Samsung has conducted and does conduct substantial business in this forum, directly and/or through subsidiaries, agents, representatives, or intermediaries, such substantial business including but not limited to: (i) at least a portion of the infringements alleged herein; (ii) purposefully and voluntarily placing one or more infringing

products into the stream of commerce with the expectation that they will be purchased by consumers in this forum; or (iii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to individuals in Texas and in this judicial District.

14. SEC is a foreign Defendant, and venue is therefore proper in this Court under 28 U.S.C. § 1391(c)(3).

15. SEA, which is SEC's wholly owned subsidiary, maintains a permanent physical presence within this District including at least corporate offices at 1303 East Lookout Drive, Richardson, Texas 75082 and 2800 Technology Drive, Suite 200, Plano, Texas 75074.

16. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 1400(b).

BACKGROUND

Evolved Wireless

17. Evolved is a technology innovation and licensing company focused on the wireless communications industry. Evolved's patent portfolio relates to telecommunications standards, including LTE, and represents both organic assets and externally sourced assets. In addition to licensing its patent portfolio, Evolved offers development, licensing, and commercialization services to owners of intellectual property in the field of wireless communications.

18. Evolved owns, through a series of assignments from the original assignee LG Electronics Inc. ("LGE"), an LTE standard-essential patent portfolio related to mobile telecommunications and cellular technology (the "Evolved Portfolio"), including but not limited to LTE-compliant cellular communication devices and components thereof. LGE is a South Korean corporation with its principal place of business at LG Twin Towers 20, Yeouido-dong, Yrongdeungpo-Gu, Seoul, South Korea 150-721. LGE also has wholly owned U.S. subsidiaries,

including LGUSA. LGE was founded in 1958 and is a worldwide leader in the design, development, and manufacture of consumer electronics and home appliances. LGE has made critical advances in electronic data transmissions and mobile communications over the years. Several of LGE's technological advances are embodied in Evolved's Asserted Patents.

19. The Evolved Portfolio was assigned to TQ Lambda LLC ("TQ Lambda") via a patent purchase agreement dated February 7, 2014. TQ Lambda and Evolved (which is a wholly owned subsidiary of TQ Lambda) executed a Contribution Agreement on September 1, 2014 ("Evolved CA"), by which TQ Lambda agreed to assign the LGE Portfolio to Evolved. Pursuant to the Evolved CA, TQ Lambda assigned the Evolved Portfolio to Evolved via a Patent Assignment dated September 26, 2014.

20. Evolved is the owner of all right, title, and interest in the Asserted Patents.

Overview of Mobile Telecommunications

21. The Third Generation Partnership Project ("3GPP") develops standards for globally applicable commercial cellular systems. The Organizational Partners of 3GPP are major telecommunications standards developing organizations from around the world, including the European Telecommunications Standards Institute ("ETSI"), the North American Alliance for Telecommunication Industry Solutions, the Telecommunications Technology Association of Korea, and others. Companies participate in 3GPP via their membership in one of the Organizational Partners. LGE is a member of at least one Organizational Partner, either directly or through a subsidiary.

22. Global standards establish precise specifications for the essential components of telecommunications systems and are fundamental in allowing products and services from unrelated competitors to be compatible and operate seamlessly within a telecommunications network.

23. The 3GPP standards for cellular wireless communications are known as Releases. Release 8 describes the first version of the Long-Term Evolution ("LTE") standard. The LTE standard network includes Evolved Universal Terrestrial Access Network ("E-UTRAN") and a Core Network called Evolved Packet Core.

24. Each Release consists of a series of technical specifications ("TS"). The 3GPP 36 series of technical specifications covers the E-UTRAN, including at least TS 36.211, 36.212, 36.213, 36.300, 36.321, and 36.331. Starting with Release 8, LTE has been commercially available in the United States since around 2010.

25. Developing the standards is an iterative process in which industry participants compete to find novel solutions to the standard's technical challenges and goals, including increased data rates and throughput, reduced latency, and higher reliability. The member companies participated in 3GPP Working Groups to discuss, vote, and select the most appropriate technology among competing proposals to provide each individual function within the standard. Technologies patented by the members become part of the 3GPP standards.

26. 3GPP participants must abide by the intellectual property rights ("IPR") policy of the Organizational Partners to which they belong. These IPR policies, such as the ETSI IP policy, are intended to strike "a balance between the needs of standardization for public use in the field of telecommunications and the rights of the owners of IPRs." *See* **Exhibit 9** at § 3.1. According to the ETSI Rules of Procedure, "IPR holders whether members of ETSI and their AFFILIATES or third parties, should be adequately and fairly rewarded for the use of their IPRs in the implementation of STANDARDS and TECHNICAL SPECIFICATIONS." *See* **Exhibit 9** at § 3.2

27. 3GPP participants are required to disclose intellectual property (including patents and patent applications) owned by them that they believe are or are likely to become essential, or

that might be essential, to any 3GPP standard, including LTE. Companies are also required by IPR policies to license their intellectual property on terms that are fair, reasonable, and non-discriminatory ("FRAND"). *See* **Exhibit 9** at § 6.1. These policies bind all successors-in-interest to license essential intellectual property on FRAND terms. *See* **Exhibit 9** at § 6.1bis.

28. The technology at issue in this case originated with LGE. As an ETSI member, LGE participated extensively in 3GPP Working Groups to develop the LTE standards. LG submitted numerous proposals for incorporation into the standards, and LGE's research and development efforts solved significant technical challenges facing the standards. The Evolved Portfolio includes patents that claim several of LGE's technical solutions that solve challenges in wireless telecommunications technology.

29. Cellular phones and devices allow users to make or receive telephone calls and transmit and receive data wirelessly over a wide geographical area.

30. Around 1980, first generation ("1G") mobile phones were introduced to the public. These phones used analog modulation techniques—specifically, frequency division multiple access ("FDMA") to transmit voice calls.

31. In the 1990s, second generation ("2G") phones emerged. These phones used digital technology, which permitted more efficient use of the radio spectrum than their 1G predecessors. While 2G systems were originally designed only for voice, they were later enhanced to include data transmission. However, they could only achieve low data rates.

32. During the same time period of growth for 2G communications systems, overall usage of the Internet also increased. In response to user demand for higher data rates, third generation ("3G") phones emerged.

33. While voice calls traditionally dominated the traffic in mobile communications, the increasing number of mobile devices and the advancement of mobile device technology with increased features and data-hungry applications drove demand for faster and more reliable data transmissions. Data traffic over cellular networks has therefore increased dramatically since the mid- to late-2000s.

34. Given the increased demand for data, coupled with limited available radio spectrum, mobile communication developers were required to create a new standard that—compared to 3G—offered much higher data rates, lower latency, and improved overall user experience. LTE is the result of this development.

35. The Evolved Portfolio solves particular problems arising in wireless cellular communications between mobile devices and cellular networks. The above-referenced benefits of LTE, such as higher throughput and lower latency, could be achieved only after significant challenges were overcome. These challenges included at least interference management and signal processing. The Evolved Portfolio addresses some of these challenges and offers specific solutions to improve mobile device functionality over the prior art with faster, more reliable, and more efficient voice and data transmissions. The following section presents an overview of the technological problems addressed by—and the solutions claimed in—each of the Asserted Patents.

Evolved's Standard-Essential LTE Patent Portfolio

36. The Evolved Portfolio enjoys significant intellectual property protection, including at least 27 issued United States Patents and at least 113 issued foreign patents.

37. The patents in the Evolved Portfolio—and the Asserted Patents in particular—are essential to the 3GPP 36 Series technical specifications, including at least TS 36.211, 36.300, and 36.331.

THE ASSERTED PATENTS

38. This cause of action asserts infringement of United States Patent No. RE46,679 ("the '679 Patent") and United States Patent No. RE48,326 ("the '326 Patent") (collectively, the "Asserted Patents").

United States Patent Nos. RE46,679 and RE48,326

39. United States Patent No. RE46,679 (the "'679 Patent") entitled "Method of Transmitting and Receiving Radio Access Information in a Wireless Mobile Communications System," duly and legally issued on January 16, 2018, from Reissue Application No. 14/326,637, filed on July 9, 2014. The '679 Patent is a reissue of United States Patent No. 8,219,097 (the "'097 Patent"), which issued on July 10, 2012, from United States Patent Application No. 12/870,747, filed on August 27, 2010, and naming Sun Jun Park, Young Dae Lee, Sung Duck Chun, and Myung Cheul Jung as co-inventors. A copy of the '679 Patent is attached hereto as **Exhibit 1** and is incorporated by reference.

40. The '097 Patent—from which the '679 Patent reissued—is a continuation of United States Patent Application No. 11/553,939, filed on October 27, 2006, and issued as United States Patent No. 7,809,373 on October 5, 2010. The '679 Patent also claims priority to United States Provisional Patent Application No. 60/732,080, filed on October 31, 2005, and Korean Application No. 10-2006-0063135, filed on July 5, 2006. The '679 Patent is entitled to claim priority at least to the Korean Application date of July 5, 2006.

41. Evolved owns by assignment the entire right, title, and interest in and to the '679 Patent.

42. The '679 Patent is valid, enforceable, and currently in full force and effect. The '679 Patent expires on October 27, 2026.

43. United States Patent No. RE48,326 (the "'326 Patent"), entitled "Method of Transmitting and Receiving Radio Access Information in a Wireless Mobile Communications

System," duly and legally issued on November 24, 2020, from Reissue Application No. 15/804,824, filed on November 6, 2017. The '326 Patent is a reissue of United States Patent No. 8,412,201 (the "'201 Patent"), which issued on April 2, 2013, from United States Patent Application No. 13/487,081, filed on June 1, 2012, and naming Sun Jun Park, Young Dae Lee, Sung Duck Chun, and Myung Cheul Jung as co-inventors. A copy of the '326 Patent is attached hereto as **Exhibit 2** and is incorporated by reference.

44. The '326 Patent is a continuation of United States Patent Application No. 14/676,490, filed as a reissue application on April 1, 2015, and reissued from the '201 Patent as United States Patent No. RE46,602 on November 7, 2017. The '201 Patent—from which the '326 Patent reissued—is a continuation of United States Patent Application No. 12/870,747, filed on August 27, 2010, and issued as United States Patent No. 8,219,097 on July 10, 2012, which is itself a continuation of United States Patent Application No. 11/553,939, filed on October 27, 2006, and issued as United States Patent No. 7,809,373 on October 5, 2010. The '326 Patent also claims priority to United States Provisional Patent Application No. 60/732,080, filed on October 31, 2005, and Korean Application No. 10-2006-0063135, filed on July 5, 2006. The '326 Patent is entitled to claim priority at least to the Korean Application date of July 5, 2006.

45. Evolved owns by assignment the entire right, title, and interest in and to the '326 Patent.

46. The '326 Patent is valid, enforceable, and currently in full force and effect. The '326 Patent expires on October 27, 2026.

47. The '679 and '326 Patents generally relate to the handover of an LTE cellular device from one cell tower base station (the source base station) to another cell tower base station

(the target base station). The patented systems and methods relate to a more efficient—and faster—handover process.

48. Handovers are fundamental to the cellular architecture of LTE wireless telecommunication systems. Cellular coverage in a network relies on base stations. When a mobile device (like a cellular phone, tablet, or smartwatch) moves from the coverage area of one base station to the coverage area of a new base station, the mobile device must establish a connection with the target base station in a process called a handover. In the prior art, the mobile device would send a signal to establish synchronization and make scheduling requests. The signal included information related to a random-access preamble selected randomly by the mobile device. However, the signal was susceptible to collision and disruption during the handover process due to, *inter alia*, multiple devices using the same preamble. As more and more devices enter and leave a cellular coverage area, the likelihood of such a collision increases. Collisions between mobile devices increase service interruptions, ultimately reducing the quality and/or availability of service.

49. The ’679 and ’326 Patents address problems arising out of the use of a limited number of preambles in a random-access process. Specifically, the ’679 and ’326 Patents disclose an LTE mobile device that receives preamble information—such as a preamble index—related to a device-specific random-access channel (“RACH”) preamble sent from the target base station via the source base station to the mobile device, and then uses that information to establish a connection with the target base station during the handover process. The use of the device-specific preamble eliminates the likelihood of collision between mobile devices, which reduces handover processing time and results in a faster and more efficient method of accessing a target base station.

GENERAL ALLEGATIONS

50. Evolved incorporates by reference the allegations in paragraphs 1–49.

51. Upon information and belief, Samsung makes, uses, sells, offers to sell, and/or imports into the United States LTE-compliant cellular communication devices including cellular phones, tablets, and smartwatches that infringe one or more claims of each of the Asserted Patents. Samsung directly and/or infringes the Asserted Claims literally and/or under the doctrine of equivalents in violation of 35 U.S.C. § 271(a) and/or (b).

52. Samsung infringes at least the following claims of the '679 and '326 Patents ("Asserted Claims"):

Patent	Asserted Claims[1]
RE46,679	**6**, 8
RE48,326	**18**, 19, 20

Identification of Accused Products

53. This Complaint asserts infringement by Samsung LTE-compliant cellular communication devices, including cellular phones, tablets, and smartwatches (collectively, "Accused Products"). The Accused Products include—but are not limited to—the following:

Accused Product
Galaxy A Quantum
Galaxy A01
Galaxy A01 Core aka Galaxy A03 Core
Galaxy A02S
Galaxy A02
Galaxy A03
Galaxy A03s
Galaxy A2 Core
Galaxy A6 (2018)

[1] Independent claims are bold-faced and underlined. Evolved reserves the right to identify additional Asserted Claims in its disclosure of Asserted Claims and Infringement Contentions.

Accused Product
Galaxy A6s
Galaxy A6+ (2018) aka Galaxy A9 Star Lite aka Galaxy Jean
Galaxy A7 (2018)
Galaxy A8 (2018)
Galaxy A8+ (2018)
Galaxy A8s
Galaxy A8 Star (A9 Star)
Galaxy A9 (2018)
Galaxy A10
Galaxy A10e
Galaxy A10s
Galaxy A11
Galaxy A12
Galaxy A12 Nacho
Galaxy A13
Galaxy A13 5G
Galaxy A20
Galaxy A20e
Galaxy A20s
Galaxy A21
Galaxy A21s
Galaxy A22
Galaxy A22 5G
Galaxy A23
Galaxy A30
Galaxy A30s
Galaxy A31
Galaxy A32
Galaxy A32 5G
Galaxy A33 5G
Galaxy A40
Galaxy A41
Galaxy A42 5G
Galaxy A50
Galaxy A50s

Accused Product
Galaxy A51
Galaxy A51 5G
Galaxy A51 5G UW
Galaxy A52
Galaxy A52 5G
Galaxy A52s 5G
Galaxy A53 5G
Galaxy A60
Galaxy A70
Galaxy A70s
Galaxy A71
Galaxy A71 5G
Galaxy A71 5G UW
Galaxy A72
Galaxy A73 5G
Galaxy A80
Galaxy A90 5G
Galaxy Amp Prime 3 2018
Galaxy Book
Galaxy Book2
Galaxy C5 Pro
Galaxy C7 (2017)
Galaxy Express Prime 3
Galaxy F02s
Galaxy F12
Galaxy F22
Galaxy F23
Galaxy F42 5G
Galaxy F52 5G
Galaxy F62
Galaxy Fold
Galaxy Fold 5G aka Galaxy W20 5G
Galaxy Folder2
Galaxy Halo
Galaxy J2 (2017) aka Galaxy J2 Duos (2017)

Accused Product
Galaxy J2 Core
Galaxy J2 Core (2020)
Galaxy J2 Pro (2018)
Galaxy J3 (2017) aka Galaxy J3 Pro (2017) aka Galaxy J3 (2017) Duos
Galaxy J3 (2018) aka Galaxy J3 Star aka Galaxy Amp Prime 3 aka Galaxy J3 V 2018 aka Galaxy J3 Aura
Galaxy J3 Achieve 2018
Galaxy J3 Prime
Galaxy J3 V 2018
Galaxy J4
Galaxy J4 Core
Galaxy J4+
Galaxy J5 (2017)
Galaxy J6
Galaxy J6+
Galaxy J7 (2017)
Galaxy J7 (2018)
Galaxy J7 Duo
Galaxy J7 Max
Galaxy J7 Prime 2 aka Galaxy J7 Prime (2018)
Galaxy J7 Pro
Galaxy J7 Refine 2018
Galaxy J7 Star
Galaxy J7 V
Galaxy J8
Galaxy Kids Tab E Lite
Galaxy Kids Tablet 7.0
Galaxy M01
Galaxy M01 Core
Galaxy M01S
Galaxy M02S
Galaxy M10

Accused Product
Galaxy M10s
Galaxy M11
Galaxy M12
Galaxy M20
Galaxy M21
Galaxy M21 2021
Galaxy M21S
Galaxy M22
Galaxy M23
Galaxy M30
Galaxy M30s
Galaxy M31
Galaxy M31 Prime
Galaxy M31S
Galaxy M32
Galaxy M32 5G
Galaxy M33
Galaxy M40
Galaxy M42 5G
Galaxy M51
Galaxy M52 5G
Galaxy M53
Galaxy M62
Galaxy Note FE
Galaxy Note4
Galaxy Note4 (USA)
Galaxy Note8
Galaxy Note9
Galaxy Note10
Galaxy Note10+
Galaxy Note10+ 5G
Galaxy Note10 5G
Galaxy Note10 Lite
Galaxy Note20
Galaxy Note20 5G
Galaxy Note20 Ultra

Accused Product
Galaxy Note20 Ultra 5G
Galaxy On6 (India) Galaxy J6 (Global)
Galaxy Quantum 2
Galaxy S Light Luxury
Galaxy S8
Galaxy S8+
Galaxy S8 Active
Galaxy S9
Galaxy S9+
Galaxy S10
Galaxy S10 Lite
Galaxy S10+
Galaxy S10 5G
Galaxy S10e
Galaxy S20
Galaxy S20 5G
Galaxy S20 FE
Galaxy S20 FE 2022
Galaxy S20 FE 5G
Galaxy S20 5G UW
Galaxy S20 Ultra
Galaxy S20 Ultra 5G
Galaxy S20+
Galaxy S20+ 5G
Galaxy S21 5G
Galaxy S21+ 5G
Galaxy S21 Ultra 5G
Galaxy S21 FE 5G
Galaxy S22 5G
Galaxy S22 Ultra 5G
Galaxy S22+ 5G
Galaxy Tab A
Galaxy Tab A 10.1 (2019)
Galaxy Tab A 10.5
Galaxy Tab A7 Lite
Galaxy Tab A 7.0

Accused Product
Galaxy Tab A7 10.4 (2020)
Galaxy Tab A 8.0 (2017)
Galaxy Tab A 8.0 (2018)
Galaxy Tab A 8.0 (2019)
Galaxy Tab A 8.0 & S Pen (2019)
Galaxy Tab A8 10.5 (2021)
Galaxy Tab Active 2
Galaxy Tab Active 3
Galaxy Tab Active Pro
Galaxy Tab E
Galaxy Tab E 8
Galaxy Tab E Lite
Galaxy Tab S3
Galaxy Tab S4
Galaxy Tab S4 10.5
Galaxy Tab S6
Galaxy Tab S6 5G
Galaxy Tab S6 Lite
Galaxy Tab S7
Galaxy Tab S7 FE
Galaxy Tab S7+
Galaxy Tab S8
Galaxy Tab S8+
Galaxy Tab S8 Ultra
Galaxy Tab S5e
Galaxy View2
Galaxy Watch
Galaxy Watch3
Galaxy Watch4
Galaxy Watch4 Classic
Galaxy Watch Active2
Galaxy Xcover 4s
Galaxy Xcover 5
Galaxy Xcover FieldPro
Galaxy Xcover Pro
Galaxy Z Flip

Accused Product
Galaxy Z Flip3 5G
Galaxy Z Flip 5G
Galaxy Z Fold2 5G
Galaxy Z Fold3 5G
Gear S3 classic LTE

54. Evolved has provided charts that demonstrate how a Representative Product (the Samsung Galaxy S10) infringes the Asserted Claims of the Asserted Patents. *See* **Exhibits 3 & 4**. These charts are supported by **Exhibits 5–8** (phone specification for sample infringing device and LTE Standards documents), which are also incorporated by reference. Upon information and belief, the Accused Products infringe the Asserted Claims due to the common designs and functionality of the products as they relate to the claim language of the Asserted Patents and the common ways in which the Accused products implement and are compliant with the relevant LTE standards.

55. Samsung's products that contain Qualcomm baseband chipsets were previously covered by a covenant not to sue in an agreement between LG Electronics and Qualcomm. That agreement was terminated effective December 31, 2018. Therefore, Evolved accuses Samsung's products that contain Qualcomm baseband chipsets of infringing the Asserted Patents only for activities occurring on or after January 1, 2019. Evolved accuses Samsung's products that do not contain Qualcomm baseband chipsets of infringing the Asserted Patents during the entire available damages period.

COUNT I – INFRINGEMENT OF THE '679 PATENT

56. Evolved incorporates by reference the allegations in paragraphs 1–55.

57. Examination of the Representative Product demonstrates that the Accused Products directly infringe at least Claims 6 and 8 of the '679 Patent under 35 U.S.C. § 271(a). A

representative chart that applies independent Claim 6 and dependent Claim 8 of the '679 Patent to the Representative Product and the relevant LTE standards is attached to the Complaint as **Exhibit 3**. As demonstrated in this claim chart, the Accused Products satisfy each limitation of independent Claim 6 and dependent Claim 8 of the '679 Patent and therefore infringe those claims.

58. Additionally, Samsung indirectly infringes the '679 Patent under 35 U.S.C. § 271(b) through, among other activities, providing infringing products and/or products that are used to infringe to consumers without authority and inducing those consumers to use the infringing products in an infringing way and by providing infringing products to retailers and inducing those retailers to sell infringing products, which itself is an act of direct infringement. Upon information and belief, Samsung's actions are made with knowledge of and with the specific intent to induce infringement of the '679 Patent.

59. Upon information and belief, Samsung has had actual notice of Evolved and its portfolio of patents since at least 2014 and has been aware of the '679 Patent since before the filing of this lawsuit.

60. For example, Matthew DelGiorno, counsel for Evolved, sent a letter to Indong Kang, Director / IP Counsel for Samsung dated September 21, 2018, in which he identified patents owned by Evolved and provided sample claim charts. Among the patents identified in Mr. DelGiorno's letter was the '679 Patent. Additionally, the letter included a claim chart mapping Claim 32 of U.S. Patent No. RE46,602 (which is related to the '679 patent) to portions of the LTE Standard.

61. Evolved contends that Samsung's infringement of the '679 Patent is willful.

62. Evolved and Samsung have engaged in substantial discovery in the ITC Investigation—including the exchange of expert testimony—regarding the issues of infringement and validity with respect to the '679 Patent.

63. Additionally, Samsung filed *Inter Partes* Review No. IPR2021-00949 at the Patent Trial and Appeal Board, alleging invalidity of Claims 1–3 and 6–8 of the '679 Patent based on a combination of the Third Generation Partnership Project Draft numbered R2-061135, titled "Intra-LTE Handover Operation" ("*Nokia*") and Chinese Patent Application Publication No. CN1596020A ("*Hu*").

64. The PTAB denied Samsung's Petition in an order dated November 29, 2021.

65. As a result of Samsung's infringement of the '679 Patent, Evolved has suffered and is owed monetary damages that are adequate to compensate it for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

COUNT II – INFRINGEMENT OF THE '326 PATENT

66. Evolved incorporates by reference the allegations in paragraphs 1–55.

67. Examination of the Representative Product demonstrates that the Accused Products directly infringe at least Claims 18, 19, and 20 of the '326 Patent under 35 U.S.C. § 271(a). A representative chart that applies independent Claim 18 and dependent Claims 19 and 20 of the '326 Patent to the Representative Product and the relevant LTE standards is attached to the Complaint as **Exhibit 4**. As demonstrated in this claim chart, the Accused Products satisfy each limitation of independent Claim 18 and dependent Claims 19 and 20 of the '326 Patent and therefore infringe those claims.

68. Additionally, Samsung indirectly infringes the '326 Patent under 35 U.S.C. § 271(b) through, among other activities, providing infringing products and/or products that are used to infringe to consumers without authority and inducing those consumers to use the infringing

products in an infringing way and by providing infringing products to retailers and inducing those retailers to sell infringing products, which itself is an act of direct infringement. Upon information and belief, Samsung's actions are made with knowledge of and with the specific intent to induce infringement of the '326 Patent.

69. Upon information and belief, Samsung has had actual notice of Evolved and its portfolio of patents since at least 2014 and has been aware of the '326 Patent since before the filing of this lawsuit.

70. For example, Matthew DelGiorno, counsel for Evolved, sent a letter to Indong Kang, Director / IP Counsel for Samsung dated September 21, 2018, in which he identified patents owned by Evolved and provided sample claim charts. Among the patents and applications identified in Mr. DelGiorno's letter was U.S. Patent Application No. 15/804,824, which issued as the '326 Patent. Additionally, the letter included a claim chart mapping Claim 32 of U.S. Patent No. RE46,602 (the parent of the '326 Patent) to portions of the LTE Standard.

71. Evolved contends that Samsung's infringement of the '326 Patent is willful.

72. Evolved and Samsung have engaged in substantial discovery in the ITC Investigation—including the exchange of expert testimony—regarding the issues of infringement and validity with respect to the '326 Patent.

73. Additionally, Samsung filed *Inter Partes* Review No. IPR2021-00950 at the Patent Trial and Appeal Board, alleging invalidity of Claims 14–16 and 18–20 of the '326 Patent based on a combination of *Nokia* and *Hu*.

74. The PTAB denied Samsung's Petition in an order dated November 29, 2021.

75. As a result of Samsung's infringement of the '326 Patent, Evolved has suffered and is owed monetary damages that are adequate to compensate it for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

DEMAND FOR A JURY TRIAL

76. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Evolved demands a trial by jury on all issues triable of right by a jury.

PRAYER FOR RELIEF

77. WHEREFORE, Evolved respectfully requests that this Court enter judgment in its favor and grant the following relief:

a. a judgment that Samsung has directly infringed one or more claims of each of the Asserted Patents;

b. a judgment and order requiring Samsung to pay Evolved past and future damages under 35 U.S.C. § 284, including for supplemental damages arising from any continuing post-verdict infringement for the time between trial and entry of the final judgment with an accounting, as needed, as provided by 35 U.S.C. § 284;

c. a judgment that Samsung's infringement is willful;

d. a judgment and order requiring Samsung to pay Evolved enhanced damages for its willful infringement;

e. a judgment and order requiring Samsung to pay Evolved reasonable ongoing royalties on a going-forward basis after final judgment;

f. a judgment and order requiring Samsung to pay Evolved pre-judgment and post-judgment interest on the damages award;

g. a judgment and order requiring Samsung to pay Evolved's costs;

h. a judgment and order declaring this case exceptional under 35 U.S.C. § 285;

i. a judgment and order requiring Samsung to pay Evolved's reasonable attorneys' fees; and

j. such other and further relief as the Court may deem just and proper.

Dated: May 13, 2022

Respectfully submitted,

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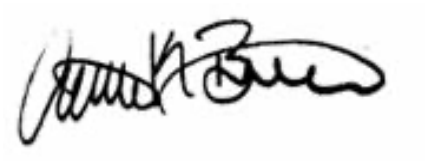
CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was electronically filed with the Clerk of Court using the CM/ECF filing system, which will generate and send an e-mail notification of said filing to all counsel of record, on this the 13th day of May, 2022.



ANTHONY K. BRUSTER