

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

SCANCOMM LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS
AMERICA, INC.,

Defendant.

Civil Action No. 2:22-cv-281

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff ScanComm LLC states for its Complaint against Defendant as follows:

INTRODUCTION

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

PARTIES

2. Plaintiff ScanComm LLC is a limited liability company organized and existing under the laws of Delaware.

3. On information and belief, Defendant Samsung Electronics America, Inc. is a corporation organized and existing under the laws of New York with a place

of business at 85 Challenger Road, Ridgefield Park, New Jersey, 07660, and with a regular and established place of business at 6625 Excellence Drive, Plano, Texas 75023.

4. On information and belief, SEA is a wholly owned subsidiary of Samsung Electronics Company, Ltd. and is responsible for domestic sales and distribution of Samsung's consumer electronics products, including the accused products in this case.

JURISDICTION

5. This Court has subject matter jurisdiction over all causes of action set forth herein pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, Title 35, United States Code, including 35 U.S.C. § 271 *et seq.*

6. Defendant is subject to personal jurisdiction in the State of Texas and in this Judicial District.

7. Defendant is registered to do business in Texas and maintains an agent for service of process in Texas. Defendant maintains a regular and established place of business within the Eastern District of Texas. On information and belief, Defendant employs over one thousand people in this Judicial District.

8. Moreover, Defendant has authorized retailers that offer and sell accused products on its behalf in this Judicial District.

9. Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and this District.

10. Defendant has derived substantial revenues from its infringing acts occurring within the State of Texas and within this District.

11. This Court has personal jurisdiction over Defendant under the provisions of the Texas Long Arm Statute and consistent with Constitutional due process by virtue of the fact that, upon information and belief, Defendant has availed itself of the privilege of conducting and soliciting business within this State, including engaging in at least some of the infringing activities in this State, such that it would be reasonable for this Court to exercise jurisdiction consistent with principles underlying the U.S. Constitution and without offending traditional notions of fair play and substantial justice.

12. Moreover, on information and belief, Defendant has purposefully and voluntarily placed its products into the stream of commerce with the expectation that they will be purchased and used by customers located in the State of Texas. On information and belief, Defendant's customers in the State of Texas have purchased and used and continue to purchase and use Defendant's products.

13. Venue is proper in this Judicial District and division pursuant to 28 § 1400(b) because Defendant has a regular and established place of business in this Judicial District and has committed acts of infringement in this District.

Plaintiff's U.S. Patent No. 11,003,878

14. Plaintiff is the assignee of all right, title and interest in United States Patent No. 11,003,878 (the "Patent-in-Suit"), including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Plaintiff possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Defendant.

15. The '878 patent, which issued on May 11, 2021, is entitled, "System for Communication from a User to the Publisher of a Scannable Label." A true and correct copy of the '878 Patent is attached hereto as Exhibit A and incorporated herein by reference.

COUNT ONE: INFRINGEMENT OF THE '878 PATENT

16. Plaintiff realleges and incorporates herein the preceding allegations of this Complaint as if fully set forth herein.

17. Defendant has in the past and continues to infringe one or more claims of the '878 patent, including at least claim 19, in violation of 35 U.S.C. §§ 271(a)

by making, using, offering to sell, or selling the patented invention within the United States or importing the patented invention into the United States.

18. A representative example of Defendant's infringing apparatuses, methods, and systems includes (but is not limited to) Defendant's Samsung Galaxy S20 smartphone. A representative claim chart demonstrating Defendant's infringement of the '878 patent, either literally or under the doctrine of equivalents, is attached as Exhibit B. Defendant's infringing products include, without limitation, other Samsung smartphones providing functionality such as that shown in Exhibit B ("Accused Instrumentalities"). Plaintiff incorporates by reference the claim chart of Exhibit B as allegations in this Complaint.

19. Plaintiff has and continues to suffer damages as a direct and proximate result of Defendant's direct infringement of the '878 patent.

20. Plaintiff is entitled to: (i) damages adequate to compensate for Defendant's direct infringement of the '878 patent, which amounts to, at a minimum, a reasonable royalty; (ii) attorneys' fees; and (iii) costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff seeks the following relief:

- a. Declaring that Defendant has infringed the '878 patent;
- b. That Defendant be ordered to pay damages adequate to compensate

Plaintiff for its infringement of the '878 patent pursuant to 35 U.S.C. § 284;

c. That Defendant be ordered to pay prejudgment interest pursuant to 35 U.S.C. § 284;

d. That Defendant be ordered to pay all costs associated with this action pursuant to 35 U.S.C. § 284;

f. That Defendant be ordered to pay Plaintiff's attorneys' fees pursuant to 35 U.S.C. § 285; and

g. That Plaintiff be granted such other and additional relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands a trial by jury of all issues so triable.

THIS 25th day of July, 2022

Respectfully submitted,

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