

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

|  |   |                                   |
|--|---|-----------------------------------|
| Artax LLC,                             | ) |                                   |
|  | ) |                                   |
| Plaintiff,                             | ) |                                   |
|  | ) |                                   |
| v.                                     | ) | Civil Action No. 4:23-cv-1145-ALM |
|  | ) |                                   |
| Samsung Electronics Co., Ltd.,         | ) | <b>JURY TRIAL DEMANDED</b>        |
| Samsung Electronics America, Inc., and | ) |                                   |
| Samsung Research America,              | ) |                                   |
|  | ) |                                   |
| Defendants.                            | ) |                                   |

**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Artax, LLC (“Artax” or “Plaintiff”), by and through the undersigned counsel, hereby asserts the following claims for patent infringement against Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Research America (collectively, “Samsung” or “Defendants”), and alleges as follows:

**NATURE OF THE ACTION**

1. Samsung has infringed and continues to infringe, contribute to the infringement of, and/or actively induce others to infringe, U.S. Patent No. 8,107,608 (“the ‘608 Patent”) and U.S. Patent No. 8,509,412 (“the ‘412 Patent”) (collectively “Patents-In-Suit”) (attached hereto as Exhibits A & B). Plaintiff accordingly files this Complaint seeking a judgment of and relief for patent infringement by Samsung.

## **THE PARTIES**

2. Plaintiff Artax, LLC is a Texas limited liability company with its principal place of business at 17330 Preston Road, Suite 200D, Dallas, Texas 75252. Plaintiff is the owner of the intellectual property rights at issue in this action.

3. Upon information and belief, Defendant Samsung Electronics Co., Ltd. (“SEC”) is a corporation organized and existing under the laws of the Republic of Korea, with its principal place of business located at 129 Samsung-Ro, Maetan-3dong, Yeongtong-Gu Suwon-Si, Gyeonggi-Do 16677, Suwon-Shi, Korea.

4. Defendant Samsung Electronics America, Inc. (“SEA”) is a corporation organized and existing under the laws of New York, with its principal place of business located at 85 Challenger Road, Ridgefield Park, New Jersey 07660. Since at least June 10, 1996, SEA has been registered to do business in Texas under Texas SOS file number 0011028006. SEA may be served through its registered agent, CT Corporation System, located at 1999 Bryan St., Ste. 900, Dallas, Texas 75201. On information and belief, SEA is a direct or indirect subsidiary of SEC.

5. Defendant Samsung Research America (“SRA”) is a corporation organized and existing under the laws of California, with its principal place of business located at 645 Clyde Avenue, Mountain View, California 94043. Since at least January 26, 2012, SRA has been registered to do business in Texas under Texas SOS file number 0801541089. SRA may be served through its registered agent, CT Corporation System, located at 1999 Bryan St., Ste. 900, Dallas, Texas 75201. On information and belief, SRA is a direct or indirect subsidiary of SEC.

6. Upon information and belief, SEC does business in the United States, including in this judicial district, by and through its subsidiaries SEA and/or SRA.

## **JURISDICTION AND VENUE**

7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 1338, as this action arises under the patent laws of the United States (35 U.S.C. §§ 1 et seq.).

8. Each Defendant is subject to this Court's personal jurisdiction consistent with the principles of due process and/or the Texas Long Arm Statute.

9. Personal jurisdiction exists generally over the Defendants because each Defendant has sufficient minimum contacts and/or has engaged in continuous and systematic activities in the forum as a result of business conducted within Texas, including in the Eastern District of Texas. Personal jurisdiction also exists over each Defendant because each, directly or through subsidiaries, makes, uses, sells, offers for sale, imports, advertises, makes available, and/or markets products and/or services within Texas, including in the Eastern District of Texas, that infringe one or more claims of the Patent-In-Suit. Further, on information and belief, Defendants have placed or contributed to placing infringing products and/or services into the stream of commerce knowing or understanding that such products and/or services would be sold and used in the United States, including in this District. Defendants SEA and SRA are each registered to do business in Texas and maintain an agent authorized to receive service of process within Texas, and Defendant SEC is the direct or indirect parent corporation of Defendants SEA and SRA.

10. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391(b)-(c) and/or 1400(b), including but not limited to because Samsung has committed acts of infringement in this District and has regular and established places of business in this District. By way of example and without limitation, Samsung makes, uses, sells, offers to sell, and/or imports products and/or services that are accused of infringing the Patent-In-Suit into and/or within this District and maintains a permanent and/or continuing presence within this District.

Additionally, upon information and belief, Defendants SEA and SRA maintain places of business in this District, and Defendant SEC is a foreign company with no place of business in the United States apart from those of its subsidiaries (including SEA and SRA).

11. Plaintiffs maintain a place of business within the Eastern District of Texas. For example, Plaintiff is incorporated in Texas and has its principal place of business within this District located at 17330 Preston Road, Suite 200D, Dallas, Texas 75252.

12. Defendants likewise maintain multiple places of business within this District. For example, Defendant SEA maintains its “Flagship North Texas Campus” in this District, which it opened in 2019 with a “216,000 square foot building” and “more than 1,000 regional employees.” See <https://news.samsung.com/us/samsung-electronics-america-open-flagship-north-texas-campus/> (last visited December 12, 2023). This campus is located at 6625 Excellence Way, Plano, Texas 75023. See <https://maps.app.goo.gl/7oQoudYWXvyMEmEN6> (last visited December 12, 2023).

13. Moreover, for example, Defendant SRA maintains an office within the Eastern District of Texas, which is located in the facility at 6105 Tennyson Pkwy Plano, TX 75024. See <https://sra.samsung.com/locations/#loc-431> (last visited December 12, 2023).

14. Samsung has solicited business in the Eastern District of Texas, has transacted business within this District, and has attempted to derive financial benefit from the residents of this District, including benefits directly related to Samsung’s infringement of the Patents-In-Suit.

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

#### **U.S. Patent No. 8,107,608**

15. U.S. Patent No. 8,107,608 (the “608 Patent”) is titled “System And Method For Providing Routing, Mapping, And Relative Position Information to Users of A Communication

Network” and was issued on January 31, 2012. A true and correct copy of the ‘608 Patent is attached as Exhibit A.

16. The ‘608 Patent was filed on January 2, 2008 as U.S. Patent Application No. 11/968,630.

17. Plaintiff is the owner of all rights, title, and interest in and to the ‘608 Patent, with the full and exclusive right to bring suit to enforce the ‘608 Patent, including the right to recover for past infringement.

18. The ‘608 Patent is valid and enforceable under United States Patent Laws.

19. The ‘608 Patent recognized problems with existing location and navigational systems at the time of the invention of the ‘608 Patent.

20. For instance, the inventors of ‘608 Patent recognized that prior art navigational systems require an extensive collection of storage discs, and “new replacement discs must be acquired,” even after “a user has purchased a set of discs.” Ex. A, ‘608 Patent at 1:47-64. The inventors also recognized that the locally stored location information will be out of date and inaccurate if it relied on cross-referencing telephone numbers with addresses. *Id.* at 2:4-16.

21. The inventors of the ‘608 Patent recognized the prior art is “incapable of obtaining position information over dynamically-configured connections.” *Id.* at 2:17-21. The inventors recognized the prior art “require[s] users to register each device’s network address into a database” for which the creation procedures are “static and not dynamic.” *Id.* at 2:22-43. The inventors further recognized that organizations using the static systems must “shut down the outside account and possibly change the network address for security purposes.” *Id.*

22. The inventors of the ‘608 Patent recognized the drawbacks are overcome by “the position determination, mapping, and routing system disclosed” in the patent that “assist the user,

or a software application, in determining local and/or remote position(s) by using an online database and/or networked authentication and authorization connection server.” *Id.* at 4:3-14.

23. In view of the foregoing, among other advantages over the prior art, the inventions claimed by the ‘608 Patent provide the benefits of providing real-time position information of one party to another party. *Id.* 2:60-4:3.

### **U.S. Patent No. 8,509,412**

24. U.S. Patent No. 8,509,412 (the “‘412 Patent”) is titled “System and Method For Providing Routing, Mapping, And Relative Position Information to Users of A Communication Network” and was issued on August 13, 2013. A true and correct copy of the ‘412 Patent is attached as Exhibit B.

25. The ‘412 Patent was filed on December 2, 2011 as U.S. Patent Application No. 13/373,841.

26. The ‘412 Patent is a continuation of U.S. Patent Application No. 11/968,630, now the ‘608 Patent.

27. Plaintiff is the owner of all rights, title, and interest in and to the ‘412 Patent, with the full and exclusive right to bring suit to enforce the ‘412 Patent, including the right to recover for past infringement.

28. The ‘412 Patent is valid and enforceable under United States Patent Laws.

29. The ‘412 Patent recognized problems with existing location and navigational systems at the time of the invention of the ‘412 Patent.

30. For instance, the inventors of ‘412 Patent recognized that prior art navigational systems require an extensive collection of storage discs, and “new replacement discs must be acquired,” even after “a user has purchased a set of discs.” Ex. B, ‘412 Patent at 1:47-64. The

inventors also recognized that the locally stored location information will be out of date and inaccurate if it relied on cross-referencing telephone numbers with addresses. *Id.* at 2:4-16.

31. The inventors of the '412 Patent recognized that the prior arts is “incapable of obtaining position information over dynamically-configured connections.” *Id.* at 2:17-21. The inventors recognized the prior art “require[s] users to register each device’s network address into a database” for which the creation procedures are “static and not dynamic.” *Id.* at 2:22-43. The inventors recognized that organization that use the static systems must “shut down the outside account and possibly change the network address for security purposes.” *Id.*

32. The inventors of the '412 Patent recognized the drawbacks are overcome by “the position determination, mapping, and routing system disclosed” that “assist the user, or a software application, in determining local and/or remote position(s) by using an online database and/or networked authentication and authorization connection server.” *Id.* at 4:3-14. The inventors of the '412 Patent further recognized that the drawbacks are overcome by providing the user’s wireless device position information, which includes address information, GPS position information, and nearby fixed location information. *Id.* at 3:52-57, 9:61-10:5.

33. In view of the foregoing, among other advantages over the prior art, the inventions claimed by the '412 Patent provide the benefits of providing real-time position information of one party to another party. *Id.* 2:60-4:3.

### **COUNT I: INFRINGEMENT OF U.S. PATENT NO. 8,107,608**

34. Plaintiff incorporates by reference and re-alleges paragraphs 1-41 of the Complaint as if fully set forth herein.

35. Defendants have infringed and are infringing, either literally or under the doctrine of equivalents, the '608 Patent in violation of 35 U.S.C. § 271 et seq., directly and/or indirectly,

by making, using, offering for sale, and/or selling in the United States, and/or importing into the United States without authority or license products, including but not limited to Galaxy A54, Galaxy S23 Ultra, Galaxy S23 FE, Galaxy A34, Galaxy S21 FE 5G, Galaxy A14, Galaxy S23, Galaxy S22 Ultra 5G, Galaxy S22 5G, Galaxy S21 Ultra 5G, Galaxy A24 4G, Galaxy S21 5G, Galaxy A13, Galaxy A53 5G, Galaxy A05s, Galaxy S10, Galaxy S20 FE 5G, Galaxy A23, Galaxy A05, Galaxy A32, Galaxy A12, Galaxy Note20 Ultra 5G, Galaxy A51, Galaxy S20, Galaxy A73 5G, Galaxy S10+, Galaxy A14 5G, Galaxy M34 5G, Galaxy A33 5G, Galaxy S20 Ultra 5G, Galaxy Note10+, Galaxy A52, Galaxy A50, Galaxy S23+, Galaxy A52s 5G, Galaxy A71, Galaxy A04, Galaxy S9, Galaxy A04s, Galaxy Note10, Galaxy A03, Galaxy A25, Galaxy A20, Galaxy A04e, Galaxy Note9, Galaxy M14, Galaxy S9+, Galaxy A21s, Galaxy Z Fold5, Galaxy Note20, Galaxy F54, Galaxy A03s, Galaxy S21+ 5G, Galaxy A10, Galaxy A22, Galaxy S10e, Galaxy Z Flip5, Galaxy A31, Galaxy A23 5G, Galaxy A30, Galaxy S20+, Galaxy A70, Galaxy A72, Galaxy A15, Galaxy A15 5G, Galaxy A03 Core, Galaxy S22+ 5G, Galaxy S20 FE, Galaxy M54, Galaxy A32 5G (collectively, the “‘608 Accused Products”).

36. By way of non-limiting example(s), set forth below (with claim language in bold and italics) is exemplary evidence of infringement of claim 1 of the ‘608 Patent by the ‘608 Accused Products. This description is based on publicly available information. Plaintiff reserves the right to modify this description, including, for example, on the basis of information about the ‘608 Accused Products that it obtains during discovery.

37. **1[pre]: A method of providing position information of a first user to a second user of a telecommunication network.** The ‘608 Accused Products include a function which provides a method of enabling a user to share their location with other users. *See e.g.*, Figure 1-1 available at <https://www.samsung.com/nz/support/mobile-devices/samsung-sos-smart-phone->



[emergency-message-guide/](#)(last visited December 12, 2023); *see also* Figure 1-2 to Figure 1-3 available at <https://youtu.be/A2NihdPzD8g?si=TLjvzHWrhZIBSWQB> at 0:10 & 1:37.

Figure 1-1

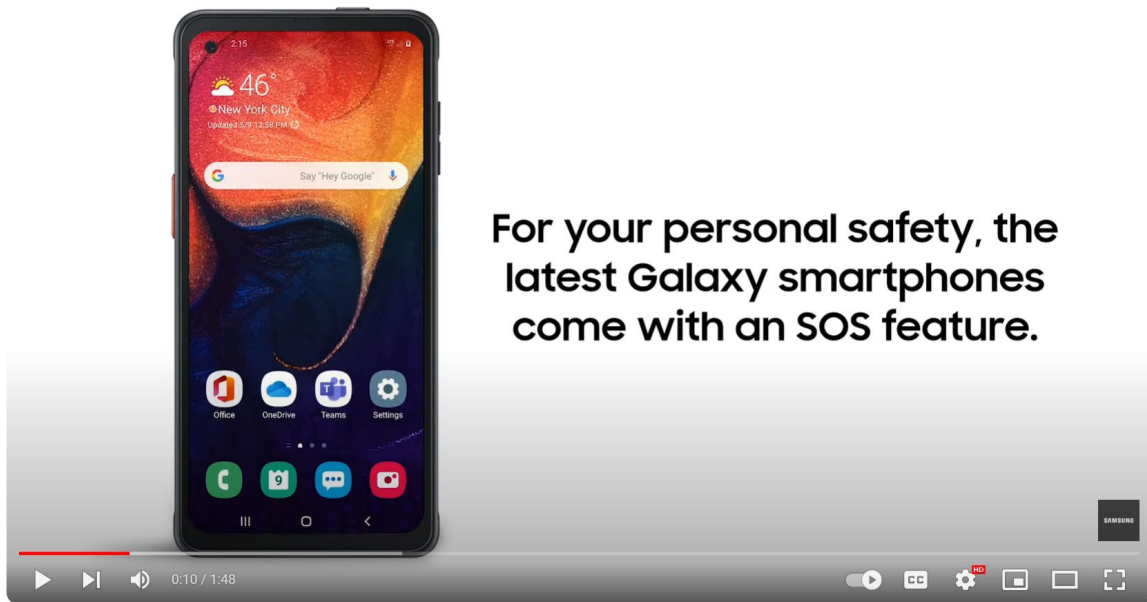


Figure 1-2

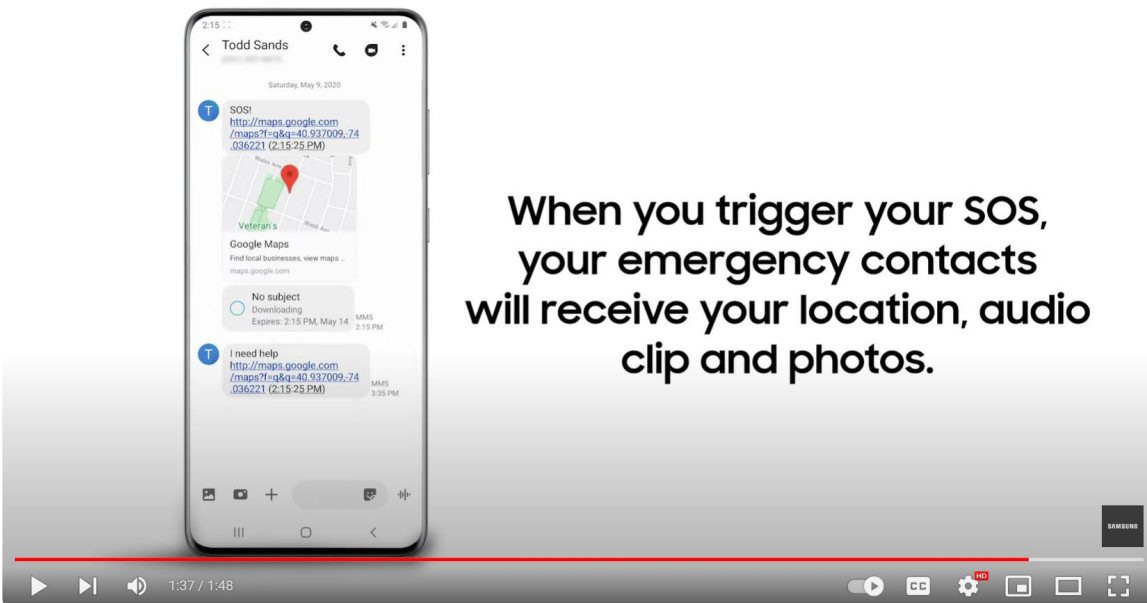


Figure 1-3

38. **1[a]: receiving first user device information including at least one of a first user device identification information and a phone number information of said first user device.** Samsung discloses in its SAMSUNG PRIVACY POLICY FOR THE U.S.<sup>1</sup> (“Privacy Policy”) that Samsung will obtain information about the user, the user’s devices, and the user’s use of the Services. The information obtained by Samsung includes contact information (*i.e.*, the user’s “name, email address, postal address, and phone number”) and device information (*i.e.*, “MAC address, IP address, log information, hardware information, IMEI number, serial number, subscription information, device settings, connections to other devices, mobile network operator, web browser characteristics, app usage information, sales code, access code, current software version, subscription information, and randomized, non-persistent and resettable device identifiers, such as Personalized Service ID (or PSID), and advertising IDs, including Google Ad ID.”). *See* Privacy Policy. The information obtained by Samsung, thus, at least includes a user’s device identification information and phone number information. A user can choose whether to use Samsung’s Emergency SOS and Emergency sharing apps on the ‘608 Accused Products. The Emergency SOS and Emergency sharing will send out an SOS alert to default or customized emergency contacts. The Emergency SOS and Emergency sharing apps will access a user’s privacy information upon the user’s agreement to use them. For example, Samsung’s Emergency sharing app will have access to a user’s privacy settings, including whether the app may access the user’s contact information or use the phone’s Short Message Service (“SMS”) function or access the user’s location information. *See* Figure 1-4, available at <https://www.samsung.com/uk/support/mobile-devices/activating-sos-messages/> (last visited December 12, 2023)

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<sup>1</sup> Available at <https://www.samsung.com/us/account/privacy-policy/> (last updated: December 30, 2022) (last visited December 12, 2023)

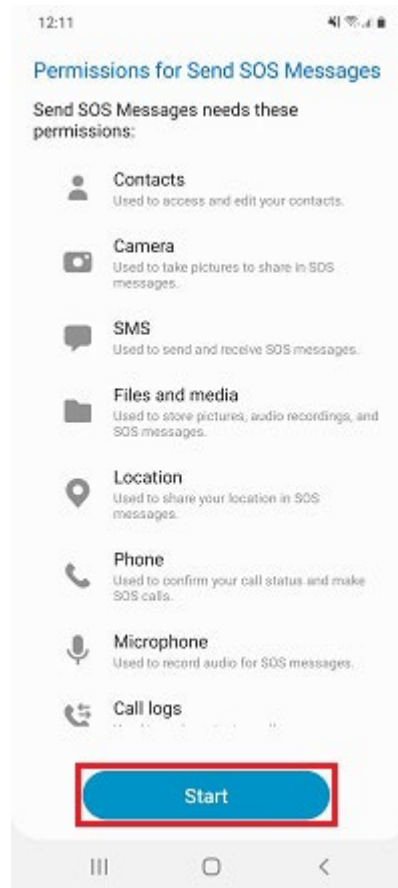


Figure 1-4

The '608 Accused Products, thus, receive first user device information including at least one of a first user device identification information and a phone number information of said first user device.

39. **1[b]: receiving second user information including at least one of a second user device identification information and a phone number information of the said second user device.** The '608 Accused Products have a built-in function that allows the user to add and edit his/her contact information on the '608 Accused Products. The Accused Products provide the ability to select an existing contact as an emergency contact, and he or she can also add emergency contact in the Contacts app. The contact information may include the second contact's name, telephone number, and email address. *See* Figure 1- 5 to Figure 1- 8.

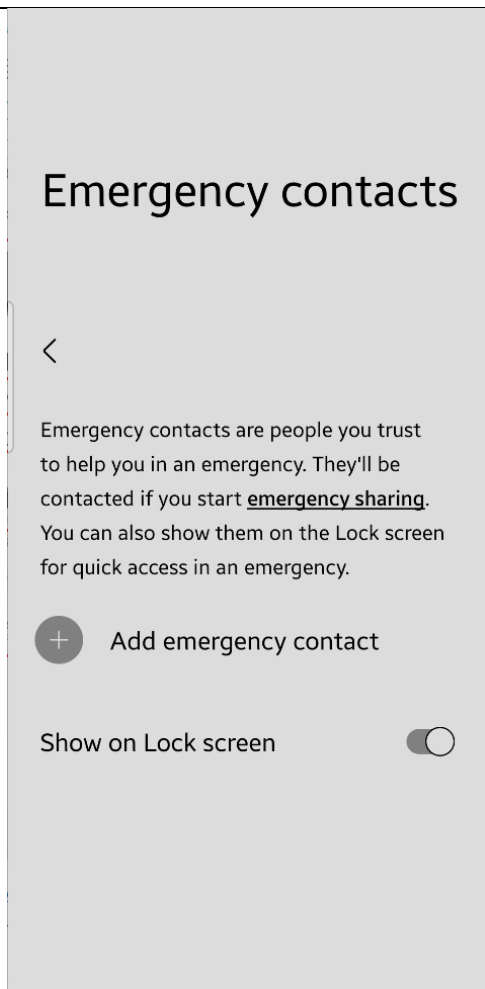
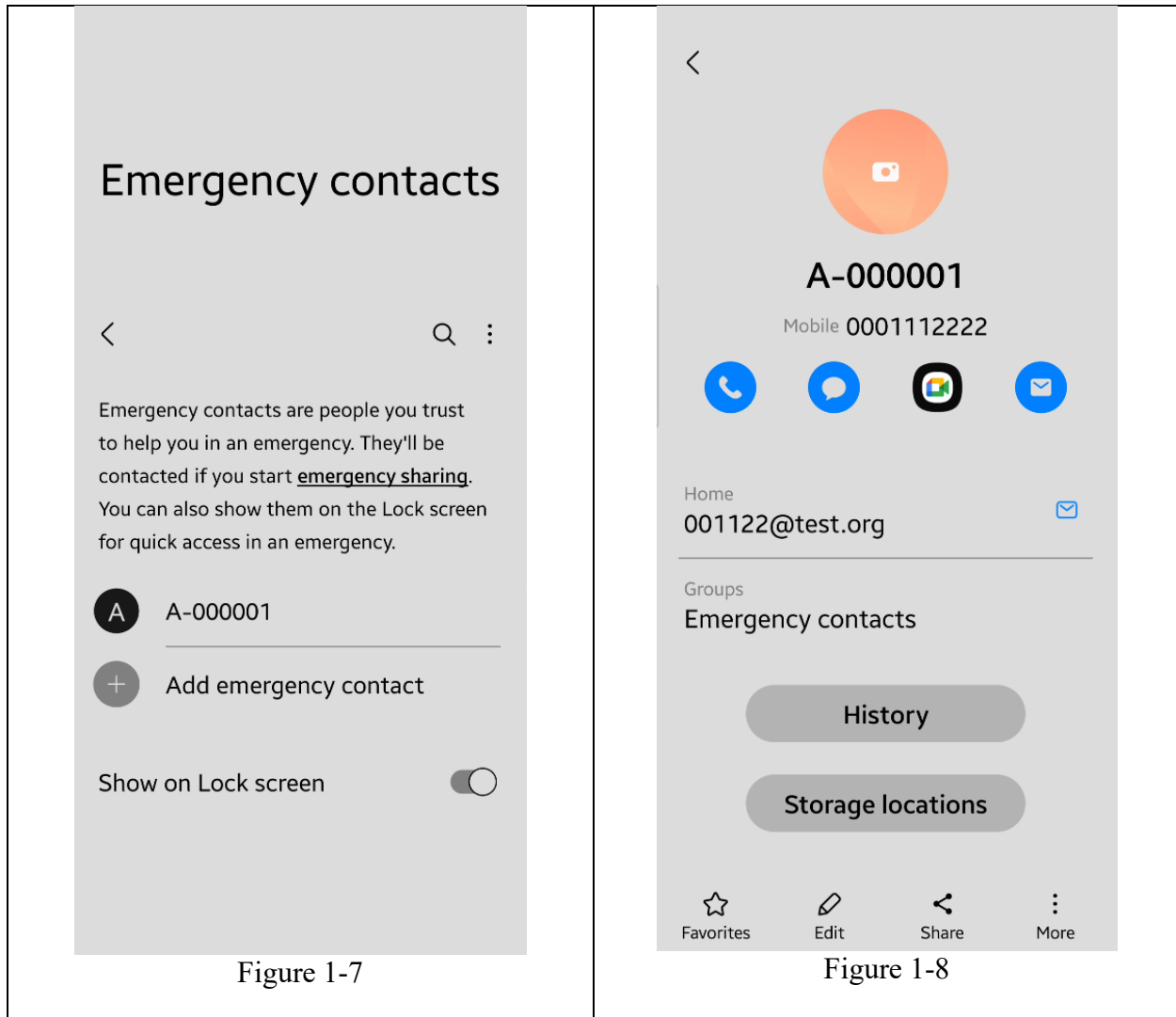


Figure 1-5



Figure 1-6



The telephone number and email address can be used as user device identification information. Ex. A, '608 Patent 1:13-24, 4:4-12. The '608 Accused Products, thus, receive second user information including at least one of a second user device identification information and a phone number information of the said second user device.

40. **1[c]: receiving first user device position information indicating a real-time location of said first user device.** Samsung discloses in its Privacy Policy that Samsung will obtain a user's location data, *i.e.*, "(1) the precise geolocation of your device if you consent to the collection of this data and (2) information about nearby Wi-Fi access points and cell towers that

may be transmitted to us when you use certain Services.” *See* Privacy Policy. The Emergency SOS and Emergency sharing apps will access a user’s location information if the user chooses to use the app. The information obtained by Samsung, thus, at least includes a user’s device position information indicating a real-time location of said user device.

41. **1[d]: accessing first user privacy information indicating a privacy setting, of said first user device, indicating a duration of time during which permission is given to transmit said first user device position information.** All the ‘608 Accused Products come with pre-installed Emergency SOS and Emergency sharing apps. The Emergency SOS and Emergency sharing apps will access a user’s privacy information upon the user’s agreement to use them. For example, Samsung’s Emergency sharing app will have access to a user’s privacy settings, including whether the app may access the user’s contact information or use the phone’s Short Message Service (“SMS”) function. *See supra* Count I, 1[a]. The default duration of time the apps can transmit the position information is 24 hours, and the user may choose to stop the transmittal earlier.” *See* Use Emergency SOS

<https://www.samsung.com/us/support/answer/ANS00050849/> (last visited December 12, 2023).

Thus, Samsung’s Emergency SOS and Emergency sharing apps can access a user’s privacy information indicating a privacy setting for a duration of time; the privacy setting also includes permission to transmit the user device position information.

42. **1[e]: determining whether a current time is within the duration of time indicated by said privacy setting of the said first user privacy information.** The Emergency SOS and Emergency sharing apps on the ‘608 Accused Products will cease transmitting the position information after a span of 24 hours or earlier if stopped by the user. *See* Use

Emergency SOS. The Emergency SOS and Emergency sharing apps, thus, determine whether a current time is within the duration of time indicated by the privacy setting.

43. **1[f]: if said current time is within said duration of time indicated by the privacy setting, transmitting said first user device position information to said second user device.** The Emergency SOS and Emergency sharing apps on the '608 Accused Products will send out an SOS message to default or customized emergency contacts. The Emergency SOS and Emergency sharing apps will cease transmitting the position information after a span of 24 hours or earlier if stopped by the user. The emergency message can include the user's location information. For example, Samsung claims that "[w]hen you trigger your SOS, your emergency contacts will receive your location, audio clip and photos." See Figure 1-9 to Figure 1-10 available at <https://www.youtube.com/watch?v=A2NihdPzD8g> at 1:35-40.

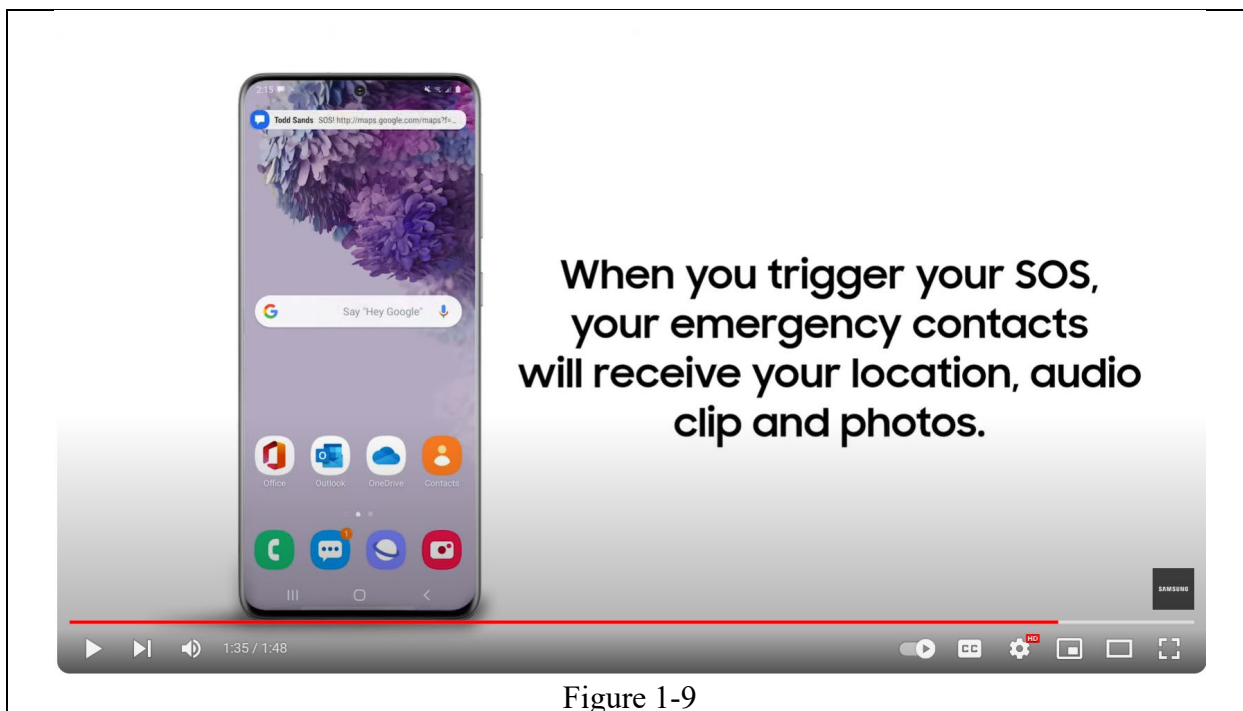


Figure 1-9

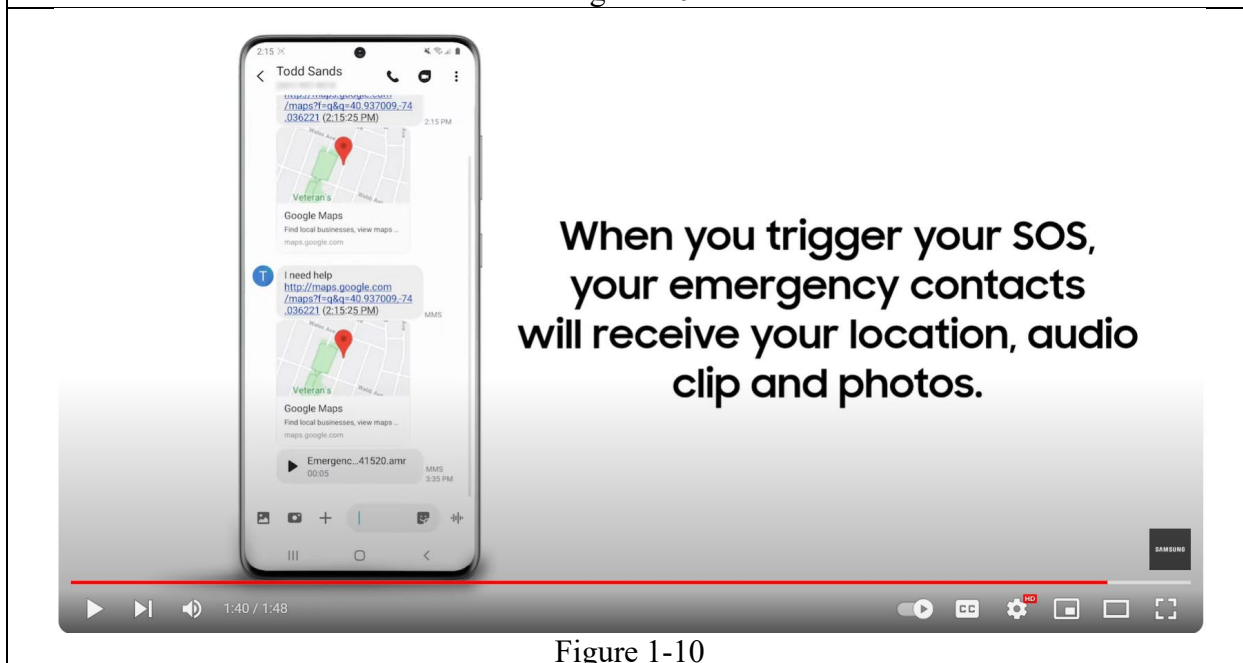


Figure 1-10

The '608 Accused Products, thus, transmits the user device position information to another user device, if the current time is within the duration of time indicated by the privacy setting.

44. As a result of Defendant's infringement, Plaintiff has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement which,



by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**COUNT II: INFRINGEMENT OF U.S. PATENT NO. 8,509,412**

45. Plaintiff incorporates by reference and re-alleges paragraphs 1-52 of the Complaint as if fully set forth herein.

46. Defendants have infringed and are infringing, either literally or under the doctrine of equivalents, the ‘412 Patent in violation of 35 U.S.C. § 271 et seq., directly and/or indirectly, by making, using, offering for sale, and/or selling in the United States, and/or importing into the United States without authority or license products, including but not limited to Galaxy A54, Galaxy S23 Ultra, Galaxy S23 FE, Galaxy A34, Galaxy S21 FE 5G, Galaxy A14, Galaxy S23, Galaxy S22 Ultra 5G, Galaxy S22 5G, Galaxy S21 Ultra 5G, Galaxy A24 4G, Galaxy S21 5G, Galaxy A13, Galaxy A53 5G, Galaxy A05s, Galaxy S10, Galaxy S20 FE 5G, Galaxy A23, Galaxy A05, Galaxy A32, Galaxy A12, Galaxy Note20 Ultra 5G, Galaxy A51, Galaxy S20, Galaxy A73 5G, Galaxy S10+, Galaxy A14 5G, Galaxy M34 5G, Galaxy A33 5G, Galaxy S20 Ultra 5G, Galaxy Note10+, Galaxy A52, Galaxy A50, Galaxy S23+, Galaxy A52s 5G, Galaxy A71, Galaxy A04, Galaxy S9, Galaxy A04s, Galaxy Note10, Galaxy A03, Galaxy A25, Galaxy A20, Galaxy A04e, Galaxy Note9, Galaxy M14, Galaxy S9+, Galaxy A21s, Galaxy Z Fold5, Galaxy Note20, Galaxy F54, Galaxy A03s, Galaxy S21+ 5G, Galaxy A10, Galaxy A22, Galaxy S10e, Galaxy Z Flip5, Galaxy A31, Galaxy A23 5G, Galaxy A30, Galaxy S20+, Galaxy A70, Galaxy A72, Galaxy A15, Galaxy A15 5G, Galaxy A03 Core, Galaxy S22+ 5G, Galaxy S20 FE, Galaxy M54, Galaxy A32 5G (collectively, the “‘412 Accused Products”).

47. By way of non-limiting example(s), set forth below (with claim language in bold and italics) is exemplary evidence of infringement of claim 1 of the ‘412 Patent by the ‘412

Accused Products. This description is based on publicly available information. Plaintiff reserves the right to modify this description, including, for example, on the basis of information about the ‘412 Accused Products that it obtains during discovery.

48. **1[pre]: A method of providing position information of a first wireless user device to a second wireless user device of a communication network.** The ‘412 Accused Products include a function which provides a method of enabling a user to share their location with other users. *See e.g.*, Figure 2 -1 available at <https://www.samsung.com/nz/support/mobile-devices/samsung-sos-smart-phone-emergency-message-guide/>(last visited December 12, 2023); *see also* Figure 2-2 to Figure 2-3 available at <https://youtu.be/A2NihdPzD8g?si=TLjvzHWrhZIBSWQB> at 0:10 & 1:37.



Figure 2-1

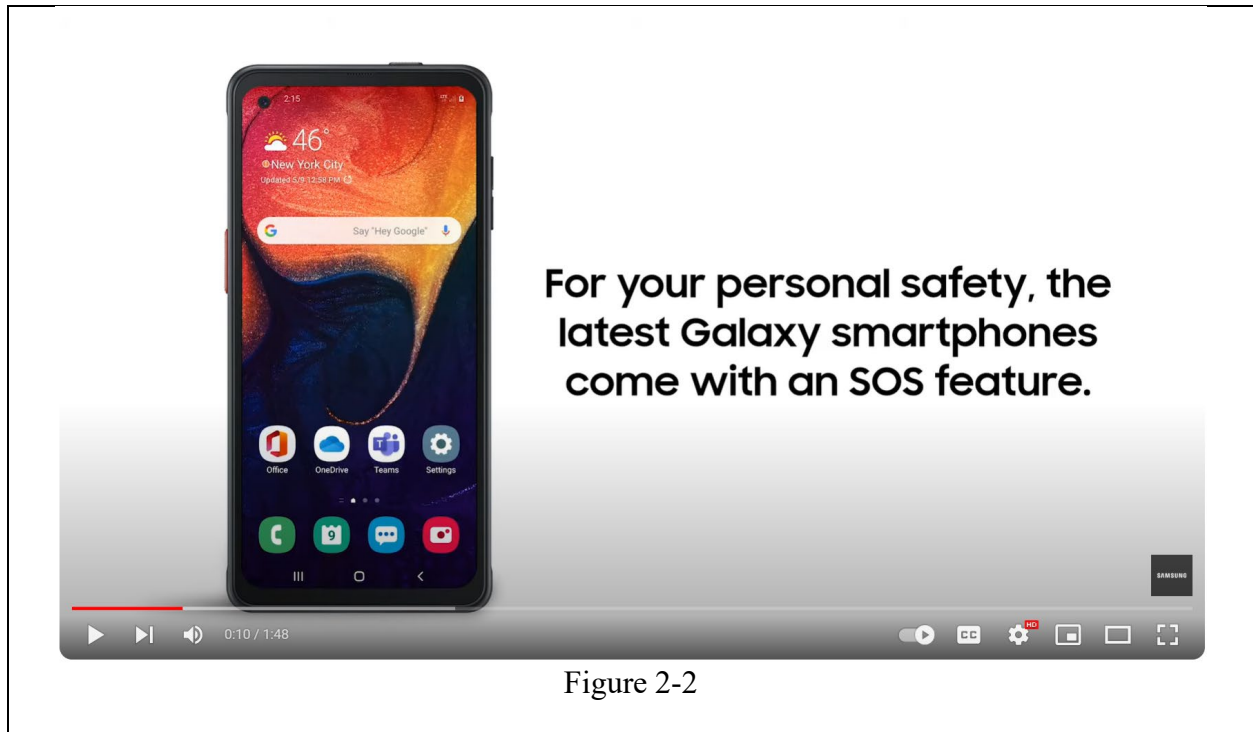


Figure 2-2

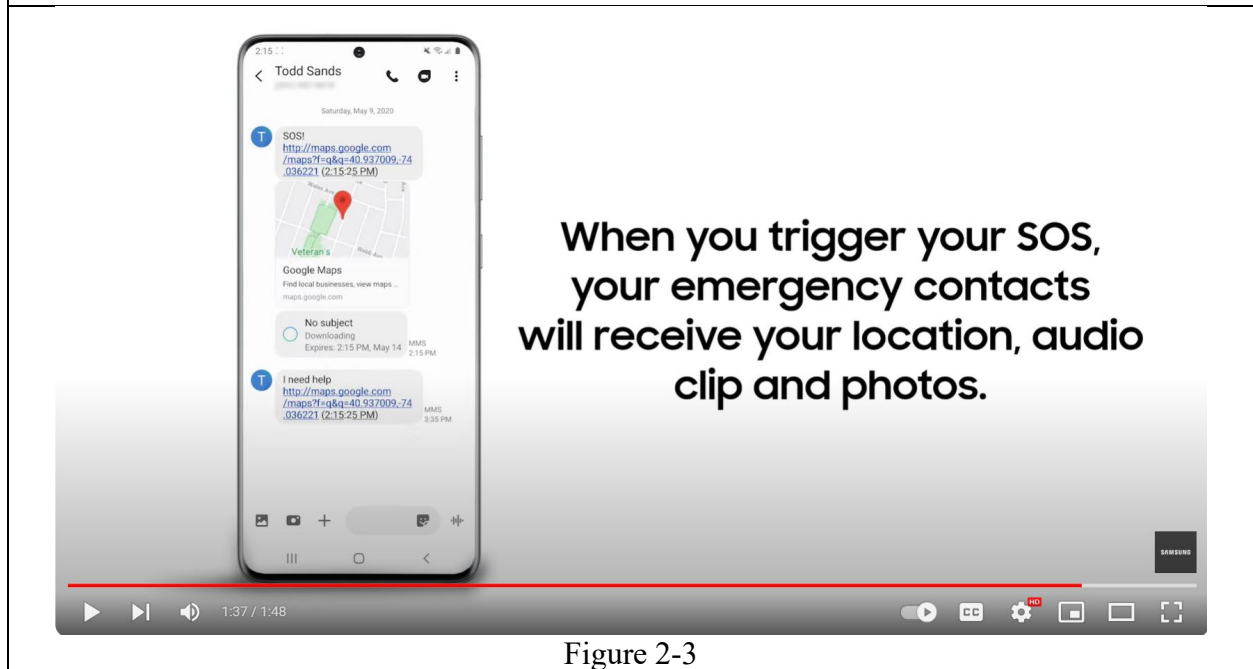


Figure 2-3

49. **1[a]: receiving first wireless user device information including first phone number information associated with a first wireless user device; Samsung discloses in its**

SAMSUNG PRIVACY POLICY FOR THE U.S.<sup>2</sup>(“Privacy Policy”) that Samsung will obtain information about the user, the user’s devices, and the user’s use of the Services. The information obtained by Samsung includes contact information (*i.e.*, the user’s “name, email address, postal address, and phone number”) and device information (*i.e.*, “MAC address, IP address, log information, hardware information, IMEI number, serial number, subscription information, device settings, connections to other devices, mobile network operator, web browser characteristics, app usage information, sales code, access code, current software version, subscription information, and randomized, non-persistent and resettable device identifiers, such as Personalized Service ID (or PSID), and advertising IDs, including Google Ad ID.”). *See* Privacy Policy. The information obtained by Samsung, thus, at least includes a user’s device identification information and phone number information. A user can choose to whether use Samsung’s Emergency SOS and Emergency sharing apps on the ‘412 Accused Products. All of the ‘412 Accused Products are wireless devices. The Emergency SOS and Emergency sharing will send out an SOS alert to default or customed emergency contacts. The Emergency SOS and Emergency sharing apps will access a user’s privacy information upon the user’s agreement to use them. For example, Samsung’s Emergency sharing app will have access to a user’s privacy settings, including whether the app may access the user’s contact information or use the phone’s Short Message Service (“SMS”) function or access the user’s location information. *See* Figure 2-4, available at <https://www.samsung.com/uk/support/mobile-devices/activating-sos-messages/> (last visited December 12, 2023).

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<sup>2</sup> Available at <https://www.samsung.com/us/account/privacy-policy/> (last updated: December 30, 2022) (last visited December 12, 2023)

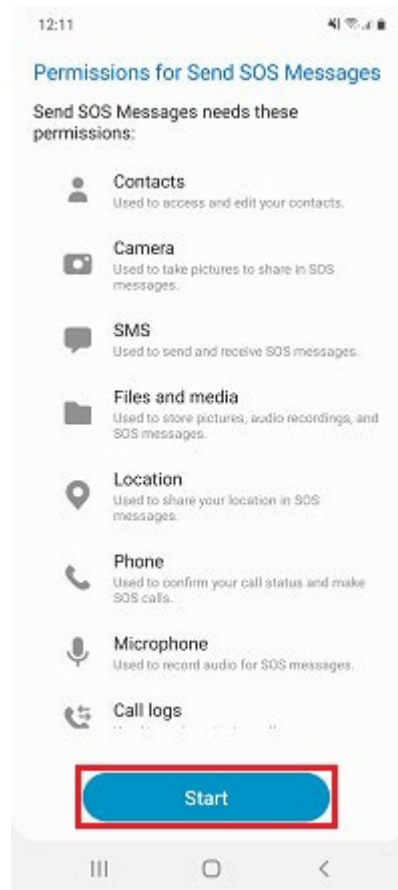


Figure 2-4

The '412 Accused Products, thus, receive first wireless user device information including first phone number information associated with a first wireless user device.

50. **1[b]: receiving second user information including second phone number information associated with a second wireless user device.** The '412 Accused Products have a built-in function that allows the user to add and edit his/her contact information on the '412 Accused Products. The Accused Products provide the ability to select an existing contact as an emergency contact, and he can also add emergency contact in the Contacts app. The contact information may include the second contact's name, telephone number, and email address. *See* Figure 2-5 to Figure 2-8. The telephone number and email address can be used as user device identification information. Ex. B, '412 Patent 1:13-24, 4:4-12. The '412 Accused Products, thus,

receive second user information including second phone number information associated with a second wireless user device.

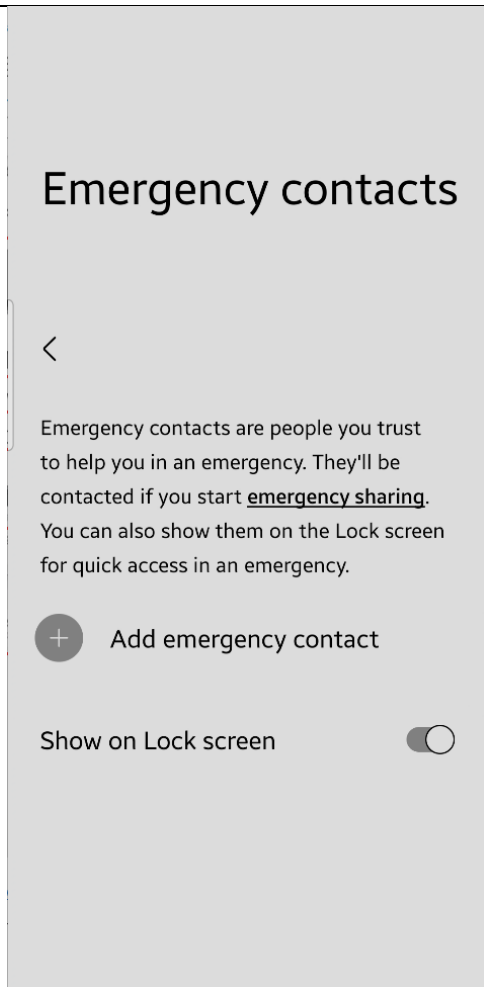


Figure 2-5



Figure 2-6

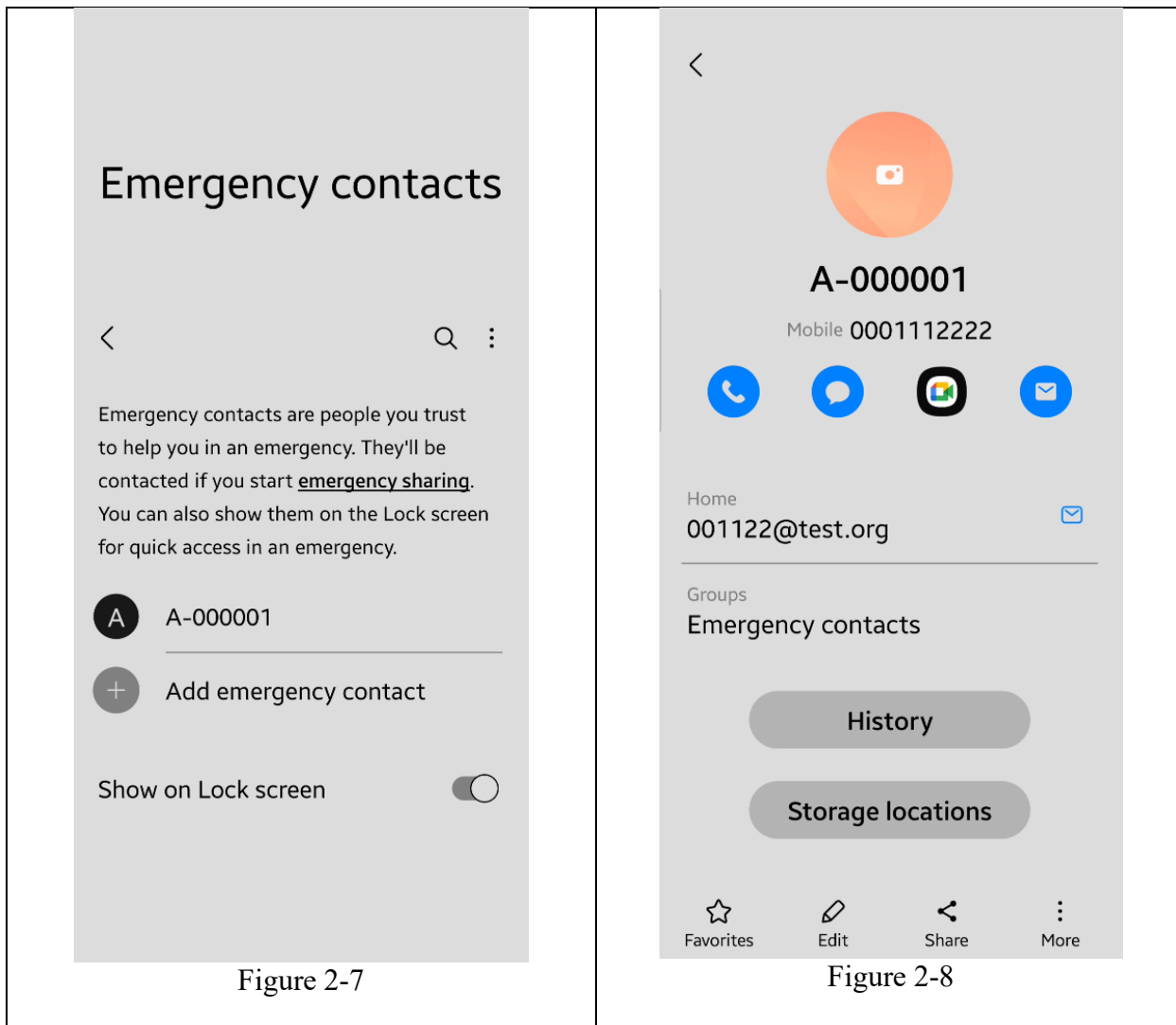


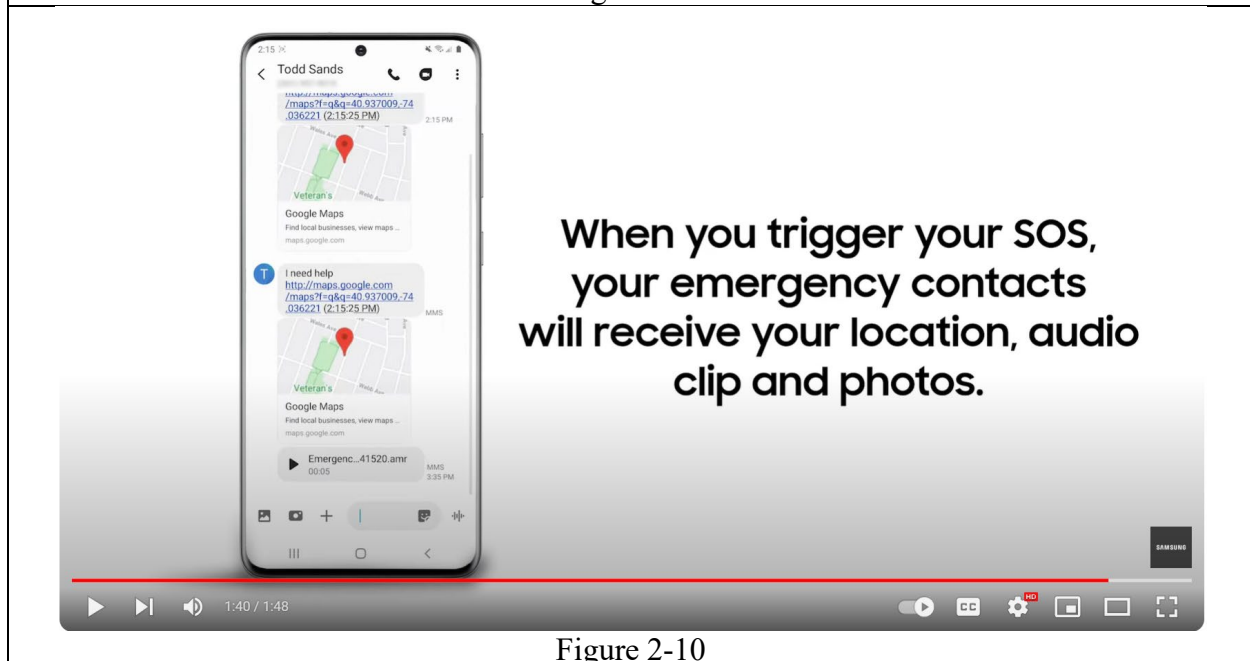
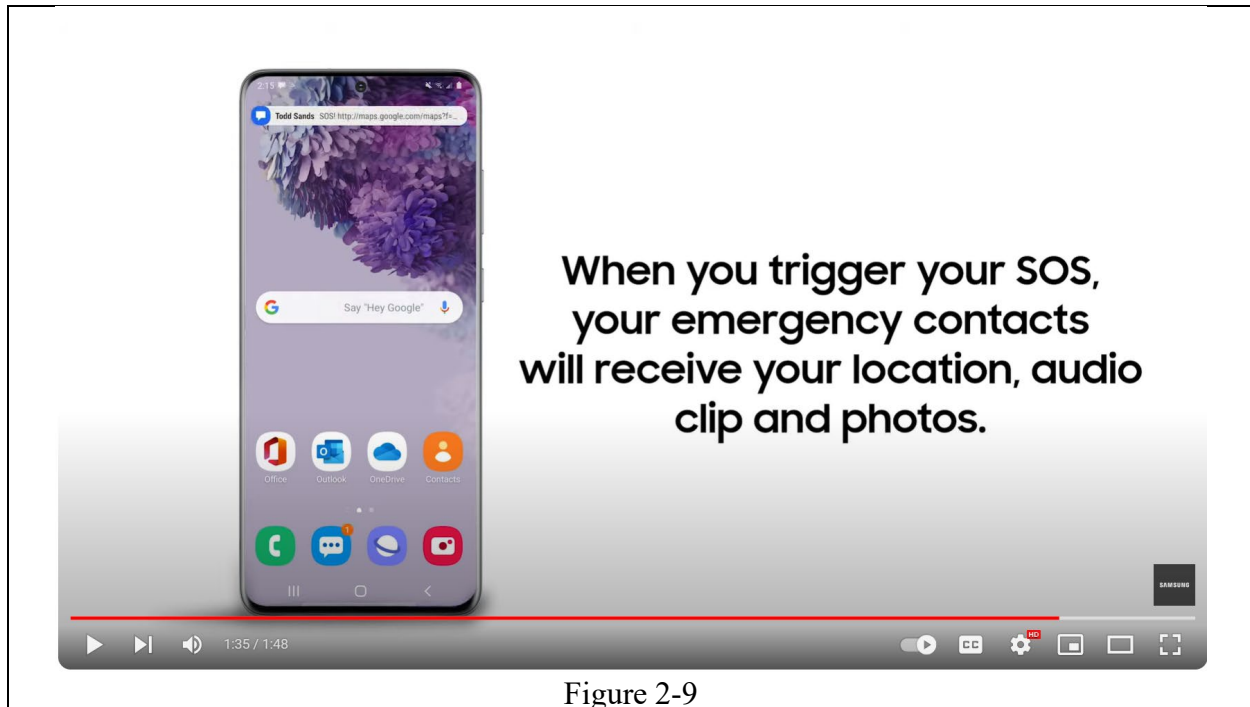
Figure 2-7

Figure 2-8

51. **1[c]: receiving first wireless user device position information indicating a real-time location of said first wireless user device.** Samsung discloses in its Privacy Policy that Samsung will obtain a user’s location data, *i.e.*, “(1) the precise geolocation of your device if you consent to the collection of this data and (2) information about nearby Wi-Fi access points and cell towers that may be transmitted to us when you use certain Services.” *See* Privacy Policy. The Emergency SOS and Emergency sharing apps will access a user’s location information if the user chooses to use the app. The information obtained by Samsung, thus, at least includes a user’s device position information indicating a real-time location of the user device.



52. **1[d]: transmitting call-related information including said first wireless user device position information to said second wireless user device.** All the ‘412 Accused Products come with pre-installed Emergency SOS and Emergency sharing apps. The Emergency SOS and Emergency sharing apps on the ‘412 Accused Products will send out an SOS message to default or customized emergency contacts. The Emergency SOS and Emergency sharing apps will cease transmitting the position information after a span of 24 hours or earlier if stopped by the user. The emergency message can include the user’s location information. For example, Samsung claims that “[w]hen you trigger your SOS, your emergency contacts will receive your location, audio clip and photos.” See Figure 2-9 to Figure 2-10 available at <https://www.youtube.com/watch?v=A2NihdPzD8g> at 1:35-40.



The '412 Accused Products, thus, transmit call-related information including the first wireless user device position information to the second wireless user device.

53. As a result of Defendant's infringement, Plaintiff has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement which,

by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

#### **COUNT IV: INDIRECT INFRINGEMENT OF THE PATENTS-IN-SUIT**

54. Plaintiff incorporates by reference and re-alleges paragraphs 1-69 of the Complaint as if fully set forth herein.

55. Upon information and belief, Samsung was aware of each of the Patents-in-Suit prior to the filing of this lawsuit but made no efforts to cease infringement or seek a license from Plaintiff. Moreover, Samsung is aware of each of the Patents-in-Suit and Plaintiff's allegations at least as early as the service of this Complaint. Samsung therefore indirectly infringes the '608 Patent and the '412 Patent within the United States by inducement under 35 U.S.C. §271(b).

56. By failing to cease making, using, selling, importing, or offering for sale the Accused Products, Defendant has knowingly and intentionally induced users of the '608 Accused Products to directly infringe one or more claims of the '608 Patent, including, by: (1) providing instructions or information, for example on its publicly available website, to explain how to use the '608 Accused Products, including the use of the '608 Accused Products in manners described above, which are expressly incorporated herein; and (2) touting these uses of the '608 Accused Products in advertisements, including but not limited to, those on its website. Use of the '608 Accused Products in the manner intended and/or instructed by Defendant necessarily infringes the '608 Patent.

57. By failing to cease making, using, selling, importing, or offering for sale the '412 Accused Products, Defendant has knowingly and intentionally induced users of the Accused Products to directly infringe one or more claims of the '412 Patent, including, by: (1) providing instructions or information, for example on its publicly available website, to explain how to use

the ‘412 Accused Products, including the use of the ‘412 Accused Products in manners described above, which are expressly incorporated herein; and (2) touting these uses of the ‘412 Accused Products in advertisements, including but not limited to, those on its website. Use of the ‘412 Accused Products in the manner intended and/or instructed by Defendant necessarily infringes the ‘412 Patent.

58. As a result of Samsung’s induced infringement, Plaintiff has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

### **JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues so triable.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests:

- A. That Judgment be entered that Defendant has infringed at least one or more claims of the Patents-in-Suit, directly and/or indirectly, literally and/or under the doctrine of equivalents;
- B. An award of damages sufficient to compensate Plaintiff for Defendant’s infringement under 35 U.S.C. § 284;
- C. That the case be found exceptional under 35 U.S.C. § 285 and that Plaintiff be awarded its reasonable attorneys’ fees;
- D. Costs and expenses in this action;
- E. An award of prejudgment and post-judgment interest; and
- F. Such other and further relief as the Court may deem just and proper.

Respectfully submitted,

Date: January 25, 2024

/s/ Cecil Key

Cecil E. Key

Email: [cecil@keyiplaw.com](mailto:cecil@keyiplaw.com)

Jay P. Kesan (Pro Hac Vice Application To Be Filed)

Email: [jay@keyiplaw.com](mailto:jay@keyiplaw.com)

John K. Harrop (Pro Hac Vice Application To Be Filed)

Email: [harrop@keyiplaw.com](mailto:harrop@keyiplaw.com)

KEY IP LAW GROUP, PLLC

1934 Old Gallows Road, Suite 350

Vienna, Virginia 22182

Phone: 703-752-6276

Fax: 703-752-6201

Attorneys for Plaintiff

**ARTAX, LLC**