

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

NODAL TECHNOLOGIES LLC,

Plaintiff,

v.

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

Defendant.

CIVIL ACTION

NO. 2:24-cv-1051

**Jury Trial Demanded**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Nodal Technologies LLC (“Plaintiff”) files this Complaint for Patent Infringement and states as follows:

**THE PARTIES**

1. Plaintiff is a limited liability company organized and existing under the laws of the State of Texas and having a principal place of business at 6000 Shepherd Mountain Cove, Suite #1604, Austin, TX 78730.

2. On 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 Samseong-Ro, Youngtong-Gu, Suwon, Gyeonggi 16677, Republic of Korea.

3. On information and belief, Defendant Samsung Electronics America, Inc. (“SEA”) is a corporation organized and existing under the laws of the State of New York and having a regular and established place of business at 6625 Excellence Drive, Plano, Texas 75023. On information and belief, SEA is a wholly owned subsidiary of SEC and is responsible

for domestic sales and distribution of its electronics products, including the accused products in this case.

4. On information and belief, SEC and SEA have acted in concert with respect to the facts alleged herein such that any act of SEC is attributable to SEA and vice versa. SEC and SEA are referred to herein collectively as “Defendant.”

### **JURISDICTION AND VENUE**

5. This Court has exclusive subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338(a) on the grounds that this action arises under the Patent Laws of the United States, 35 U.S.C. § 1 et seq., including, without limitation, 35 U.S.C. §§ 271, 281, 284, and 285.

6. This Court has personal jurisdiction over each defendant because they each have minimum contacts with the State of Texas, and have purposefully availed themselves of the privileges of conducting business in the State of Texas. For example, on information and belief, each defendant has, directly or through intermediaries, sold or offered to sell infringing products in the State of Texas and this Judicial District, or has provided infringing products to intermediaries for distribution throughout the country, including Texas and this judicial district, with knowledge of this distribution. On information and belief, each defendant has derived substantial revenues from infringing acts occurring within the State of Texas and within this District. Moreover, on information and belief, each defendant has purposefully and voluntarily placed its products into the stream of commerce with the expectation that they would be purchased and used by customers located in this State. Plaintiff’s cause of action arises directly from the defendants’ business contacts and other activities in the State of Texas and this District.

7. Venue is proper in this Court with respect to SEC pursuant to 28 U.S.C. § 1391(c) because it is a foreign corporation. Venue is proper in this Court with respect to SEA pursuant to

28 U.S.C. § 1400(b) because, on information and belief, it has committed acts of infringement in and maintains a regular and established place of business in this Judicial District.

### **FACTUAL BACKGROUND**

#### **The '409 Patent**

8. Plaintiff is the owner of record and assignee of United States 6,711,409 (“the ‘409 patent”) and has standing to sue and recover all past damages for infringement of the ‘409 Patent.

9. U.S. Patent No. 6,711,409 entitled “Node Belonging To Multiple Clusters In An Ad Hoc Wireless Network” (the “‘409 Patent”) was duly and legally issued on March 23, 2004. A true and correct copy of the ‘409 Patent is attached as Exhibit A.

10. The ‘409 patent issued from U.S. Patent Application No. 09/513,757, which was filed February 25, 2000. The ‘757 application claimed priority to Provisional Application No. 60/170,751, filed on December 15, 1999.

### **COUNT I – INFRINGEMENT OF THE ‘409 PATENT**

11. Plaintiff realleges and incorporates by reference the allegations set forth above, as if set forth verbatim herein.

12. Defendant has directly infringed at least claim 2 of the ‘409 patent, either literally or under the doctrine of equivalents, in connection with its baseband (base station) supporting 4G and 5G technology, as detailed in the preliminary claim chart attached hereto as Exhibit B and incorporated herein by reference.

13. For example, on information and belief, Defendant has performed all steps of this claim or, alternatively, to the extent a user performed any step, Defendant conditioned the user’s use of the functionality of Defendant’s accused instrumentalities (e.g., Defendant’s base station equipment) described herein on the performance of that step as disclosed in Exhibit B. On

information and belief, a user of the accused instrumentalities could not use the functionality described in Exhibit B without performance of the steps recited in claim 2 of the '409 patent. Defendant also controlled the manner and/or timing of the functionality described in Exhibit B. In other words, for a user to utilize the accused instrumentalities described in Exhibit B, the steps of claim 2 of the '409 patent had to be performed in the manner described in Exhibit B. Otherwise, the functionality of the accused instrumentalities, and the corresponding benefit, would not have been available to users of the accused instrumentalities.

14. Defendant's infringing activities have been without authority or license under the '409 patent.

15. Plaintiff has been damaged by Defendant's infringement of the '409 patent, and Plaintiff is entitled to recover damages for Defendant's infringement, which damages cannot be less than a reasonable royalty.

16. Because the asserted claim of the '409 patent is a method claim, the marking requirement of 35 U.S.C. § 287 does not apply. Therefore, Plaintiff has complied with all applicable requirements of § 287 such that it is entitled to past damages for infringement.

#### **JURY DEMAND**

Plaintiff demands a trial by jury of all issues so triable.

#### **PRAYER FOR RELIEF**

Plaintiff respectfully requests that the Court find in its favor and against SEC and SEA, and that the Court grant Plaintiff the following relief:

A. Entry of judgment that SEC and SEA have infringed at least one claim of the '409 patent,

- B. Damages in an amount to be determined at trial for SEC and SEA's infringement, which amount cannot be less than a reasonable royalty, and an accounting of all infringing acts, including but not limited to those acts not presented at trial,
- C. A determination that this case is exceptional, and an award of attorney's fees,
- D. All costs of this action,
- E. Pre-judgment and post-judgment interest on the damages assessed, and
- F. Such other and further relief, both at law and in equity, to which Plaintiff may be entitled and which the Court deems just and proper.

This 16th day of December, 2024.

/s/ Cortney S. Alexander

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