

York, having its principal place of business at 105 Challenger Road, Ridgefield Park, New Jersey 07660.

3. Upon information and belief, Samsung Telecommunications America, L.L.C. is, and at all relevant times mentioned herein was, a limited liability company organized under the laws of Delaware, having a principal place of business at 1301 East Lookout Drive, Richardson, Texas 75082.

4. Upon information and belief, Samsung Electronics Co., Ltd. is, and at all relevant time mentioned herein was, a corporation organized under the laws of Korea, having its principal place of business at 1320-10, Seocho 2-dong, Seocho-gu, Seoul 137-857 Korea. Upon information and belief, Samsung Electronics Co., Ltd. is a nonresident of Arkansas that engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. Samsung Electronics Co., Ltd may be served with process in Korea pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents. Samsung Electronics America, Inc., Samsung Telecommunications America, L.L.C., and Samsung Electronics Co., Ltd will be collectively referred to as "Samsung."

II. JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code. The Court's jurisdiction is proper under the above statutes, including 35 U.S.C. § 271 et. seq., and 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over each Defendant. Each Defendant has conducted and does conduct business within the State of Arkansas. Each

Defendant, directly or through intermediaries (including distributors, retailers, and others), ships, distributes, offers for sale, and sells its products in the United States, the State of Arkansas, and the Western District of Arkansas. Each Defendant has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the expectation that they will be purchased by consumers in the Western District of Arkansas. These infringing products have been and continue to be purchased by consumers in the Western District of Arkansas. Each Defendant has committed the tort of patent infringement within the State of Arkansas and, more particularly, within the Western District of Arkansas.

7. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b), in that, on information and belief, each Defendant has committed acts within this judicial district giving rise to this action and does business in this district, including making sales and/or providing service and support for their respective customers in this district.

III. INFRINGEMENT OF U. S. PATENT NO. 6,043,478

8. On March 28, 2000, the United States Patent and Trademark Office (“USPTO”) issued U.S. Patent No. 6,043,478, entitled “Active Pixel Sensor with Shared Readout Structure” (hereinafter “the ‘478 patent”). A true and correct copy of the ‘478 patent is attached hereto as Exhibit A.

9. ITRI is the owner of all right, title, and interest in and to the ‘478 patent by assignment, with full right to bring suit to enforce the patent, including the right to recover for past infringement damages and the right to recover future royalties, damages, and income.

10. The '478 patent is valid and enforceable.

11. All requirements under 35 U.S.C. § 287 have been satisfied with respect to the '478 patent.

12. Samsung has been and is infringing the '478 patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of one or more claims of the '478 patent, including but not limited to the Samsung Eternity, Samsung Rant, and Samsung SC-HMX20C.

13. Samsung has been and is continuing to induce infringement of the '478 patent under 35 U.S.C. § 271(b) and contributes to the infringement of the '478 patent under 35 U.S.C. § 271(c), in conjunction with such acts of making, using, offering for sale, and/or importing in or into the United States, without authority, instrumentalities that fall within the scope of one or more claims of the '478 patent. The infringing instrumentalities have no substantial non-infringing uses.

14. Samsung had and continues to have actual knowledge of the '478 patent and its coverage of Samsung's infringing instrumentalities, but has nonetheless engaged in the infringing conduct. Samsung's infringement of the '478 patent was and continues to be willful.

15. As a direct and proximate result of Samsung's acts of patent infringement, ITRI has been and continues to be injured and has sustained and will continue to sustain substantial damages.

16. Unless Samsung is enjoined by this Court from continuing their infringement of the '478 patent, ITRI will suffer additional irreparable harm and impairment of the value of its patent rights.

17. ITRI has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and ITRI is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

IV. PRAYER FOR RELIEF

ITRI prays for the following relief:

A. A judgment that each Defendant has infringed and continues to infringe the '478 patent as alleged herein, directly and/or indirectly by way of inducing or contributing to infringement of the '478 patent;

B. A judgment for an accounting of all damages sustained by ITRI as a result of the acts of infringement by each Defendant;

C. A judgment and order requiring each Defendant to pay ITRI damages under 35 U.S.C. § 284, including treble damages for willful infringement as provided by 35 U.S.C. § 284, and supplemental damages for any continuing post-verdict infringement up until entry of the final judgment with an accounting as needed, and any royalties determined to be appropriate;

D. A judgment and order requiring each Defendant to pay ITRI pre-judgment and post-judgment interest on the damages awarded;

E. A judgment and order finding this to be an exceptional case and requiring each Defendant to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285;

F. A preliminary and thereafter a permanent injunction against each Defendant's direct infringement, active inducements of infringement, and/or contributory

infringement of the '478 patent, as well as against each Defendant's agents, employees, representatives, successors, and assigns, and those acting in privity or in concert with them; and

G. Such other and further relief as the Court deems just and equitable.

V. JURY DEMAND

ITRI hereby demands that all issues be determined by jury.

Dated: October 19, 2009

Respectfully submitted,

By: 

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