

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

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U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FL  
ORLANDO, FLORIDA

BRANDYWINE COMMUNICATIONS  
TECHNOLOGIES, LLC,

Plaintiff,

v.

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

Defendants.

C.A. No. 6:11-cv-1844-ORL-31-GJK

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Brandywine Communications Technologies, LLC (“Brandywine” or “Plaintiff”),  
for its Complaint against Defendants Samsung Electronics Co., Ltd. and Samsung Electronics  
America, Inc. alleges the following:

**INTRODUCTION**

1. This is an action for infringement of United States Patent No. 5,881,142 (“the ‘142  
patent”) under 35 U.S.C. § 271(a), (b), and (c).

**PARTIES**

2. Plaintiff Brandywine is a limited liability company with its principal place of  
business at 1612 Mt. Pleasant Road, Villanova, Pennsylvania 19085.

3. Upon information and belief, Samsung Electronics Co., Ltd. is a corporation  
organized and existing under the laws of South Korea, with its principal executive offices at  
1320-10, Seocho 2-dong, Seocho-gu, Seoul 137-857, South Korea. Upon information and belief,  
Samsung Electronics Co., Ltd. sells and offers to sell products and services throughout the

United States, including in this judicial district and introduces products and services that perform infringing processes into the stream of commerce knowing that they would be sold in this judicial district and elsewhere in the United States.

4. Upon information and belief, Samsung Electronics America, Inc. is a corporation organized and existing under the laws of the State of New York, with its principal executive offices at 85 Challenger Road, Ridgefield Park, New Jersey 07660. Upon information and belief, Samsung Electronics America, Inc. sells and offers to sell products and services throughout the United States, including in this judicial district and introduces products and services that perform infringing processes into the stream of commerce knowing that they would be sold in this judicial district and elsewhere in the United States.

#### **JURISDICTION AND VENUE**

5. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338.

7. This Court has personal jurisdiction over Defendants. Upon information and belief, Defendants have transacted business in this judicial district directly or indirectly and have committed, contributed to, and/or induced acts of patent infringement in this judicial district including, among other things, through the sale of infringing products and/or products that perform infringing processes directly, or through retailers or other businesses located in Florida and this judicial jurisdiction.

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b).

**FIRST CLAIM FOR RELIEF  
PATENT INFRINGEMENT OF U.S. PATENT NO. 5,881,142  
(35 U.S.C. § 271)**

9. The allegations set forth in the foregoing paragraphs 1 through 8 are incorporated into this First Claim for Relief.

10. On December 13, 1994, the '142 patent, entitled "Integrated Communications Control Device for a Small Office Configured for Coupling Within a Scalable Network," was duly and legally issued by the United States Patent and Trademark Office to inventors David P. Frankel, Gregory E. Pounds, and William D. Strauss, and has been duly and legally assigned to Brandywine. At least as of the time of service of this Complaint, Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. have had actual knowledge of the '142 Patent. A copy of the '142 patent is attached as Exhibit A.

11. Upon information and belief, Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. have infringed and continue to infringe one or more claims of the '142 patent in this judicial district and elsewhere by making, using, selling and offering for sale, services and products that infringe and/or perform processes that infringe one or more claims of the '142 patent ("Samsung Accused Services and Products for the '142 patent").

12. Samsung Accused Services and Products for the '142 patent include, but are not limited to, the OfficeServ 7100 and OfficeServ 7200 products.

13. Upon information and belief, Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. have committed and continue to commit acts of contributory infringement of one or more of the claims of the '142 patent under 35 U.S.C. § 271(c) in that Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. have made, used, sold, offered to sell, and/or imported, or continues to make, use, sell, offer to sell services

and products including Samsung Accused Services and Products for the '142 patent, which have no substantial non-infringing uses, and provides such products to its customers, whose use of such products constitutes direct infringement of one or more claims of the '142 patent.

14. Upon information and belief, Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. have induced and continue to induce others to infringe one or more claims of the '142 patent under 35 U.S.C. § 271(b) by, among other things, actively and knowingly aiding and abetting others to infringe, including, but not limited to consumers whose use of such services and products constitutes direct infringement of one or more claims of the '142 patent.

15. Because of Defendants' infringement, inducement of infringement, and contributory infringement of the '142 patent, Brandywine has suffered damages and will continue to suffer damages in the future.

#### **PRAYER FOR RELIEF**

Wherefore, Plaintiff Brandywine demands judgment against Defendants and against their respective subsidiaries, affiliates, agents, servants, employees, licensees, and all persons acting or attempting to act in active concert or participation with them or acting on their behalf, granting the following relief:

A. A judgment in favor of Brandywine that Defendants have infringed, directly and/or indirectly, and by way of inducing and/or contributing to the infringement of the '142 patent;

B. An award of damages adequate to compensate Brandywine for the infringement, inducement of infringement, and contributory infringement, together with pre- and post-judgment interest and an accounting;

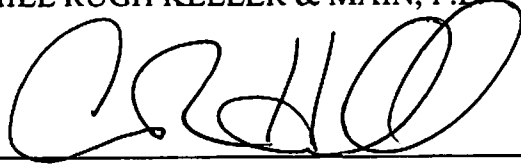
- C. Increased damages pursuant to 35 U.S.C. § 284;
- D. A finding that this case is exceptional and an award to Brandywine of its attorneys' fees, expenses and costs pursuant to 35 U.S.C. § 285; and
- E. Such other and further relief as this Court may deem just and proper.

**JURY DEMAND**

Brandywine demands a trial by jury.

Dated: November 18, 2011

Respectfully submitted,  
HILL RUGH KELLER & MAIN, P.L.L.C.



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