

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

E-CONTACT TECHNOLOGIES LLC

Plaintiff,

v.

SAMSUNG TELECOMMUNICATIONS
AMERICA, LLC

Defendant.

CIVIL ACTION NO. 1:12-CV-455

COMPLAINT FOR PATENT
INFRINGEMENT

JURY TRIAL DEMANDED

Plaintiff E-Contact Technologies LLC (“E-Contact”), based on its own personal knowledge with respect to its own actions and based on information and belief as to all others’ actions, files this Original Complaint against the above-named defendant, alleging as follows:

PARTIES

1. E-Contact is a limited liability company formed under the laws of the State of State of Texas.

2. Defendant Samsung Telecommunications America, LLC (“Samsung”) is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business located at 1301 East Lookout Drive, Richardson, Texas 75082. Samsung can be served with process by serving its registered agent: Corporation Service Company; 211 E. 7th Street, Suite 620; Austin, TX 78701-3218.

JURISDICTION AND VENUE

3. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. §1331 and §1338(a).

4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, each defendant has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

5. The defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to defendant's substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this district.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 5,347,579

6. On September 13, 1994, United States Patent No. 5,347,579 ("the 579 Patent") was duly and legally issued by the United States Patent and Trademark Office for an invention entitled "Personal Computer Diary." A true and correct copy of the 579 Patent is attached hereto as Exhibit A.

7. E-Contact is the owner of the 579 Patent with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the 579 Patent against infringers, and to collect damages for all relevant times.

8. Samsung directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least its email products and systems that are sold with Samsung's Galaxy smartphones) that infringed one or more claims of the 579 Patent, and/or Samsung induced infringement and/or contributed to the infringement of one or more of the claims of the 579 Patent by its customers.

9. Samsung both induced and contributed to underlying direct infringement of the 579 Patent. The underlying direct infringement consists of (1) its customer's use of the

email application in Samsung's Galaxy smartphones and/or its customer's use of the email application in Samsung's Galaxy smartphones in concert with Samsung.

10. Samsung induces its customers to use the email application in Samsung's Galaxy smartphones. Samsung's distribution and promotion of the email application on the Samsung Galaxy smartphones has no other purpose but to cause its customers to use it.

11. Samsung has also contributed to the infringement of the 579 Patent by its customers by providing its customers with Samsung Galaxy smartphones that have the ability to infringe and were designed in a manner that is intended to be used in a way that infringes the 579 Patent.

12. Samsung's email application on its smartphones has an autocomplete feature that has no substantial use other than the uses that are alleged to infringe the 579 Patent. The ways in which this infringement occurs are spelled out in E-Contact's infringement contentions, which have already been served in Case No. 1:11-cv-426, and which are hereby incorporated by reference.

13. Samsung has had knowledge of the 579 Patent, as well as the fact that its customers use of the email application on the Galaxy smartphones infringes the 579 patent, since at least September 8, 2011, when Samsung Electronics America was served with the complaint in the 1:11-cv-426 action. Samsung thus induced its customers to use its Galaxy smartphones, and contributed to their infringement, with specific intent that they would infringe the 579 Patent.

JURY DEMAND

E-Contact hereby requests a trial by jury on all issues so triable by right.

PRAYER FOR RELIEF

E-Contact requests that the Court find in its favor and against defendant, and that the Court grant E-Contact the following relief:

a. Judgment that one or more claims of the 579 Patent have been infringed, either literally and/or under the doctrine of equivalents, by the defendant and/or by others

to whose infringement defendant have contributed and/or by others whose infringement has been induced by defendant;

b. A permanent injunction enjoining defendant and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing infringement of, or contributing to infringement of the 579 Patent;

c. Judgment that defendant account for and pay to E-Contact all damages to and costs incurred by E-Contact because of defendant's infringing activities and other conduct complained of herein;

d. That E-Contact be granted pre-judgment and post-judgment interest on the damages caused by defendant's infringing activities and other conduct complained of herein;

e. That this Court declare this an exceptional case and award E-Contact its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and

f. That E-Contact be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: September 20, 2012

Respectfully submitted,

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