

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

**LEXINGTON LUMINANCE LLC**

§

*Plaintiff,*

§

§

v.

§

**Civil Action No. 2:16-cv-169**

§

**SAMSUNG ELECTRONICS CO., LTD,**

§

**JURY DEMANDED**

**SAMSUNG ELECTRONICS**

§

**AMERICA, INC., and SAMSUNG**

§

**TELECOMMUNICATIONS**

§

**AMERICA, LLC,**

§

*Defendants.*

**PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Lexington Luminance LLC (“Lexington” or “Plaintiff”) files this complaint for patent infringement against Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively “Samsung” or “Defendants”) and states as follows:

**THE PARTIES**

1. Plaintiff Lexington Luminance LLC is a limited liability company organized under the laws of Massachusetts with its principal place of business at 468 Lowell Street, Lexington, Massachusetts 02420.
2. On information and belief, Defendant Samsung Electronics Co., Ltd. (“Samsung Electronics”) is a company organized and existing under the laws of the country of Korea, with its principal place of business and home office at San #24 Nongseo-Dong Giheung-Gu Yongin-city, Gyeonggi-Do, Korea 446-711. Samsung is doing business and infringing Lexington’s

patent in the Eastern District of Texas, elsewhere in Texas, and the United States. Samsung may be served through the Texas Secretary of State.

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 maintains its principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660. SEA may be served through its registered agent CT Corporation System, located at 1999 Bryan Street, Suite 900, Dallas, Texas 75201. Upon information and belief, SEA is a wholly owned subsidiary of Samsung Electronics.

4. On information and belief, Defendant Samsung Telecommunications America, LLC (“STA”) is a limited liability company organized and existing under the laws of Delaware with a principal place of business at 1301 East Lookout Drive, Richardson, Texas 75082. Upon information and belief, STA is a subsidiary of Samsung Electronics and researches, develops, and markets a mobile telephones and tablet computers throughout North America.

5. Defendants Samsung Electronics, SEA, and STA are collectively referred to as “Defendants” or “Samsung.” Samsung is doing business in the United States and, more particularly, in the State of Texas and the Eastern District of Texas, by designing, marketing, making, using, selling, importing, and/or offering for sale products that infringe the patent claims involved in this action or by transacting other business in this District.

#### **JURISDICTION AND VENUE**

6. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code. Jurisdiction as to these claims is conferred on this Court by 35 U.S.C. §§1331 and 1338(a).

7. Venue is proper in the Eastern District of Texas under 28 U.S.C. §§1391 and 1400(b). On information and belief, Samsung has committed acts of infringement in this judicial district and has purposely transacted business in this judicial district.

8. This Court has personal jurisdiction over the Defendants. Defendants have conducted and do conduct business within the State of Texas. Defendants, directly or through intermediaries (including distributors, retailers, and others), ship, distribute, offer for sale, sell, and advertise products in the United States, the State of Texas, and the Eastern District of Texas. Defendants purposefully and voluntarily sold one or more of their infringing products with the expectation that they will be purchased by consumers in the Eastern District of Texas. These infringing products have been and continue to be purchased by consumers in the Eastern District of Texas. Defendants have committed acts of patent infringement within the United States and, more particularly, within the Eastern District of Texas.

### **PATENT INFRINGEMENT**

9. Lexington incorporates by reference paragraphs 1-8 as if fully set forth herein.

10. On August 30, 2005, United States Patent No. 6,936,851 B2 entitled “Semiconductor Light-Emitting Device and Method for Manufacturing the Same” was duly and legally issued after full and fair examination. Lexington is the owner of all right, title, and interest in and to the 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.

11. On September 30, 2013, an *ex parte* reexamination no. 90/012,964 was initiated for United States Patent No. 6,936,851 B2. An *ex parte* reexamination certificate was issued on December 5, 2014 for United States Patent No. 6,936,851 C1. The patent, together with the *ex*

*parte* reexamination certificate, is attached hereto as Exhibit A. United States Patent No. 6,936,851 B2 and 6,936,851 C1 are collectively known as the '851 patent.

12. The '851 patent is valid and enforceable.

13. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff, and all predecessors in interest and/or implied or express licensees of the '851 patent, if any, have complied with the marking requirements of 35 U.S.C. § 287.

14. Upon information and belief, Defendants have infringed and/or continue to infringe (literally and/or under the doctrine of equivalents) one or more claims of the '851 patent in this judicial district and elsewhere in Texas and the United States, including at least claim 1, by, among other things, making, using, offering for sale, selling, and/or importing mobile telephones, computers, and other electronic devices including, without limitation, mobile telephone models Samsung Galaxy Attain 4G LTE SCH-R920 Android Bluetooth Smartphone (MetroPCS), Samsung Admire SCH-R720 Android Touch Screen Wi-Fi, Bluetooth GPS Smart Phone (MetroPCS), Samsung Freeform III SCH-R380 - CDMA Bluetooth GPS Smart Phone (MetroPCS), Samsung Galaxy Stellar SCH-I200 Android 4G LTE Touch Screen CDMA Smartphone (Verizon), Samsung Straight Talk SGH-T528G GSM Prepaid Touchscreen Wi-Fi Smart Phone, Samsung Freeform 4 SCH-R390 QWERTY Keypad CDMA Bluetooth Cellular Phone (U.S. Cellular), Samsung Gem SCH-I100 - Android Bluetooth Touch Screen Smartphone (Verizon), Samsung Intercept SPH-M910 Android QWERTY Keypad Wi-Fi CDMA Smart Phone (Sprint), Samsung Galaxy Light SGH-T399 - 8GB - Android Smartphone (T-Mobile), Samsung Galaxy Admire 2 SCH-R830C CDMA Android Smartphone (Cricket), Samsung Galaxy Amp SGH-I407 - 4GB - (Aio Wireless) Smartphone, Samsung Galaxy Prevail 2 SPH-M840U - Touch Screen Wi-Fi Bluetooth GPS Smartphone (Boost Mobile), Samsung Galaxy

Avant SM-G386T Android Touch Screen Bluetooth GPS Smartphone (T-Mobile), Samsung Galaxy Exhibit SGH-T599N - 4GB - Android Bluetooth Touch Screen Smartphone (MetroPCS), and other similar products, which perform substantially the same function as the devices embodied in one or more claims of the '851 patent in substantially the same way to achieve the same result.

15. Upon information and belief, Defendants have infringed and/or continue to infringe (literally and/or under the doctrine of equivalents) one or more claims of the '851 patent in this judicial district and elsewhere in Texas and the United States, including at least claim 1, by, among other things, making, using, offering for sale, selling, and/or importing tablet computers, and other electronic devices, including, without limitation, tablet computer models Samsung Galaxy Tab 2 - 8GB - Silver GT-P3113TS; Samsung Galaxy Tab 3 SM-T217S 16 GB Wi-Fi & Sprint 7" White 3 MP; Samsung Galaxy Tab 4 SM-T230NU 8GB, Wi-Fi, 7 inch; Samsung Galaxy Tab 4 SM-T337T WiFi 4GLTE 8 inch (T-Mobile); Samsung Galaxy Tab 3 Lite SM-T110 8GB, Wi-Fi, 7in – Black; Samsung Galaxy Tab 3 SM-T210R 8GB, Wi-Fi, 7in – White; Samsung Galaxy Tab GT-N5110 Google Android Tablet PC Wi-Fi 16GB RAM 8"; Samsung Galaxy Tab SCH-I800 2GB, Wi-Fi + 3G (Verizon), 7inch Tablet PC – Black, and other similar products, which perform substantially the same function as the devices embodied in one or more claims of the '851 patent in substantially the same way to achieve the same result.

16. The devices above are collectively referred to as the "Accused Products."

17. Defendants have been at no time, either expressly or impliedly, licensed under the '851 patent.

18. Defendants' acts of infringement have caused damage to Plaintiff. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of the wrongful acts of

Defendants in an amount subject to proof at trial. Defendants' infringement of Plaintiff's rights under the '851 patent will continue to damage Plaintiff's business, causing irreparable harm, for which there is no adequate remedy of law, unless enjoined.

19. Upon information and belief, since at least January 26, 2012, Defendants have had knowledge of the '851 Patent and have had knowledge of their infringement of the '851 Patent. The examiner at the U.S. Patent and Trademark Office who examined the application leading to the '851 Patent was Donghee Kang. Upon information and belief, after examining the application that led to the '851 Patent, Mr. Kang joined Samsung Electronics Co., Ltd. Upon information and belief, since at least January 26, 2012, Mr. Kang has been employed as a Principal Engineer for Samsung Electronics Co., Ltd.

20. The '851 Patent was identified in an office action from the United States Patent and Trademark Office concerning United States Patent Application No. 12/462,803, which cited the '851 Patent as prior art of record in an Office Action mailed on October 4, 2010. The '851 Patent was also identified by Samsung in an Information Disclosure Statement received by the U.S. Patent and Trademark Office on April 28, 2011 in connection with United States Patent Application No. 13/096,445. The '851 Patent was also identified by Samsung in an Information Disclosure Statement received by the U.S. Patent and Trademark Office on May 28, 2014 in connection with United States Patent Application No. 14/258,704. United States Patent Application Nos. 12/462,803, 13/096,445, and 14/258,704 were assigned to Samsung Electronics Co., Ltd.

21. Upon information and belief, Defendants deliberately infringed the '851 patent and acted recklessly and in disregard to the '851 patent by making, having made, using, importing, and offering for sale products that infringe the '851 Patent. Upon information and belief, the

risks of infringement were known to Defendants and/or were so obvious under the circumstances that the infringement risks should have been known. Upon information and belief, Defendants have willfully infringed and/or continue to willfully infringe the '851 Patent since at least October 4, 2010.

22. Defendants also indirectly infringe the '851 Patent by inducing infringement by others, such as resellers, and/or end-users of the Accused Products, of one or more claims of the '851 Patent in violation of 35 U.S.C. § 271. On information and belief, Defendants knew of the '851 Patent and knew of its infringement, including by way of this lawsuit and earlier as described above.

23. Defendants' affirmative acts of selling the Accused Products, causing the Accused Products to be manufactured and distributed, and providing instruction manuals for the Accused Products have induced and continue to induce Defendants' manufacturers, resellers, and/or end-users to make or use the Accused Products in their normal and customary way to infringe the '851 Patent. Defendants specifically intended and were aware that these normal and customary activities would infringe the '851 Patent. Defendants performed the acts that constitute induced infringement, and would induce actual infringement, with the knowledge of the '851 Patent and with the knowledge, or willful blindness to the probability, that the induced acts would constitute infringement.

### **DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury for all issues so triable.

### **PRAYER**

WHEREFORE, Plaintiff prays for judgment that:

1. Defendants have infringed the '851 patent;

2. Plaintiff recover actual damages under 35 U.S.C. § 284;
3. Plaintiff be awarded supplemental damages for any continuing post-verdict infringement up until final judgment;
4. Plaintiff be awarded an accounting of damages;
5. Plaintiff be awarded enhanced damages for willful infringement as permitted under the law;
6. A judgment and order requiring Defendants to pay to Plaintiff pre-judgment and post-judgment interest on the damages awarded, including an award of pre-judgment interest, pursuant to 35 U.S.C. § 284, from the date of each act of infringement of the '851 patent by Defendants to the day a damages judgment is entered, and a further award of post-judgment interest, pursuant to 28 U.S.C. § 1961, continuing until such judgment is paid, at the maximum rate allowed by law;
7. A judgment and order that Defendants, their agents, employees, representatives, successors, and assigns, and those acting in privity or in concert with them, be preliminarily and permanently enjoined from further infringement of the '851 patent;
8. An award to Plaintiff of the costs of this action and its reasonable attorneys' fees pursuant to 35 U.S.C. §285;
9. In the event a final injunction is not awarded, a compulsory ongoing royalty; and
10. Such other and further relief as the Court deems just and equitable.

DATED: February 25, 2016

Respectfully submitted,

**LEXINGTON LUMINANCE LLC,**  
By its attorneys,

/s/ Robert D. Katz

Robert D. Katz

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