

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

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|--------------------------------|---|------------------------------|
| SEUNGMAN KIM, |) | |
| |) | |
| Plaintiff, |) | CIVIL ACTION NO. 2:23-cv-155 |
| |) | |
| v. |) | JURY TRIAL DEMANDED |
| |) | |
| SAMSUNG ELECTRONICS CO., LTD., |) | |
| SAMSUNG ELECTRONICS |) | |
| AMERICA, INC., |) | |
| |) | |
| Defendants. |) | |

COMPLAINT FOR PATENT INFRINGEMENT

1. Plaintiff Seungman Kim files this complaint against Samsung Electronics Co., Ltd. (“SEC”) and Samsung Electronics America, Inc. (“SEA”) (together, “Samsung”), alleging infringement of United States Patent Nos. 10,064,056; 10,511,975; 11,184,473; 11,212,382; 11,234,127; and 11,595,507 (“Asserted Patents,” attached as Exhibits 1-6).

PARTIES

2. Plaintiff Seungman Kim is the sole inventor and sole owner of all rights and interest in the Asserted Patents. Mr. Kim has over 30 years of experience as an engineer, patent agent, and technical specialist. Mr. Kim resides in Virginia.

3. On information and belief, Defendant Samsung Electronics Co., Ltd. is a corporation organized under the laws of South Korea, with its principal place of business at 129 Samsung-ro, Maetan-dong, Yeongtong-gu, Suwon-si, Gyeonggi-do, 443-742, South Korea.

4. On information and belief, Defendant Samsung Electronics America, Inc., a wholly owned subsidiary of Samsung Electronics Co., Ltd., is a corporation organized under the laws of the State of New York, with its principal place of business at 85 Challenger Road, Ridgefield, NJ

07660, and with corporate offices in this District at 6625 Excellence Way, Plano, Texas 75023. Defendant SEA may be served with process through its registered agent CT Corporation, 1999 Bryan Street, Ste. 900, Dallas, Texas 75201.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Samsung because Samsung has committed acts within this District giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Samsung would not offend traditional notions of fair play and substantial justice. Samsung, directly and through subsidiaries or intermediaries, has committed and continues to commit acts of infringement in this District by, among other things, making, using, importing, offering to sell, and selling the Accused Products. Defendant SEA is registered with the Secretary of State to do business in the State of Texas, and Samsung has not contested personal jurisdiction in this District in prior cases. *See Speir Tech. Ltd. v. Samsung Electronics Co., Ltd.*, 2:21-cv-00474-RWS-RSP (E.D. Tex.), ECF No. 12, at ¶ 6.

7. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, Samsung has transacted business in this District and has committed acts of direct and indirect infringement in this District by, among other things, making, using, importing, offering to sell, and selling the Accused Products. Venue is proper as to Defendant SEC because it is a foreign corporation organized under the laws of Korea, with a principal place of business in Korea. Venue is proper as to Defendant SEA because it has a regular and established place of businesses in this District, including at 6625 Excellence Way, Plano, Texas. Samsung has not

contested venue in this District in prior cases. *See Speir Tech. Ltd. v. Samsung Electronics Co., Ltd.*, 2:21-cv-00474-RWS-RSP (E.D. Tex.), ECF No. 12, at ¶ 7.

THE ACCUSED PRODUCTS

8. Samsung makes, sells, offers for sale, and imports into the United States phones and tablets that include Lift to Wake, Face Unlock, and On-Body Detection functionalities (“Accused Products”).

COUNT ONE: INFRINGEMENT OF U.S. PATENT NO. 10,064,056

9. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

10. Samsung has been and is infringing at least Claim One of the ‘056 Patent by making, selling, offering for sale, and importing into the United States the Accused Products.

COUNT TWO: INFRINGEMENT OF U.S. PATENT NO. 10,511,975

11. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

12. Samsung has been and is infringing at least Claim One of the ‘975 Patent by making, selling, offering for sale, and importing into the United States the Accused Products.

COUNT THREE: INFRINGEMENT OF U.S. PATENT NO. 11,184,473

13. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

14. Samsung has been and is infringing at least Claim 31 of the ‘473 Patent by making, selling, offering for sale, and importing into the United States the Accused Products.

COUNT FOUR: INFRINGEMENT OF U.S. PATENT NO. 11,212,382

15. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

16. Samsung has been and is infringing at least Claim One of the '382 Patent by making, selling, offering for sale, and importing into the United States the Accused Products.

COUNT FIVE: INFRINGEMENT OF U.S. PATENT NO. 11,234,127

17. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

18. Samsung has been and is infringing at least Claim One of the '127 Patent by making, selling, offering for sale, and importing into the United States the Accused Products.

COUNT SIX: INFRINGEMENT OF U.S. PATENT NO. 11,595,507

19. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

20. Samsung has been and is infringing at least Claim One of the '507 Patent by making, selling, offering for sale, and importing into the United States the Accused Products.

JURY DEMAND

21. Plaintiff demands a jury trial on all issues.

REQUESTED RELIEF

22. Plaintiff requests the following relief:

a. Judgment in favor of Plaintiff that Samsung has infringed and continues to infringe the Asserted Patents;

b. Compensatory damages, costs, expenses, and pre-and post-judgment interest under 35 U.S.C. § 284;

c. Ongoing royalties in an amount to be determined for any continued infringement after the date the judgment is entered;

d. Reasonable attorney's fees and costs under 35 U.S.C. § 285; and

e. Any other available relief.

Dated: April 5, 2023

Respectfully submitted,

/s/ Matthew Topic
(with permission by Jennifer P. Ainsworth)

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