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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**

9
10 RICHARD ABRAMSON

11 Plaintiff,

12 v.

13 SAMSUNG ELECTRONICS CO., LTD., a
14 Korean corporation; SAMSUNG ELECTRONICS
15 AMERICA, INC., a New York corporation; and
16 SAMSUNG RESEARCH AMERICA, INC., a
Massachusetts corporation.

17 Defendants.

Case No:

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

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1 **COMPLAINT FOR PATENT INFRINGEMENT**

2 Plaintiff Richard Abramson (“Plaintiff” or “Abramson”), for its complaint against Defendants
3 SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS AMERICA, INC., and
4 SAMSUNG RESEARCH AMERICA, INC. (collectively “Samsung”), hereby demands a jury trial
5 and alleges as follows:

6 **NATURE OF ACTION**

7 1. This is an action for patent infringement of United States Patent No. 10,115,292 (“the
8 ‘292 Patent”) (the “Patent-in-suit”), arising under the patent laws of the United States of America,
9 Title 35 of the United States Code, and seeking damages and other relief under 35 U.S.C. § 271, *et*
10 *seq.*

11 **PARTIES**

12 2. Plaintiff is an adult and a resident and citizen of New York.

13 3. Defendant SAMSUNG ELECTRONICS CO., LTD. (referred to individually herein as
14 “SEC”) is a corporation organized and existing under the laws of the country of the Republic of
15 Korea (“South Korea”), with its principal place of business at the 416 Maetan-3dong,
16 Yeongtong-gu, Suwon-City, Gyeonggi-do, 443-742, South Korea. On information and belief,
17 SEC is South Korea’s largest company and one of Asia’s largest electronics companies. SEC
18 designs, manufactures, and provides to the U.S. and world markets a wide range of products,
19 including consumer electronics, computer components, and myriad mobile and entertainment
20 products. SEC is comprised of three business divisions, including (1) Consumer Electronics
21 (“CE”); (2) Information Technology & Mobile Communications (“IM”); and (3) Device
22 Solutions (“DS”). The IM division is responsible for the design, manufacture, and sale of
23 mobile devices, including smartphones that operate on cellular networks in the United States.
24 According to Samsung, it “is one of the largest manufacturers of wireless communications
25 devices in the world and has long focused on the United States as a critical market for its
26 products.”¹

27 ¹ See *In the Matter of Certain Wireless Communications Equipment and Articles Therein*,
28 USITC Inv. No. 337-TA-866, Complaint at ¶ 9 (Dec. 21, 2012).

1 4. On information and belief, Samsung operates its IM business division in the United
2 States through a variety of wholly-owned subsidiaries, including defendants SEA and SRA.

3 5. Defendant SAMSUNG ELECTRONICS AMERICA, INC. (referred to individually
4 herein as “SEA”) is a New York corporation, with its principal place of business at with its
5 principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660. On
6 information and belief, SEA was formed in 1977 as a subsidiary of SEC and markets, sells,
7 and/or offers for sale a variety of consumer electronics.

8 6. On information and belief, within Samsung’s IM business division, SEA operates an
9 office in Mountain View, California, located at 665 Clyde Avenue, as depicted below. On
10 information and belief, within the IM business division, SEA imports into the United States,
11 and distributes, markets, and sells mobile devices in the United States, including smartphones
12 that operate on cellular networks in the United States.



24 7. On information and belief, defendant Samsung Research America, Inc. (referred to
25 individually herein as “SRA”) is a Massachusetts corporation with its principal place of
26 business in Mountain View, California, and is a direct or indirect wholly-owned subsidiary of
27 Samsung. SRA is located at 665 Clyde Avenue in Mountain View, California, depicted above.
28

1 On information and belief, within Samsung’s IM business division, SRA operates a variety of
2 laboratories, including the Mobile Platform and Solutions Lab and the Advanced Processor Lab,
3 both located at Mountain View, California, at 665 Clyde Avenue. On information and belief,
4 SRA’s Mobile Platform and Solutions Lab develops “power, usability, and performance
5 solutions” for “the family of Samsung Android smartphones and tablet devices,” including
6 devices that operate on cellular networks in the United States.² On information and belief,
7 SRA’s Advanced Processor Lab “focuses on the exploration and design of low energy circuits”
8 and “the R&D of processor and system-level design solutions for traditional and emerging
9 mobile computing applications,” including for smartphones that operate on cellular networks in
10 the United States.³

11
12 8. On information and belief, there may be other corporate affiliates of Samsung who
13 participated in the infringing acts complained of herein. The identities of such affiliates are currently
14 unknown, because publicly available information does not permit the identification of each affiliate
15 who participated in the infringing acts. Plaintiff expects the identities of such affiliates to be revealed
16 in discovery. Plaintiff reserves the right to amend this Complaint to name such affiliates, if necessary,
17 once they have been revealed.

18 JURISDICTION

19 9. This is an action for infringement of claims of U.S. Patent No. 10,115,292, entitled
20 “System and Method for automatic loss prevention of mobile communication devices”, which was
21 duly issued by the United States Patent and Trademark Office on October 30, 2018 (“the ‘292
22 patent”). A true and accurate copy of the ‘292 patent is attached as Exhibit 1 to this Complaint.

23 10. This Court has subject matter jurisdiction over the parties pursuant to 28 U.S.C. §§1331
24 and 1338(a), because the claims arise under the patent laws of the United States, 35 U.S.C. §§1, *et*
25 *seq.*

26
27 ² “Mobile Platform and Solutions,” <http://www.sra.samsung.com/research/mobile-platform-and-solutions> (last visited May 19, 2016).

28 ³ “Advanced Processor,” <http://www.sra.samsung.com/research/advanced-processor> (last visited May 19, 2016).

1 11. This court has personal jurisdiction over SEC, SEA, and SRA because each of these
2 Samsung entities has committed and continues to commit acts of infringement in violation of
3 35 U.S.C. § 271 and places infringing products into the stream of commerce, with the
4 knowledge or understanding that such products are sold in the State of California, including in
5 this District. The acts by SEC, SEA, and SRA cause injury to Plaintiff within this District.
6 Upon information and belief, SEC, SEA, and SRA derive substantial revenue from the sale of
7 infringing products within this District, expect their actions to have consequences within this
8 District, and derive substantial revenue from interstate and international commerce.

9
10 **VENUE**

11 12. Venue is proper over the Defendant in this judicial district under 28 U.S.C. §§1391
12 and/or 1400(b), for at least the following reasons:

13 13. Venue is proper within this District under 28 U.S.C. § 1391(b) and (c) because
14 Samsung transacts business within this District and offers for sale in this District products that
15 infringe the patent-in-suit. In addition, a substantial part of the events giving rise to the claims
16 occurred in this District. Pursuant to Local Rule 3-2(c), intellectual property actions are
17 assigned on a district-wide basis.

18 14. Venue is also proper over Samsung because, on information and belief, Samsung has
19 committed direct infringement in this district, including by using Accused Instrumentalities in
20 connection with its provision of services to customers in this district, and/or by using Accused
21 Instrumentalities directly within this district.

22 15. Thus, venue is proper over Samsung under 28 U.S.C. § 1400(b), because Samsung
23 resides in this district, has committed acts of infringement in this district, and has regular and
24 established places of business in this district.

25 **INTRADISTRICT ASSIGNMENT**

26 16. This case is a patent infringement dispute that is appropriate for district-wide
27
28

1 assignment. Assignment to the San Jose Division is appropriate because a substantial part of
2 the events that gave rise to the claims asserted in this Complaint occurred in Santa Clara
3 County.

4 **THE ASSERTED PATENT**

5 17. Richard Abramson, the sole named inventor of the '292 patent, earned his

6 18. On May 19, 2016, Richard Abramson filed with the United States Patent and
7 Trademark Office ("USPTO") Provisional Patent Application no. 62/338,575 (the '575
8 application) directed to his inventions. On April 24, 2017 Plaintiff filed with the USPTO a
9 non-provisional patent application, U.S. Patent Application No. 15/494,548 (the '548
10 application), claiming priority to the '575 application. On October 30, 2018, the USPTO issued
11 the '292 patent from the '575 application. The '292 patent is entitled "System and Method for
12 automatic loss prevention of mobile communication devices".

13 19. The '292 patent is valid and enforceable.

14 20. Samsung has actual knowledge of the '292 patent at least as of September 23, 2022
15 when an email regarding this patent was sent to.

16 21. The entire right, title, and interest in and to the '292 patent, including all rights to past
17 damages, is assigned to Richard Abramson as an individual. No assignment needs to be
18 recorded with the USPTO, because without an assignment, title rests with the inventor.

19 22. The asserted claims of the '292 patent are systems and method claims. One of these is
20 claim 1, an independent system claim. Claim 1 is reproduced below, with parenthetical annotations to
21 identify the different elements of the claim:

22 A system for the automatic prevention of the loss of mobile communication devices by
23 an owner, the system comprising:

24 a mobile device that includes a processor and memory;

25 Automatic Loss Prevention Alert Software ("ALPAS") installed on

26 the mobile device; a device which functions as an Automatic Loss

27 Prevention Alert Trigger ("ALPAT");
28

1 an owner-defined distance after which alarms will activate on either the mobile device,
2 the ALPAT or both;

3 the ALPAS having the ability to detect when the ALPAT has moved away from the
4 mobile device at the owner-defined distance;

5 the ALPAS having the ability to activate an alarm that will flash the screen of the
6 mobile device brightly on and off and play a pre-recorded audio message repeatedly;

7 the ALPAT having the ability to play audio at a fixed decibel;

8 wherein the mobile device can potentially be any computing device, including a
9 smartphone, a tablet or a wearable electronic device;

10 wherein only the owner of the mobile device can deactivate the alert by utilizing a unique
11 password, or fingerprint, or other electronic id that is unique to the owner;

12 wherein the ALPAT can be a stand-alone small device, or can be an app on a wearable
13 device; wherein the audio played in the event of an alarm on either the mobile device
14 with the ALPAS or the ALPAT can be customized by the owner;

15 the ALPAS configured to have the option to enter an “at home safe
16 zone” mode; the ALPAS configured to have the option to turn on a
17 “sync to activate” option;

18 in the “at home safe zone” mode, the ALPAS is configured to deactivate so that if the
19 ALPAT is more than the owner-defined distance away from the mobile device with
20 ALPAS, then ALPAS will not initiate an alarm;

21 if the ALPAT is taken more than the owner-defined distance away from the mobile
22 device, and then returns to within the owner-defined distance from the mobile device, the
23 ALPAS is configured to reactivate if the “sync-to-activate” option is turned on in the
24 ALPAS.
25

26 23. The asserted claims of the ‘292 patent are systems and method claims. One of these is
27 claim 6, an independent method claim. Claim 6 is reproduced below, with parenthetical annotations
28 to identify the different elements of the claim:

1 A method for the automatic prevention of the loss of mobile communication devices by
2 an owner, the method comprising:
3 installing Automatic Loss Prevention Alert Software (“ALPAS”) on a mobile device
4 that includes a processor and memory;
5 the ALPAS communicating with a device which functions as an Automatic Loss
6 Prevention Alert Trigger (“ALPAT”);
7 the ALPAS constantly analyzing whether the ALPAT has moved away from the mobile
8 device at an owner-defined distance;
9 the ALPAS having the ability to activate an alarm that will flash the screen of the
10 mobile device brightly on and off and play a pre-recorded audio message repeatedly;
11 the ALPAS activating the alarm on either the mobile device, the ALPAT or both, if the
12 ALPAS detects that the ALPAT has moved away from the mobile device at an owner-
13 defined distance; the ALPAT having the ability to play audio at a fixed decibel;
14 wherein the mobile device can potentially be any computing device, including a
15 smartphone, a tablet or a wearable electronic device;
16 wherein only the owner of the mobile device can deactivate the alert by utilizing a
17 unique password, or fingerprint, or other electronic id that is unique to the owner;
18 wherein the ALPAT can be a stand-alone small device, or can be an app on a wearable
19 device;
20 wherein the audio played in the event of an alarm on either the mobile device with the
21 ALPAS or the ALPAT can be customized by the owner;
22 the ALPAS having the option to enter an “at home safe zone” mode;
23 the ALPAS having the option to turn on a “sync to activate” option;
24 in the “at home safe zone” mode, the ALPAS deactivating so that if the ALPAT is more
25 than the owner-defined distance away from the mobile device with ALPAS, then
26 ALPAS will not initiate an alarm;

1 if the ALPAT is taken more than the owner-defined distance away from the mobile
2 device, and then returns to within the owner-defined distance from the mobile device,
3 the ALPAS reactivating if the “sync-to-activate” option is turned on in the ALPAS.
4

5 **DEFENDANT’S INFRINGING USE**

6 24. On information and belief, Samsung and/or their affiliates, have directly infringed each
7 Asserted Claim of the ’292 patent, by making, using, selling and offering to sell, and by
8 inducing and contributing to others’ infringement through their sales, offers for sale, and use of
9 Samsung Galaxy smartphones and tablets running Android 8 or later, Galaxy Watch devices
10 running Tizen 5.5 or later and Galaxy Buds+, Galaxy Buds Pro and Galaxy Buds Live,
11 Samsung Galaxy smartphones such as Galaxy S9 and later running Android 8, Samsung
12 Galaxy models that got an Android 8 update such as Galaxy S8, S8+, Note 8, S7, S7 Edge, and
13 the latest Samsung Galaxy models such as Galaxy S22, S22+, S22 Ultra, Note 20, S20, S20+,
14 S20 Ultra, Z Fold and Z Flip, Samsung Tablets such as Galaxy Tablets that got an Android 8
15 updates such as Tab A8.2 SM-T355, and the latest models such as Tab S8, S8+, S8 Ultra,
16 Samsung Galaxy watches such as Watch 3, Galaxy Watch Active 2, Watch 4, Watch 4 Classic,
17 Watch 5 and Watch 5 Pro, and other products depicted on Defendants’ websites and sold on
18 third party websites (“the Accused Products”) within the United States, all without
19 authorization or license from Plaintiff within the United States, less than six years before the
20 filing of this Complaint, and prior to the April 24, 2037 expiration date of the ’292 patent (the
21 “Relevant Time Period”).
22

23 **MARKING**

24 25. Plaintiff has never made, sold, used, offered to sell, or imported into the United States
25 any article that practices any claim of the ’292 Patent. Plaintiff has never sold, commercially
26 performed, or offered to commercially perform any service that practices any claim of the ’292
27 Patent.
28

1 26. Plaintiff had never authorized, licensed, or in any way permitted any third party to
2 practice any claim of the '292 Patent.

3 27. Because Plaintiff has never directly marketed any product or service that practices any
4 of the claimed inventions of the '292 Patent, and no third party was authorized to practice any claimed
5 inventions of the '292 patent prior to October 21, 2014, 35 U.S.C. § 287(a) cannot prevent or
6 otherwise limit Plaintiff's entitlement to damages for acts of infringement.

7
8
9 **FIRST CLAIM FOR RELIEF**

10 **(Infringement of the '292 Patent)**

11 28. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1-20
12 above as if fully set forth herein and further alleges:

13 29. Samsung has committed direct infringement of each Asserted Claim of the '292 patent,
14 in violation of 35 U.S.C. § 271(a), by performing all the steps of each Asserted Claim in the
15 U.S., during the Relevant Time Period.

16 30. Defendants have infringed and continue to infringe one or more of the claims of the
17 '292 Patent by making, using, selling and offering to sell, and by inducing and contributing to
18 others' infringement through their sales, offers for sale, and use of the Accused Products, all
19 without authorization or license from Plaintiff.

20 31. On information and belief, Plaintiff alleges Defendants have been, and are currently,
21 infringing the '292 patent in violation of 35 U.S.C. § 271. Defendants' acts of infringement
22 include direct infringement and infringement under the Doctrine of Equivalents.

23 32. Defendants have continued their infringement despite having notice of the '292 Patent.
24 Defendants have committed and are committing willful and deliberate patent infringement. On
25 information and belief Plaintiff alleges Defendants' acts of willful and deliberate infringement
26 will continue after service of this Complaint, rendering this case appropriate for treble damages
27 under 35 U.S.C. §284 and making this an exceptional case under 35 U.S.C. §285.
28

1 33. Plaintiff is informed and believes, and on that basis alleges, that Defendants have
2 gained profits by virtue of their infringement of the '292 Patent.

3 34. Defendants' acts of infringement are and have been without Plaintiff's permission,
4 consent, authorization or license. Defendants' acts of infringement have caused and continue
5 to cause damage to Plaintiff. Plaintiff is entitled to recover from Defendants the damages
6 sustained by Plaintiff as a result of Defendants' wrongful acts, together with interest and costs
7 as fixed by this Court under 35 U.S.C. §284.

8 35. As a direct and proximate result of Defendants' infringement of the '292 Patent,
9 Plaintiff has, and will suffer, monetary damages and irreparable injury. Plaintiff's monetary
10 damages include, without limitation, lost profits, or at a minimum, the right to recover a
11 reasonable royalty. Furthermore, unless Defendants are enjoined by this Court from continuing
12 its infringement of the '292 Patent, Plaintiff has, and will suffer, additional irreparable damages
13 and impairment of the value of its patent rights. Thus, an injunction against further
14 infringement is appropriate.

15
16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff prays judgment against each Defendant as follows:

- 18 A. That each Defendant has infringed and is infringing the '292 Patent;
19 B. That such infringement is willful;
20 C. That each defendant be ordered to pay Plaintiff damages caused by said Defendants'
21 infringement of the '292 Patent and that such damages be trebled in accord with 35
22 U.S.C. § 284, together with interest thereon;
23 D. That this case be declared exceptional pursuant to 35 U.S.C. § 285 and that Plaintiff be
24 awarded reasonable attorney's fees and costs; and
25 E. That Plaintiff shall have such other and further relief as this Honorable Court may deem
26 just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff, Richard Abramson, hereby demands a jury trial on *all* of his claims, causes of action and issues that are triable by jury.

Dated: October 14, 2022

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