

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

**FIRSTFACE CO., LTD.,**

Plaintiff,

v.

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

Defendants.

Case No. 2:24-cv-00610

Jury Trial Demanded

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**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Firstface Co., Ltd. (“Firstface”) files this Original Complaint against Defendants Samsung Electronics Co., Ltd. (“SEC”) and Samsung Electronics America, Inc. (“SEA”) (together, “Samsung” or “Defendants”).

**BACKGROUND AND NATURE OF THE SUIT**

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This case asserts infringement of United States Patent Nos. 9,179,298 (“the ’298 Patent”), 9,959,555 (“the ’555 Patent”), 9,978,082 (“the ’082 Patent”), 10,896,442 (“the ’442 Patent”), and 11,551,263 (“the ’263 Patent”) (collectively, the “Patents-in-Suit”).

2. The Patents-in-Suit are owned by Firstface.

**THE PARTIES**

3. Plaintiff Firstface is a corporation organized and existing under the laws of the Republic of Korea with a principal place of business at #301, 166, Apgujeong-ro, Gangnam-gu, Seoul, 06030, Republic of Korea.

4. Defendant SEC is a corporation organized and existing under the laws of the Republic of Korea, with its principal place of business at 129 Samsung-Ro, Yeongtong-Gu, Suwon-Si, Gyeonggi-Do, 443-742, Republic of Korea.

5. On information and belief, Defendant SEC does business in Texas, directly or through intermediaries, and offers its products and/or services, including those accused herein of infringement (the “Accused Products”), to customers and potential customers located in Texas, including in the Judicial District of the Eastern District of Texas.

6. Defendant SEA is a corporation organized under the laws of New York, with its principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660.

7. On information and belief, Defendant SEA has corporate offices at 6625 Excellence Way, Plano, Texas 75023, which is in the Eastern District of Texas.

8. Defendant SEA may be served with process through its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

9. Together, Defendants have authorized sellers and sales representatives offering and selling Accused Products throughout Texas, including this Judicial District. Such authorized sellers and sales representatives include, for example: Best Buy, 422 West TX-281 Loop, Suite 100, Longview, Texas 75605; AT&T Store, 1712 East Grand Avenue, Marshall, Texas 75670; T-Mobile, 1806 East End Boulevard North, Suite 100, Marshall, Texas 75670; Verizon authorized retailers, including Russell Cellular, 1111 East Grand Avenue, Marshall, Texas 75670; Victra, 1006 East End Boulevard N, Marshall, Texas 75670; and Cricket Wireless authorized retailer, 120 East End Boulevard South, Marshall, Texas 75670.

#### **JURISDICTION AND VENUE**

10. This action arises under the patent laws of the United States, 35 U.S.C. §§ 1331, 1332, 1338 and 1367.

11. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1400(b) and 1391(b) and (c) because each Defendant is subject to personal jurisdiction in this Judicial District, has committed acts of patent infringement in this Judicial District, and has regular and established places of business in this Judicial District.

12. Each Defendant, through its own acts and/or through the acts of the other Defendant, makes, uses, offers to sell, sells, and/or imports infringing products within this Judicial District, regularly does and solicits business in this Judicial District, and has the requisite minimum contacts with this Judicial District such that this venue is a fair and reasonable one.

13. Further, venue is proper in this Judicial District because Defendant SEC is a foreign corporation formed under the laws of the Republic of Korea with a principal place of business in the Republic of Korea. Venue is proper because suits against foreign entities are proper in any judicial district, including the Eastern District of Texas.

14. On information and belief, Defendant SEA has regular and established places of business in this District, and is responsible for importing and selling smartphones, tablets, and other mobile devices and equipment in the United States.

15. On information and belief, Defendant SEA has operated, and continues to operate, a permanent office located at 6625 Excellence Way, Plano, TX 75023.

16. Defendant SEA also employs full-time personnel, such as engineers and managers, in this Judicial District, including in Collin County.

17. In addition, Samsung has other locations in this District, and elsewhere in Texas, including its locations at 6105 Tennyson Parkway, Plano, Texas and its new chip factory in Taylor, Texas.

18. On information and belief, Defendants' business operations relating to cellular mobile devices are conducted at Defendant SEA facilities located in this Judicial District.

19. Defendant SEA has also committed acts of infringement in this Judicial District by commercializing, marketing, selling, distributing, and servicing certain Samsung-branded smartphones and tablets, including but not limited to the Accused Products.

20. Further, on information and belief, Defendants have previously admitted, or not contested, proper venue in this Judicial District. For example, see Answer at ¶ 8, *R2 Solutions LLC v. Samsung Electronics America, Inc.*, Case No. 4:21-cv-0089 (E.D. Tex. April 19, 2021) (ECF 14); Answer at ¶ 12, *Emergent Mobile LLC v. Samsung Electronics Co., Ltd.*, No. 2:22-cv-107 (E.D. Tex. Aug. 2, 2022) (ECF 12); Answer at ¶ 10, *Arbor Global Strategies LLC v. Samsung Electronics Co., Ltd.*, No. 2:19-cv-333 (E.D. Tex. April 27, 2020) (ECF 43); Answer at ¶ 29, *Acorn Semi, LLC v. Samsung Electronics Co., Ltd.*, No. 2:19-cv-347 (E.D. Tex Feb. 12, 2020) (ECF 14).

21. This Court has general and specific personal jurisdiction over Defendants consistent with the requirements of the Due Process Clause of the United States Constitution and the Texas Long Arm Statute.

22. On information and belief, Defendants have sufficient minimum contacts with the forum because each Defendant transacts substantial business in Texas and this Judicial District.

23. Further, each Defendant has, directly or through subsidiaries or intermediaries, committed, and continues to commit, acts of patent infringement in Texas and in this Judicial District as alleged in this Complaint.

24. Defendants have placed infringing products, including the Accused Products, into the stream of commerce by shipping them into Texas and/or shipping them into the United States with the knowledge that Texas is their ultimate destination.

25. In addition, on information and belief, Defendants' business relating to mobile devices, including the Accused Products, is conducted at Defendant SEA's Texas facilities.

26. Additionally, Defendant SEA is registered to do business in Texas and maintains an agent authorized to receive service of process in Texas.

27. Defendants further authorize sales of, and services for, infringing products, including the Accused Products, in this Judicial District. To this end, Defendants perpetuate and authorize sales at Best Buy, Costco, Walmart, and other retail establishments located in this Judicial District and maintain authorized service centers in this Judicial District, including at 3580 Preston Rd., #100, Frisco, Texas 75034.

### **THE PATENTS-IN-SUIT**

#### **The '298 Patent**

28. The '298 Patent, entitled "Method, mobile communication terminal and computer-readable recording medium for performing specific function when mobile recording medium for performing specific function when mobile communication terminal is activated," duly and legally issued on November 3, 2015 from U.S. Patent Application No. 14/538,880, filed on November 12, 2014, naming Jae Lark Jung and Kyoung Duck Bae as the inventors. A true and correct copy of the '298 Patent is attached hereto as Exhibit 1 and incorporated by reference.

29. The '298 Patent claims priority to U.S. Patent Application No. 14/058,761, which was filed on October 21, 2013 and issued as U.S. Patent No. 8,918,074, and U.S. Patent Application No. 13/590,483, which was filed on August 21, 2012 and issued as U.S. Patent No. 8,831,557.

30. The '298 Patent claims patent-eligible subject matter under 35 U.S.C. § 101.

31. Firstface is the owner and assignee of all rights, title, and interest in and under the '298 Patent.

32. An assignment of the '298 Patent from inventors Jung and Bae to Firstface is recorded at the United States Patent and Trademark Office ("PTO") at Reel/Frame 035060/0627.

33. Firstface has standing to sue for infringement of the '298 Patent.

### **The '555 Patent**

34. The '555 Patent, entitled "Activating display and performing additional function in mobile terminal with one-time user input," duly and legally issued on May 1, 2018 from U.S. Patent Application No. 15/013,951, filed on February 2, 2016, naming Jae Lark Jung and Kyoung Duck Bae as the inventors. A true and correct copy of the '555 Patent, including its certificate of correction, is attached hereto as Exhibit 2 and incorporated by reference.

35. The '555 Patent claims priority to U.S. Patent Application No. 14/848,156, which was filed on September 8, 2015 and issued as U.S. Patent No. 9,633,373, U.S. Patent Application No. 14/538,880, which was filed on November 12, 2014 and issued as Patent No. 9,179,298, U.S. Patent Application No. 14/058,761, which was filed on October 21, 2013 and issued as U.S. Patent No. 8,918,074, and U.S. Patent Application No. 13/590,483, which was filed on August 21, 2012 and issued as U.S. Patent No. 8,831,557.

36. The '555 Patent claims patent-eligible subject matter under 35 U.S.C. § 101.

37. Firstface is the owner and assignee of all rights, title, and interest in and under the '555 Patent.

38. Firstface has standing to sue for infringement of the '555 Patent.

### **The '082 Patent**

39. The '082 Patent, entitled "Activating display and performing additional function in mobile terminal with one-time user input," duly and legally issued on May 22, 2018 from U.S. Patent Application No. 15/859,221, filed on December 29, 2017, naming Jae Lark Jung and

Kyoung Duck Bae as the inventors. A true and correct copy of the '082 Patent, including its certificate of correction, is attached hereto as Exhibit 3 and incorporated by reference.

40. The '082 Patent claims priority to U.S. Patent Application No. 15/013,951, which was filed on February 2, 2016, and U.S. Patent Application No. 14/848,156, which was filed on September 8, 2015 and issued as U.S. Patent No. 9,633,373. The '082 Patent also claims priority to U.S. Patent Application No. 14/538,880, which was filed on November 12, 2014 and issued as U.S. Patent No. 9,179,298, U.S. Patent Application No. 14/058,761, which was filed on October 21, 2013 and issued as U.S. Patent No. 8,918,074, and U.S. Patent Application No. 13/590,483, which was filed on August 21, 2012 and issued as U.S. Patent No. 8,831,557.

41. The '082 Patent claims patent-eligible subject matter under 35 U.S.C. § 101.

42. Firstface is the owner and assignee of all rights, title, and interest in and under the '082 Patent.

43. Firstface has standing to sue for infringement of the '082 Patent.

#### **The '442 Patent**

44. The '442 Patent, entitled "Activating display and performing additional function in mobile terminal with one-time user input," duly and legally issued on January 19, 2021 from U.S. Patent Application No. 16/697,068, filed on November 26, 2019, naming Jae Lark Jung and Kyoung Duck Bae as the inventors. A true and correct copy of the '442 Patent, including its certificate of correction, is attached hereto as Exhibit 4 and incorporated by reference.

45. The '442 Patent claims priority to U.S. Patent Application No. 15/938,702, which was filed on March 28, 2018 and issued as U.S. Patent No. 10,510,097, U.S. Patent Application No. 15/859,221, which was filed on December 29, 2017 and issued as U.S. Patent No. 9,978,082, U.S. Patent Application No. 15/013,951, which was filed on February 2, 2016 and issued as U.S.

Patent No. 9,959,555, U.S. Patent Application No. 14/848,156, which was filed on September 8, 2015 and issued as U.S. Patent No. 9,633,373, U.S. Patent Application No. 14/538,880, which was filed on November 12, 2014 and issued as U.S. Patent No. 9,179,298, U.S. Patent Application No. 14/058,761, which was filed on October 21, 2013 and issued as U.S. Patent No. 8,918,074, and U.S. Patent Application No. 13/590,483, which was filed on August 21, 2012 and issued as U.S. Patent No. 8,831,557.

46. The '442 Patent claims patent-eligible subject matter under 35 U.S.C. § 101.

47. Firstface is the owner and assignee of all rights, title, and interest in and under the '442 Patent.

48. Firstface has standing to sue for infringement of the '442 Patent.

### **The '263 Patent**

49. The '263 Patent, entitled "Activating display and performing additional function in mobile terminal with one-time user input," duly and legally issued on January 10, 2023 from U.S. Patent Application No. 17/122,273, filed on December 15, 2020, naming Jae Lark Jung and Kyoung Duck Bae as the inventors. A true and correct copy of the '263 Patent is attached hereto as Exhibit 5 and incorporated by reference.

50. The '263 Patent claims priority to U.S. Patent Application No. 16/697,068, which was filed on November 2, 2019 and issued as U.S. Patent No. 10,896,442, U.S. Patent Application No. 15/938,702, which was filed on March 28, 2018 and issued as U.S. Patent No. 10,510,097, U.S. Patent Application No. 15/859,221, which was filed on December 29, 2017 and issued as U.S. Patent No. 9,978,082, U.S. Patent Application No. 15/013,951, which was filed on February 2, 2016 and issued as U.S. Patent No. 9,959,555, U.S. Patent Application No. 14/848,156, which was filed on September 8, 2015 and issued as U.S. Patent No. 9,633,373, U.S. Patent Application



No. 14/538,880, which was filed on November 12, 2014 and issued as U.S. Patent No. 9,179,298, U.S. Patent Application No. 14/058,761, which was filed on October 21, 2013 and issued as U.S. Patent No. 8,918,074, and U.S. Patent Application No. 13/590,483, which was filed on August 21, 2012 and issued as U.S. Patent No. 8,831,557.

51. The '263 Patent claims patent-eligible subject matter under 35 U.S.C. § 101.

52. Firstface is the owner and assignee of all rights, title, and interest in and under the '263 Patent.

53. Firstface has standing to sue for infringement of the '263 Patent.

### **GENERAL ALLEGATIONS**

54. Samsung has not obtained a license to any of the Patents-in-Suit.

55. Samsung did not have Firstface's permission to make, use, sell, offer to sell, or import products or practice methods that are covered by one or more claims of any of the Patents-in-Suit.

56. Samsung has infringed (literally and/or under the doctrine of equivalents) directly, indirectly, and/or through subsidiaries, agents, representatives, or intermediaries, one or more claims of each of the Patents-in-Suit by making, using, importing, testing, supplying, causing to be supplied, selling, and/or offering for sale in the United States the Accused Products, which include but are not limited to Samsung's S24, S24+, S24 Ultra, S23, S23+, S23 Ultra, S23 FE, S21+ 5G, S21 Ultra 5G, Z Fold6, Z Flip6, Z Fold5, Z Flip5, Z Fold6, Z Flip6, A54 5G, A42 5G, A35 5G, A25 5G, A23 5G, A15 5G, A03s, XCover6 Pro, Tab S9 Ultra, Tab S9+, Tab S9+ 5G, Tab S9, Tab S8 Ultra, Tab S8+, Tab S6 Lite, Tab S7 FE, Tab S9 FE, Tab S9+ FE, Tab S8, and Tab S7 5G, as well as all other products that have the same or similar infringing components and functionality.

57. Attached hereto are Exhibits 7-11. They are representative claim charts detailing how Accused Products infringe the Patents-in-Suit and are incorporated in this Complaint by reference.

58. Samsung's customers have directly infringed the Patents-in-Suit by using the Accused Products. Through its product manuals, websites, and/or sales and marketing activities, Samsung has solicited, instructed, encouraged, and aided and abetted its customers to purchase and use the Accused Products in infringing ways.

59. Samsung has had knowledge of the Patents-in-Suit at least since receiving Firstface's notice letter to Samsung dated May 9, 2024, which identified the Patents-in-Suit, additional Firstface patents, and the Accused Products as infringing the Patents-in-Suit. A copy of this notice letter is attached hereto as Exhibit 6. Additionally or in the alternative, Samsung has knowledge of the Patents-in-Suit through the service of this Original Complaint.

60. By receiving notice of infringement, Samsung obtained a subjective belief that there is a high probability that the Accused Products infringe the Patents-in-Suit. Despite being put on notice of infringement, Samsung has taken no action to avoid its infringing conduct, has not responded to Firstface's notice letter in any substantive manner with any non-infringement position, and has not sought to remedy its infringements by offering to take a license. Samsung's conduct reflects deliberate actions to avoid learning that the Accused Products infringe the Patents-in-Suit and, more generally, a policy of not earnestly reviewing and respecting the intellectual property of others.

61. Since learning of the Patents-in-Suit, Samsung has conducted itself with the specific intent to cause infringement of one or more claims of each of the Patents-in-Suit.

62. Discovery in this action may reveal earlier knowledge of one or more of the Patents-in-Suit, which would provide additional evidence of Samsung's specific intent, willful blindness, and/or willful infringement.

63. Despite having knowledge of the Patents-in-Suit, as well as knowledge that it has directly and/or indirectly infringed one or more claims of each Patent-in-Suit, Samsung has nevertheless proceeded to infringe the Patents-in-Suit and induce others to do the same, with full and complete knowledge of the applicability of the Patents-in-Suit to the Accused Products. Moreover, it has done so without a license and without a good faith belief that the claims of the Patents-in-Suit are not infringed. As noted above, this includes, but is not limited to, Samsung's willful blindness in refusing to investigate whether the Accused Products infringe the Patents-in-Suit.

64. Firstface has been damaged as a result of Samsung's infringing conduct. It is therefore liable to Firstface in an amount that adequately compensates Firstface for Samsung's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

65. In addition, for the reasons discussed herein and in attendant Exhibits 7-11, Samsung's infringing activities have been willful, egregious, wanton, and deliberate in disregard to Firstface's rights, justifying a finding of willful infringement, enhanced damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

66. Samsung markets and sells other products that are not covered by the claims of the Patents-in-Suit but that were sold with or in conjunction with the Accused Products. Accordingly, Firstface is entitled to collect from Samsung for conveyed sales of certain non-patented items.

67. On information and belief, with respect to each Patent-in-Suit, Firstface has complied with the requirements of U.S.C. § 287.

68. Since issuance of each of the Patents-in-Suit, Firstface has not made, offered for sale, sold, or imported a product that practices any of the Patents-in-Suit or that would otherwise require marking under 35 U.S.C. § 287.

69. Further, on information and belief, Firstface's licensees either did not make, offer to sell, sell, or import products that would require marking under 35 U.S.C. § 287, or otherwise did not have an obligation to mark any of their products with any of the Patents-in-Suit.

70. As such, Firstface has complied with the requirements of 35 U.S.C. § 287, to the extent necessary, such that Firstface may recover pre-suit damages. At a minimum, Firstface may recover pre-suit damages as of May 9, 2024, the date of Firstface's notice letter to Samsung putting Samsung on notice of its infringement of the Patents-in-Suit.

71. For each count of infringement listed below, Firstface incorporates and restates the allegations contained in the preceding paragraphs, including the General Allegations, as if fully set forth in each count of infringement.

#### **COUNT I – INFRINGEMENT OF THE '298 PATENT**

72. Firstface incorporates herein the allegations made in all preceding paragraphs.

73. Samsung has directly infringed one or more claims of the '298 Patent, including, for example, claims 1, 2, 4, 10, 11, and 12, in violation of 35 U.S.C. § 271(a), by making, using, offering for sale, selling, and/or importing into the United States infringing products including, but not limited to, the Accused Products.

74. Additionally, on information and belief, Samsung has indirectly infringed the '298 Patent in violation of 35 U.S.C. § 271(b) by inducing its customers to purchase the Accused

Products and instructing them how to use the Accused Products in a way that has directly infringed at least claims 1, 2, 4, 10, 11, and 12 of the '298 Patent.

75. An exemplary claim chart demonstrating Samsung's infringement of the '298 Patent, as well as Samsung's customers' infringement of the '298 Patent, is attached as Exhibit 7 and incorporated herein by reference.

76. Samsung obtained knowledge of the '298 Patent and its infringement of the '298 Patent via, at least, Firstface's May 9, 2024 notice letter, a copy of which is attached hereto as Exhibit 6.

77. On information and belief, despite Samsung's knowledge of the '298 Patent, and of its infringement of the '298 Patent, Samsung has neither sought to remedy its infringement nor sought to formulate and identify to Firstface any good faith belief or position as to why it does not infringe the '298 Patent.

78. Samsung's actions evidence a specific intent to induce infringement of at least claims 1, 2, 4, 10, 11, and 12 of the '298 Patent. Indeed, Samsung offers its customers extensive customer support and instructions that instruct and encourage them to infringe the '298 Patent via at least their use of the Accused Products. *See, e.g.,* <https://www.samsung.com/us/support/>; *see also* Exhibit 7 and materials cited therein.

79. As a result of Samsung's infringement of the '298 Patent, Firstface has suffered, and is owed, monetary damages adequate to compensate Firstface under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

80. In addition, Samsung's infringing activities detailed in this Complaint and Exhibit 7 constitute willful infringement, entitling Firstface to recover enhanced damages under 35 U.S.C. § 284 and attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**COUNT II – INFRINGEMENT OF THE '555 PATENT**

81. Firstface incorporates herein the allegations made in all preceding paragraphs.

82. Samsung has directly infringed one or more claims of the '555 Patent, including, for example, claims 1, 2, 4 – 26, 29 – 37, and 40 – 48 in violation of 35 U.S.C. § 271(a) by making, using, offering for sale, selling, and/or importing into the United States infringing products including, but not limited to, the Accused Products.

83. Additionally, on information and belief, Samsung has indirectly infringed the '555 Patent in violation of 35 U.S.C. § 271(b) by inducing its customers to purchase the Accused Products and instructing them how to use the Accused Products in a way that has directly infringed at least claims 1, 2, 4 – 26, 29 – 37, and 40 – 48 of the '555 Patent.

84. An exemplary claim chart demonstrating Samsung's infringement of the '555 Patent, as well as Samsung's customers' infringement of the '555 Patent, is attached as Exhibit 8 and incorporated herein by reference.

85. Samsung obtained knowledge of the '555 Patent and its infringement of the '555 Patent via, at least, Firstface's May 9, 2024 notice letter, a copy of which is attached hereto as Exhibit 6.

86. On information and belief, despite Samsung's knowledge of the '555 Patent, and of its infringement of the '555 Patent, Samsung has neither sought to remedy its infringement nor sought to formulate and identify to Firstface any good faith belief or position as to why it does not infringe the '555 Patent.

87. Samsung's actions evidence a specific intent to induce infringement of at least claims 1, 2, 4 – 26, 29 – 37, and 40 – 48 of the '555 Patent. Indeed, Samsung offers its customers extensive customer support and instructions that instruct and encourage them to infringe the '555

Patent via at least their use of the Accused Products. See, e.g., <https://www.samsung.com/us/support/>; see also Exhibit 8 and materials cited therein.

88. As a result of Samsung's infringement of the '555 Patent, Firstface has suffered, and is owed, monetary damages adequate to compensate Firstface under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

89. In addition, Samsung's infringing activities detailed in this Complaint and Exhibit 8 constitute willful infringement, entitling Firstface to recover enhanced damages under 35 U.S.C. § 284 and attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

### **COUNT III – INFRINGEMENT OF THE '082 PATENT**

90. Firstface incorporates herein the allegations made in all preceding paragraphs.

91. Samsung has directly infringed one or more claims of the '082 Patent, including, for example, claims 1 – 6, 9 – 17, and 20 in violation of 35 U.S.C. § 271(a) by making, using, offering for sale, selling, and/or importing into the United States infringing products including, but not limited to, the Accused Products.

92. Additionally, on information and belief, Samsung has indirectly infringed the '082 Patent in violation of 35 U.S.C. § 271(b) by inducing customers to purchase the Accused Products and instructing them how to use the Accused Products in a way that has directly infringed at least claims 1 – 6, 9 – 17, and 20 of the '082 Patent

93. An exemplary claim chart demonstrating Samsung's infringement of the '082 Patent, as well as Samsung's customers' infringement of the '082 Patent, is attached as Exhibit 9 and incorporated herein by reference.

94. Samsung obtained knowledge of the '082 Patent and of its infringement of the '082 Patent via, at least, Firstface's May 9, 2024 notice letter, a copy of which is attached hereto as Exhibit 6.

95. On information and belief, despite Samsung's knowledge of the '082 Patent and of its infringement of the '082 Patent, Samsung has neither sought to remedy its infringement nor sought to formulate and identify to Firstface any good faith belief or position as to why it does not infringe the '082 Patent.

96. Samsung's actions evidence a specific intent to induce infringement of at least claims 1 – 6, 9 – 17, and 20 of the '082 Patent. Indeed, Samsung offers its customers extensive customer support and instructions that instruct and encourage its customers to infringe the '082 Patent via at least their use of the Accused Products. *See, e.g.,* <https://www.samsung.com/us/support/>; *see also* Exhibit 9 and materials cited therein.

97. As a result of Samsung's infringement of the '082 Patent, Firstface has suffered, and is owed, monetary damages adequate to compensate Firstface under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

98. In addition, Samsung's infringing activities detailed in this Complaint and Exhibit 9 constitute willful infringement, entitling Firstface to recover enhanced damages under 35 U.S.C. § 284 and attorney's fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

#### **COUNT IV – INFRINGEMENT OF THE '442 PATENT**

99. Firstface incorporates herein the allegations made in all preceding paragraphs.

100. Samsung has directly infringed one or more claims of the '442 Patent, including, for example, claims 1 – 3, and 6 – 11 in violation of 35 U.S.C. § 271(a) by making, using, offering



for sale, selling, and/or importing into the United States infringing products including, but not limited to, the Accused Products.

101. Additionally, on information and belief, Samsung has indirectly infringed the '442 Patent in violation of 35 U.S.C. § 271(b) by inducing its customers to purchase the Accused Products and instructing them how to use the Accused Products in a way that has directly infringed at least claims 1 – 3, and 6 – 11 of the '442 Patent.

102. An exemplary claim chart demonstrating Samsung's infringement of the '442 Patent, as well as Samsung's customers' infringement of the '442 Patent, is attached as Exhibit 10 and incorporated herein by reference.

103. Samsung obtained knowledge of the '442 Patent and its infringement of the '442 Patent via, at least, Firstface's May 9, 2024 notice letter, a copy of which is attached hereto as Exhibit 6.

104. On information and belief, despite Samsung's knowledge of the '442 Patent, and of its infringement of the '442 Patent, Samsung has neither sought to remedy its infringement nor sought to formulate or identify to Firstface any good faith belief or position as to why it does not infringe the '442 Patent.

105. Samsung's actions evidence a specific intent to induce infringement of at least claims 1 – 3, and 6 – 11 of the '442 Patent. Indeed, Samsung offers its customers extensive customer support and instructions that instruct and encourage them to infringe the '442 Patent via at least their use of the Accused Products. *See, e.g.,* <https://www.samsung.com/us/support/>; *see also* Exhibit 10 and materials cited therein.

106. As a result of Samsung's infringement of the '442 Patent, Firstface has suffered, and is owed, monetary damages adequate to compensate Firstface under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

107. In addition, Samsung's infringing activities detailed in this Complaint and Exhibit 10 constitute willful infringement, entitling Firstface to recover enhanced damages under 35 U.S.C. § 284 and attorney's fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

#### **COUNT V – INFRINGEMENT OF THE '263 PATENT**

108. Firstface incorporates herein the allegations made in all preceding paragraphs.

109. Samsung has directly infringed one or more claims of the '263 Patent, including, for example, claims 1 – 4 in violation of 35 U.S.C. § 271(a) by making, using, offering for sale, selling, and/or importing into the United States infringing products including, but not limited to, the Accused Products.

110. Additionally, on information and belief, Samsung has indirectly infringed the '263 Patent in violation of 35 U.S.C. § 271(b) by inducing its customers to purchase the Accused Products and instructing them how to use the Accused Products in a way that has directly infringed at least claims 1 – 4 of the '263 Patent.

111. An exemplary claim chart demonstrating Samsung's infringement of the '263 Patent, as well as Samsung's customers' infringement of the '263 Patent, is attached as Exhibit 11 and incorporated herein by reference.

112. Samsung obtained knowledge of the '263 Patent and of its infringement of the '263 Patent via, at least, Firstface's May 9, 2024 notice letter, a copy of which is attached hereto as Exhibit 6.

113. On information and belief, despite Samsung's knowledge of the '263 Patent, and of its infringement of the '263 Patent, Samsung has neither sought to remedy its infringement nor sought to formulate and identify to Firstface any good faith belief or position as to why it does not infringe the '263 Patent.

114. Samsung's actions evidence a specific intent to induce infringement of at least claims 1 – 4 of the '082 Patent. Indeed, Samsung offers its customers extensive customer support and instructions that instruct and encourage them to infringe the '263 Patent via at least their use of the Accused Products. *See, e.g.*, <https://www.samsung.com/us/support/>; *see also* Exhibit 11 and materials cited therein.

115. As a result of Samsung's infringement of the '263 Patent, Firstface has suffered, and is owed, monetary damages adequate to compensate Firstface under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

116. In addition, Samsung's infringing activities detailed in this Complaint and Exhibit 11 constitute willful infringement, entitling Firstface to enhanced damages under 35 U.S.C. § 284 and attorney's fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

#### **DEMAND FOR A JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Firstface demands a trial by jury on all issues triable of right by a jury.

#### **PRAYER FOR RELIEF**

Firstface respectfully requests that this Court enter judgment in its favor and grant the following relief:

- a. A judgment that Samsung has directly and/or indirectly infringed one or more claims of each of the Patents-in-Suit;

- b. A judgment and order requiring Samsung to pay Firstface past and future damages under 35 U.S.C. § 284, including supplemental damages arising from any continuing post-verdict infringement for the time between trial and entry of the final judgment, with an accounting, as needed, as provided by 35 U.S.C. § 284;
- c. A judgment and order that Samsung has willfully infringed the Patents-in-Suit and requiring that Samsung pay Firstface enhanced damages under 35 U.S.C. § 284 and attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285;
- d. A judgment and order requiring Samsung to pay Firstface pre-judgment and post-judgment interest on the damages award;
- e. A judgment and order requiring Samsung to pay Firstface's costs; and
- f. Such other and further relief as the Court may deem just and proper.

Dated: July 31, 2024

Respectfully submitted,

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