IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

OSRAM GmbH,)
Plaintiff,)
v.) C.A. No
SAMSUNG ELECTRONICS CO., LTD.,	JURY TRIAL DEMANDED
SAMSUNG ELECTRONICS AMERICA, INC., SAMSUNG LED CO., LTD., and)
SAMSUNG LED AMERICA, INC.,)
Defendants.)

COMPLAINT FOR PATENT INFRINGEMENT

OSRAM GmbH (OSRAM) brings this patent infringement action against Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung LED Co., Ltd., and Samsung LED America, Inc. (collectively, "Samsung") and alleges as follows:

PARTIES

- 1. OSRAM GmbH is a German Gesellschaft mit beschränkter Haftung organized and existing under the laws of Germany. OSRAM maintains its principal place of business at Hellabrunner Strasse 1, 81543 Munich, Germany.
- 2. On information and belief, Samsung Electronics Co., Ltd. (SEC) is a corporation organized and existing under the laws of the Republic of Korea with its principal place of business at 416 Maetan-dong, Yeongtong-gu, Suwon-si, Gyeonggi-do 443-742, Republic of Korea. On information and belief, SEC is in the business of developing, manufacturing, marketing, and selling light-emitting diodes (LEDs) and products containing LEDs including, without limitation, LED televisions and LCD displays incorporating LEDs (collectively, "the Samsung LED Products"). On information and belief, SEC directs Samsung LED Products to

the United States through established distribution channels knowing that these products are imported into, sold, offered for sale, and/or used within the United States, including within this judicial district.

- 3. On information and belief, Samsung Electronics America, Inc. (SEA) is a subsidiary of SEC, and is organized and existing under the laws of New York with its principal place of business at 85 Challenger Rd., Ridgefield Park, New Jersey. On information and belief, SEA is in the business of directly or indirectly importing into, distributing, marketing, and selling Samsung LED Products within the United States, including within this judicial district.
- 4. On information and belief, Samsung LED Co., Ltd. (SLED) is an affiliate of SEC, and is organized and existing under the laws of the Republic of Korea, with its principal place of business at 206, Cheomdansaneop Road, Yeongtong-gu, Suwon City, Gyeonggi Province 443-743, Republic of Korea. On information and belief, SLED is in the business of developing, manufacturing, marketing, and selling Samsung LED Products. On information and belief, SLED directs Samsung LED Products to the United States through established distribution channels knowing that these products are imported into, sold, offered for sale, and/or used within the United States, including within this judicial district.
- 5. On information and belief, Samsung LED America, Inc. (SLED-America) is organized and existing under the laws of Georgia with its principal place of business at 6 Concourse Pkwy NE, Atlanta, Georgia. On information and belief, SLED-America is in the business of importing into, distributing, marketing, offering for sale, and selling Samsung LED Products within the United States, including within this judicial district.
- 6. On information and belief, Defendants SEC, SEA, SLED, and SLED-America are affiliated entities engaged in making, offering for sale, selling and/or using, in the United States

of America and elsewhere, Samsung LED Products, and are further engaged in importing Samsung LED Products into the United States, and otherwise making such products available in the United States.

JURISDICTION AND VENUE

- 7. This is an action for patent infringement arising under the patents laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. § 271. Accordingly, this Court has subject matter jurisdiction over this cause of action pursuant to 28 U.S.C. §§ 1331 and 1338(a).
- 8. This Court has personal jurisdiction over SEC, SEA, SLED, and SLED-America because, among other reasons, they each have committed and continue to commit acts of patent infringement in this judicial district, and have placed infringing products into the stream of commerce by shipping those products into this judicial district or knowing that the devices would be shipped into this judicial district.
- 9. Venue in this judicial district is proper pursuant to 28 U.S.C. §§ 1391 and 1400(b) because, on information and belief, a substantial part of the events or omissions giving rise to OSRAM's claims occurred in this district.

THE ASSERTED PATENTS

- 10. OSRAM owns, by assignment, all title, right, and interest in and to United States Letters Patent No. 6,812,500 (the '500 patent), entitled "Light-Radiating Semiconductor Component with a Luminescence Conversion Element," which was duly and legally issued by the United States Patent & Trademark Office (Patent Office) on November 2, 2004. A copy of the '500 patent is attached as Exhibit A.
- 11. OSRAM owns, by assignment, all title, right, and interest in and to United States

 Letters Patent No. 7,078,732 (the '732 patent), entitled "Light-Radiating Semiconductor

Component with a Luminescence Conversion Element," which was duly and legally issued by the Patent Office on July 18, 2006. A copy of the '732 patent is attached as Exhibit B.

- 12. OSRAM owns, by assignment, all title, right, and interest in and to United States Letters Patent No. 7,126,162 (the '162 patent), entitled "Light-Radiating Semiconductor Component with a Luminescence Conversion Element," which was duly and legally issued by the Patent Office on October 24, 2006. A copy of the '162 patent is attached as Exhibit C.
- 13. OSRAM owns, by assignment, all title, right, and interest in and to United States Letters Patent No. 7,629,621 (the '621 patent), entitled "Light-Radiating Semiconductor Component with a Luminescence Conversion Element," which was duly and legally issued by the Patent Office on December 8, 2009. A copy of the '621 patent is attached as Exhibit D.
- 14. OSRAM owns, by assignment, all title, right, and interest in and to United States Letters Patent No. 6,927,469 (the '469 patent), entitled "Surface Mountable Light Emitting or Receiving Device," which was duly and legally issued by the Patent Office on August 9, 2005. A copy of the '469 patent is attached as Exhibit E.
- 15. OSRAM owns, by assignment, all title, right, and interest in and to United States Letters Patent No. 7,199,454 (the '454 patent), entitled "Optoelectronic Semiconductor Component," which was duly and legally issued by the Patent Office on April 3, 2007. A copy of the '454 patent is attached as Exhibit F.
- 16. OSRAM owns, by assignment, all title, right, and interest in and to United States Letters Patent No. 6,897,490 (the '490 patent), entitled "Radiation Emitting Semiconductor Component with Luminescent Conversion Element," which was duly and legally issued by the Patent Office on May 24, 2005. A copy of the '490 patent is attached as Exhibit G.

- 17. OSRAM owns, by assignment, all title, right, and interest in and to United States Letters Patent No. 7,427,806 (the '806 patent), entitled "Semiconductor Component Emitting and/or Receiving Electromagnetic Radiation, and Housing Base for Such a Component," which was duly and legally issued by the Patent Office on September 23, 2008. A copy of the '806 patent is attached as Exhibit H.
- 18. OSRAM owns, by assignment, all title, right, and interest in and to United States Letters Patent No. 7,345,317 (the '317 patent), entitled "Light-Radiating Semiconductor Component with a Luminescence Conversion Element," which was duly and legally issued by the Patent Office on March 18, 2008. A copy of the '317 patent is attached as Exhibit I.
- 19. OSRAM owns, by assignment, all title, right, and interest in and to United States Letters Patent No. 6,459,130 (the '130 patent), entitled "Optoelectronic Semiconductor Component," which was duly and legally issued by the Patent Office on October 1, 2002. A copy of the '130 patent is attached as Exhibit J.
- 20. The '500 patent, the '732 patent, the '162 patent, the '621 patent, the '469 patent, the '454 patent, the '490 patent, the '806 patent, the '317 patent, and the '130 patent are collectively referred to herein as the "asserted OSRAM Patents."

COUNT I INFRINGEMENT OF THE '500 PATENT

21. On information and belief, in violation of 35 U.S.C. § 271, Samsung has, without authorization or license, infringed and continues to directly infringe, contributorily infringe, and/or induce the infringement of the '500 patent in this judicial district and elsewhere in the United States through the manufacture, use, offer for sale, sale, and/or importation of Samsung LED Products. This group of products includes LEDs and products containing LEDs including, without limitation, the Samsung SLHNNWH511 LED, Samsung UN32D5500 LED television,

and other components that embody and/or employ the claimed structures of the '500 patent. Samsung will continue to infringe the '500 patent unless enjoined therefrom by this Court.

- 22. Samsung's acts of infringement of the '500 patent have caused and will continue to cause OSRAM substantial and irreparable injury, for which OSRAM is entitled to receive injunctive relief and damages adequate to compensate it for such infringement.
- 23. On information and belief, Samsung's acts of infringement of the '500 patent have been and are being committed with knowledge of the '500 patent, intentionally and in a willful and wanton manner in deliberate disregard of the patent rights of OSRAM.

COUNT II INFRINGEMENT OF THE '732 PATENT

- 24. On information and belief, in violation of 35 U.S.C. § 271, Samsung has, without authorization or license, infringed and continues to directly infringe, contributorily infringe, and/or induce the infringement of the '732 patent in this judicial district and elsewhere in the United States through the manufacture, use, offer for sale, sale, and/or importation of Samsung LED Products. This group of products includes LEDs and products containing LEDs including, without limitation, the Samsung SPMWHT520A LED and other components that embody and/or employ the claimed structures of the '732 patent. Samsung will continue to infringe the '732 patent unless enjoined therefrom by this Court.
- 25. Samsung's acts of infringement of the '732 patent have caused and will continue to cause OSRAM substantial and irreparable injury, for which OSRAM is entitled to receive injunctive relief and damages adequate to compensate it for such infringement.
- 26. On information and belief, Samsung's acts of infringement of the '732 patent have been and are being committed with knowledge of the '732 patent, intentionally and in a willful and wanton manner in deliberate disregard of the patent rights of OSRAM.

COUNT III INFRINGEMENT OF THE '162 PATENT

- 27. On information and belief, in violation of 35 U.S.C. § 271, Samsung has, without authorization or license, infringed and continues to directly infringe, contributorily infringe, and/or induce the infringement of the '162 patent in this judicial district and elsewhere in the United States through the manufacture, use, offer for sale, sale, and/or importation of Samsung LED Products. This group of products includes LEDs and products containing LEDs including, without limitation, the Samsung SPMWHT520A LED, Samsung UN32D5500 LED television, and other components that embody and/or employ the claimed structures of the '162 patent. Samsung will continue to infringe the '162 patent unless enjoined therefrom by this Court.
- 28. Samsung's acts of infringement of the '162 patent have caused and will continue to cause OSRAM substantial and irreparable injury, for which OSRAM is entitled to receive injunctive relief and damages adequate to compensate it for such infringement.
- 29. On information and belief, Samsung's acts of infringement of the '162 patent have been and are being committed with knowledge of the '162 patent, intentionally and in a willful and wanton manner in deliberate disregard of the patent rights of OSRAM.

COUNT IV INFRINGEMENT OF THE '621 PATENT

30. On information and belief, in violation of 35 U.S.C. § 271, Samsung has, without authorization or license, infringed and continues to directly infringe, contributorily infringe, and/or induce the infringement of the '621 patent in this judicial district and elsewhere in the United States through the manufacture, use, offer for sale, sale, and/or importation of Samsung LED Products. This group of products includes LEDs and products containing LEDs including, without limitation, the Samsung SPMWHT520A LED, Samsung UN32D5500 LED television,

and other components that embody and/or employ the claimed structures of the '621 patent. Samsung will continue to infringe the '621 patent unless enjoined therefrom by this Court.

- 31. Samsung's acts of infringement of the '621 patent have caused and will continue to cause OSRAM substantial and irreparable injury, for which OSRAM is entitled to receive injunctive relief and damages adequate to compensate it for such infringement.
- 32. On information and belief, Samsung's acts of infringement of the '621 patent have been and are being committed with knowledge of the '621 patent, intentionally and in a willful and wanton manner in deliberate disregard of the patent rights of OSRAM.

COUNT V Infringement Of The '469 Patent

- 33. On information and belief, in violation of 35 U.S.C. § 271, Samsung has, without authorization or license, infringed and continues to directly infringe, contributorily infringe, and/or induce the infringement of the '469 patent in this judicial district and elsewhere in the United States through the manufacture, use, offer for sale, sale, and/or importation of Samsung LED Products. This group of products includes LEDs and products containing LEDs including, without limitation, the Samsung SLHNNWH511NO LED, Samsung UN32D5500 LED television, and other components that embody and/or employ the claimed structures of the '469 patent. Samsung will continue to infringe the '469 patent unless enjoined therefrom by this Court.
- 34. Samsung's acts of infringement of the '469 patent have caused and will continue to cause OSRAM substantial and irreparable injury, for which OSRAM is entitled to receive injunctive relief and damages adequate to compensate it for such infringement.

35. On information and belief, Samsung's acts of infringement of the '469 patent have been and are being committed with knowledge of the '469 patent, intentionally and in a willful and wanton manner in deliberate disregard of the patent rights of OSRAM.

COUNT VI INFRINGEMENT OF THE '454 PATENT

- 36. On information and belief, in violation of 35 U.S.C. § 271, Samsung has, without authorization or license, infringed and continues to directly infringe, contributorily infringe, and/or induce the infringement of the '454 patent in this judicial district and elsewhere in the United States through the manufacture, use, offer for sale, sale, and/or importation of Samsung LED Products. This group of products includes LEDs and products containing LEDs including, without limitation, the Samsung SLHNNWH511NO LED, Samsung UN32D5500 LED television, and other components that embody and/or employ the claimed structures of the '454 patent. Samsung will continue to infringe the '454 patent unless enjoined therefrom by this Court.
- 37. Samsung's acts of infringement of the '454 patent have caused and will continue to cause OSRAM substantial and irreparable injury, for which OSRAM is entitled to receive injunctive relief and damages adequate to compensate it for such infringement.
- 38. On information and belief, Samsung's acts of infringement of the '454 patent have been and are being committed with knowledge of the '454 patent, intentionally and in a willful and wanton manner in deliberate disregard of the patent rights of OSRAM.

COUNT VII INFRINGEMENT OF THE '490 PATENT

39. On information and belief, in violation of 35 U.S.C. § 271, Samsung has, without authorization or license, infringed and continues to directly infringe, contributorily infringe,

and/or induce the infringement of the '490 patent in this judicial district and elsewhere in the United States through the manufacture, use, offer for sale, sale, and/or importation of Samsung LED Products. This group of products includes LEDs and products containing LEDs including, without limitation, the Samsung SLHNNWH511NO LED, and other components that embody and/or employ the claimed structures of the '490 patent. Samsung will continue to infringe the '490 patent unless enjoined therefrom by this Court.

- 40. Samsung's acts of infringement of the '490 patent have caused and will continue to cause OSRAM substantial and irreparable injury, for which OSRAM is entitled to receive injunctive relief and damages adequate to compensate it for such infringement.
- 41. On information and belief, Samsung's acts of infringement of the '490 patent have been and are being committed with knowledge of the '490 patent, intentionally and in a willful and wanton manner in deliberate disregard of the patent rights of OSRAM.

COUNT VIII INFRINGEMENT OF THE '806 PATENT

42. On information and belief, in violation of 35 U.S.C. § 271, Samsung has, without authorization or license, infringed and continues to directly infringe, contributorily infringe, and/or induce the infringement of the '806 patent in this judicial district and elsewhere in the United States through the manufacture, use, offer for sale, sale, and/or importation of Samsung LED Products. This group of products includes LEDs and products containing LEDs including, without limitation, the Samsung SLHNNWH511NO LED, and other components that embody and/or employ the claimed structures of the '806 patent. Samsung will continue to infringe the '806 patent unless enjoined therefrom by this Court.

- 43. Samsung's acts of infringement of the '806 patent have caused and will continue to cause OSRAM substantial and irreparable injury, for which OSRAM is entitled to receive injunctive relief and damages adequate to compensate it for such infringement.
- 44. On information and belief, Samsung's acts of infringement of the '806 patent have been and are being committed with knowledge of the '806 patent, intentionally and in a willful and wanton manner in deliberate disregard of the patent rights of OSRAM.

COUNT IX INFRINGEMENT OF THE '317 PATENT

- 45. On information and belief, in violation of 35 U.S.C. § 271, Samsung has, without authorization or license, infringed and continues to directly infringe, contributorily infringe, and/or induce the infringement of the '317 patent in this judicial district and elsewhere in the United States through the manufacture, use, offer for sale, sale, and/or importation of Samsung LED Products. This group of products includes LEDs and products containing LEDs including, without limitation, the Samsung SPMWHT520A LED, Samsung UN32D5500 LED television, and other components that embody and/or employ the claimed structures of the '317 patent. Samsung will continue to infringe the '317 patent unless enjoined therefrom by this Court.
- 46. Samsung's acts of infringement of the '317 patent have caused and will continue to cause OSRAM substantial and irreparable injury, for which OSRAM is entitled to receive injunctive relief and damages adequate to compensate it for such infringement.
- 47. On information and belief, Samsung's acts of infringement of the '317 patent have been and are being committed with knowledge of the '317 patent, intentionally and in a willful and wanton manner in deliberate disregard of the patent rights of OSRAM.

COUNT X INFRINGEMENT OF THE '130 PATENT

- 48. On information and belief, in violation of 35 U.S.C. § 271, Samsung has, without authorization or license, infringed and continues to directly infringe, contributorily infringe, and/or induce the infringement of the '130 patent in this judicial district and elsewhere in the United States through the manufacture, use, offer for sale, sale, and/or importation of Samsung LED Products. This group of products includes LEDs and products containing LEDs including, without limitation, the Samsung UN32D5500 LED television, and other products that embody and/or employ the claimed structures of the '130 patent. Samsung will continue to infringe the '130 patent unless enjoined therefrom by this Court.
- 49. Samsung's acts of infringement of the '130 patent have caused and will continue to cause OSRAM substantial and irreparable injury, for which OSRAM is entitled to receive injunctive relief and damages adequate to compensate it for such infringement.
- 50. On information and belief, Samsung's acts of infringement of the '130 patent have been and are being committed with knowledge of the '130 patent, intentionally and in a willful and wanton manner in deliberate disregard of the patent rights of OSRAM.

DEMAND FOR RELIEF

WHEREFORE, OSRAM prays that this Court enter judgment in its favor and against Samsung and grant the following relief:

A. Enjoin SEC, SEA, SLED, SLED-America, and their affiliates, subsidiaries, officers, directors, agents, servants, employees, representatives, licensees, successors, assigns and all those acting for them and on their behalf, from further infringement of the asserted OSRAM Patents;

- B. Award OSRAM damages resulting from Samsung's acts of infringement, order Samsung to account for and pay to OSRAM damages adequate to compensate OSRAM for the infringement of its patent rights, and award OSRAM its costs and pre-judgment and postjudgment interest at the highest rate allowable by law, pursuant to 35 U.S.C. § 284;
- C. As a result of Samsung's willful acts of infringement, award OSRAM treble damages pursuant to 35 U.S.C. § 284;
- D. Declare this case exceptional pursuant to 35 U.S.C. § 285, and award OSRAM its attorney fees, costs and expenses; and
 - E. Grant OSRAM such other relief as is just and proper.

JURY DEMAND

OSRAM hereby demands trial by jury in this action triable of right by jury.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Mary B. Graham

OF COUNSEL:

Alexander J. Hadjis G. Brian Busey MORRISON & FOERSTER LLP 2000 Pennsylvania Avenue NW **Suite 6000** Washington, DC 20006 (202) 887-1500

Kyle W.K. Mooney MORRISON & FOERSTER LLP 1290 Avenue of the Americas New York, NY 10104-0050 (212) 468-8000

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Mary B. Graham (#2256) 1201 N. Market Street P.O. Box 1347 Wilmington, DE 19899-1347 (302) 658-9200 mgraham@mnat.com Attorneys for OSRAM GmbH