

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DATA CARRIERS, LLC,

Plaintiff,

v.

**SAMSUNG ELECTRONICS
AMERICA, INC., AND SAMSUNG
TELECOMMUNICATIONS
AMERICA, LLC**

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Plaintiff Data Carriers, LLC (“Data Carriers”) makes the following allegations against Defendants Samsung Electronics America, Inc., Samsung Electronics Co., Ltd., and Samsung Telecommunications America, LLC (“Defendants”).

PARTIES

1. Data Carriers is a Delaware limited liability company having a principal place of business at 4023 Kennett Pike, Suite 531, Wilmington, Delaware 19807.

2. On information and belief, Samsung Electronics America, Inc. is a New York corporation with its principal office at 85 Challenger Road, Ridgefield Park, New Jersey 07660. Samsung Electronics America, Inc. has appointed C T Corporation, located at 111 Eighth Avenue, New York, New York 10011, as its agent for service of process.

3. On information and belief, Samsung Telecommunications America, LLC is a Delaware corporation with its principal office at 1301 E. Lookout Drive, Richardson, Texas 75082. Samsung Telecommunications America, LLC has appointed Corporation Service Company, located at 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, as its agent for service of process.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, including § 271. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendants because, among other reasons, Defendants have done business in this District, have committed and continue to commit acts of patent infringement in this District, and have harmed and continue to harm Data Carriers in this District, by, among other things, using, selling, offering for sale, and importing infringing products and services in this District.

6. Venue is proper in this District under 28 U.S.C. §§ 1391(b)-(d) and 1400(b) because, among other reasons, Defendants are subject to personal jurisdiction in this District, and have committed acts of patent infringement in this District. On information and belief, for example, Defendants have used, sold, offered for sale, and imported infringing products in this District.

COUNT I (INFRINGEMENT OF U.S. PATENT NO. 5,388,198)

7. Data Carriers is the owner by assignment of United States Patent No. 5,388,198 (the “‘198 patent”), entitled “Proactive Presentation of Automating Features to a Computer User.” The ‘198 patent issued on February 7, 1995. A true and correct copy of the ‘198 patent is attached as Exhibit A.

8. Defendants have been and now are directly and/or jointly infringing at least claims 1 and 5 of the ‘198 patent, in this judicial district and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling products and services that automatically intervene in the use of a computer system to suggest or present

features based on information on the use of the system, including but not limited to autocomplete features of certain electronic devices, including smartphones, tablets, notebooks, Chromebooks, media players, and software loaded onto and used on such devices and www.samsung.com/us. Such products and services continuously monitor and compare user manipulations and program context with feature templates stored in memory, and present automating features if a match is found. By making, using, importing, offering for sale, and/or selling such products and services, and all like products and services, Defendants have injured Data Carriers and is thus liable for infringement of the '198 patent pursuant to 35 U.S.C. § 271.

9. To the extent that facts learned in discovery show that Defendants' infringement of the '198 patent is or has been willful, Data Carriers reserves the right to request such a finding at time of trial.

10. Defendants have committed these acts of infringement without license or authorization.

11. As a result of Defendants' infringement of the '198 patent, Data Carriers has suffered monetary damages in an amount not yet determined, but in no event less than a reasonable royalty for the use made of the invention by Defendants, together with interest and costs as fixed by the Court.

PRAYER FOR RELIEF

Data Carriers respectfully requests that this Court enter:

A. A judgment in favor of Data Carriers that Defendants have infringed, directly and/or jointly, the '198 patent;

- B. A judgment and order requiring Defendants to pay Data Carriers its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '198 patent as provided under 35 U.S.C. § 284;
- C. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Data Carriers its reasonable attorneys' fees against Defendants;
- D. A judgment and order requiring Defendants to provide an accounting and to pay supplemental damages to Data Carriers, including without limitation, pre-judgment and post-judgment interest; and
- E. Any and all other relief to which Data Carriers may show itself to be entitled.

DEMAND FOR JURY TRIAL

Data Carriers, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

March 16, 2012

BAYARD, P.A.

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