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12  
 13 **UNITED STATES DISTRICT COURT**  
 14 **NORTHERN DISTRICT OF CALIFORNIA**

15 **TJTM TECHNOLOGIES, LLC,**  
 16  
 Plaintiff,  
 17  
 v.  
 18 **SAMSUNG ELECTRONICS AMERICA,**  
 19 **INC.,**  
 20  
 Defendant.

Case No. \_\_\_\_\_

**COMPLAINT FOR  
 PATENT INFRINGEMENT**

**JURY TRIAL DEMANDED**

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1 Plaintiff TJTM Technologies, LLC (“TJTM”), brings this action against Samsung  
2 Electronics America, Inc. (“Samsung”), to stop it from using TJTM’s patented technology in its  
3 cell phones without permission. TJTM seeks damages and injunctive relief. On information and  
4 belief, it alleges as follows:

5 **I. NATURE OF THE ACTION**

6 1. This is a civil action for patent infringement under 35 U.S.C. § 1 et seq.

7 2. On February 17, 2015, the United States Patent and Trademark Office (“USPTO”)  
8 issued U.S. Patent No. 8,958,853, entitled “Mobile Device Inactive Mode and Inactive Mode  
9 Verification” to its inventor (the “’853 Patent”). This describes the “OFF MODE” application. A  
10 true and correct copy of the ‘853 Patent is attached hereto as Exhibit A.

11 3. The inventor of the ‘853 patent is an engineer, inventor and restaurateur. TJTM is  
12 the legal owner of the ‘853 patent by assignment. The Managing Member of TJTM is the wife  
13 of the inventor, Dr. Connie Morris, who practices dentistry in South San Francisco.

14 4. The “OFF MODE” application was invented in 2013. The inventor was concerned  
15 that drivers were increasingly distracted by incoming calls and text messages while driving,  
16 which creates a public safety hazard. The “OFF MODE” application allows users to block  
17 telephone calls, text messages, and other notifications while driving and otherwise, gives them  
18 the option of issuing automated replies to senders or callers informing them that the driver is  
19 temporarily unavailable, and then provides a log of missed communications when “OFF MODE”  
20 is turned off. “OFF MODE” increases highway safety by diminishing the urge to use one’s cell  
21 phone while driving. This allows drivers to focus solely on the road and traffic.

22 5. The inventor paid a software engineer to build the “OFF MODE” application. He  
23 made it available for downloading in 2013 on Google Play and his own website. Since then, it  
24 has been downloaded more than 61,000 times.

25 6. “OFF MODE” was the first application of its kind and, given its novelty, the  
26 inventor was issued the ‘853 patent.

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1           7. Samsung has infringed and continues to infringe one or more claims of the ‘853  
2 Patent by offering its “Car Mode” feature in its Galaxy phones to millions of consumers  
3 throughout the world. Samsung’s “Car Mode” mirrors the claims of the ‘853 patent.

4           8. It is inconceivable that Samsung did not know about the ‘853 patent and the “OFF  
5 MODE” app when it first adopted the “Car Mode” feature for its Galaxy phones. Instead of  
6 licensing the ‘853 patent for a reasonable royalty, however, Samsung helped itself to TJTM’s  
7 invention and paid no compensation to it. On information and belief, Samsung gambled that  
8 TJTM could not afford to litigate its claims under the ‘853 patent. This lawsuit followed, and  
9 seeks, among other things, monetary damages and injunctive relief.

## 10 **II. THE PARTIES**

11           9. Plaintiff TJTM Technologies, LLC, is a California limited liability company with  
12 its principal place of business in San Mateo, California. Dr. Connie Morris is its Managing  
13 Member.

14           10. Defendant Samsung is a corporation organized and existing under the laws of the  
15 State of New York. Its corporate headquarters are in Ridgefield Park, New Jersey.

## 16 **III. JURISDICTION**

17           11. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 (Federal  
18 question) and 1338 (a) (any act of Congress relating to patents and trademarks.).

19           12. This Court has personal jurisdiction because Samsung resides in this District. It  
20 employs thousands of people in offices in San Francisco, San Jose, Mountain View and Menlo  
21 Park. It has a store in Palo Alto that sells the infringing phones, and it has sold phones to tens of  
22 thousands of consumers in this District. On information and belief, it owns a California  
23 corporation, Samsung Semiconductors, Inc., having its offices in San Jose. This Court also has  
24 personal jurisdiction because Samsung has committed and induced acts of patent infringement  
25 and has regularly and systematically conducted and solicited business in this District by and  
26 through, at a minimum, its sales and offers for sale of Samsung products and services, and other

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1 contractual arrangements with Samsung customers and third parties using such Samsung products  
2 and services, including the infringing Galaxy phones, located in and/or doing business within this  
3 District.

4 **IV. VENUE AND INTRA-DISTRICT ASSIGNMENT**

5 13. Venue is proper in this District under 28 U.S.C. § 1391(b) and (c) and 1400 (b).  
6 Pursuant to Local Rule 3-2(c), intellectual property actions are assigned on a District-wide basis.

7 14. There was a previous case in this District involving the same patent, *SMTM*  
8 *Technology, LLC, v. Apple, Inc.*, Case No. 4:19-cv-08133-YGR that was assigned to the Hon.  
9 Yvonne Gonzalez Rogers. In the interests of judicial economy this case should be assigned to  
10 her because it is a related case.

11 **V. FACTUAL ALLEGATIONS**

12 **A. THE INVENTOR CREATES A NOVEL APPLICATION TO SHUT OFF**  
13 **CELL PHONE NOTIFICATIONS WHILE DRIVING**

14 15. The inventor is well known in the Bay Area for his restaurants, philanthropy, and  
15 his line of LEFTY O'DOUL'S non-alcohol cocktail mixers.

16 16. What is not so well known about him, however, is that he earned a degree in  
17 mechanical engineering from Cal Poly and has always had an intellectual curiosity for applying  
18 that training to solving everyday problems. He owns several patents, including patents for  
19 automatic earthquake shut off valves and systems.

20 17. In 2013, Dr. Morris and the inventor's children were complaining that he was  
21 always on or checking his phone while he was driving. He took that to heart and invented "OFF  
22 MODE," a breakthrough application for cell phones. He realized that he was not alone in  
23 spending time on the phone while driving; there were an increasing number of automobile  
24 accidents caused by driver distraction due to cell phone use. Automobile accidents caused by  
25 distracted driving were on the rise and had become as serious a public safety problem as driving  
26 while intoxicated. As many as 25% of all automobile accidents – or 1.6 million crashes – were  
27 caused by texting and driving. Many drivers are aware of the risks of distracted driving but lack  
28 the willpower not to use their phones while driving.

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