

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

Garrity Power Services LLC,
Plaintiff,

v.

Samsung Electronics Co. Ltd. and Samsung
Electronics America, Inc.,

Defendants.

Civil Action No.: 2:20-cv-00269

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

1. This is an action for patent infringement of United States Patent No. 9,906,067 (the “’067 Patent”) in which Garrity Power Services LLC (“GPS” or “Plaintiff”) makes the following allegations against Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung” or “Defendants”):

I. PARTIES

2. Plaintiff GPS is a limited liability company organized under the laws of the State of Texas and has its principal place of business at 1830 Kelly Lane, Rockwall, Texas 75087.

3. On information and belief, Defendant Samsung Electronics Co. Ltd. (“SEC”) is a corporation organized and existing under the laws of the Republic of Korea with a principal place of business located at 129, Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, Korea 443-742.

4. On information and belief, Defendant Samsung Electronics America, Inc. (“SEA”) is a corporation organized and existing under the laws of the State of New York, with a principal place of business located at 85 Challenger Road, Ridgefield Park, New Jersey 07660. SEA has corporate offices in the Eastern District of Texas at 1301 E. Lookout Drive, Richardson, TX 75082 and 2800 Technology Drive, Suite 200, Plano, Texas 75074. SEA is believed to be a

wholly-owned subsidiary of SEC and is SEC's U.S. subsidiary that sells consumer electronics goods and mobile devices in the United States. SEA may be served via its registered agent for service of process: C T Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX 75201.

5. Defendants have authorized sellers and sales representatives that offer and sell products pertinent to this Complaint throughout the State of Texas, including this District and to consumers throughout this District, such as, through Defendants' ecommerce website, www.samsung.com.

II. JURISDICTION, VENUE, AND JOINDER

6. This action arises under the patent laws of the United States, Title 35 of the United States Code.

7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. Each of the Defendants is subject to this Court's specific and general personal jurisdiction consistent with the principles of due process and/or the Texas Long Arm Statute.

9. Personal jurisdiction exists generally over the Defendants because each of the Defendants has sufficient minimum contacts with the forum as a result of business conducted within the State of Texas and the Eastern District of Texas, and each of the Defendants is or should be registered with the Secretary of State to do business in the State of Texas. Personal jurisdiction also exists over each of the Defendants because each, directly or through subsidiaries or intermediaries, makes, uses, sells, offers for sale, imports, advertises, makes available, and/or markets products within the State of Texas and the Eastern District of Texas that infringe one or more claims of the patent asserted in this Complaint, as alleged more particularly below.

10. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b) because each of the Defendants is subject to personal jurisdiction in this District and has committed acts of infringement in this District. Each of the Defendants, through its own acts and/or through the acts of others (including each other Defendant) acting as its representative,

alter ego, or agent, makes, uses, sells, and/or offers to sell infringing products within this District, has a continuing presence within the District, and has the requisite minimum contacts with the District such that this venue is a fair and reasonable one. Upon information and belief, each of the Defendants has transacted, and at the time of the filing of the Complaint, is continuing to transact business within this District.

11. Defendants are properly joined under 35 U.S.C. § 299(a)(1) because, as set forth in greater detail below, Defendants, through their own acts and/or through the acts of each other Defendant acting as its representative, alter ego, or agent, commonly and/or jointly manufacture, use, import, sell, and/or offer for sale infringing accused products (described in more detail below), such that at least one right to relief is asserted against Defendants jointly, severally, and in the alternative with respect to the same transactions, occurrences, or series of transactions or occurrences relating to the making, using, selling and/or offering to sell in, and/or importing into the United States the same accused products.

12. Defendants are properly joined under 35 U.S.C. § 299(a)(2) because, as set forth in greater detail below, Defendants, through their own acts and/or through the acts of each other Defendant acting as its representative, alter ego, or agent, make, use, sell and/or offer to sell in, and/or import into the United States the same or similar accused products, such that questions of fact will arise that are common to all Defendants.

13. Upon information and belief, each of the Defendants serves as representative, alter ego, and/or agent of each other Defendant for the purposes of conducting business in the United States and this District as relates to making, using, selling, offering to sell, and importing into the United States infringing goods and services.

14. In addition, upon information and belief, Defendant SEC, along with its numerous subsidiaries including Defendant SEA, operates as a single enterprise operating under the “Samsung” brand. Defendant SEC, along with its numerous subsidiaries including SEA, each exercises direction and control over the performance of each other, or they form a joint enterprise such that the performance by one is attributable to each other.

III. BACKGROUND

A. The '067 Patent

15. Plaintiff GPS is the owner by assignment of United States Patent No. 9,906,067 (the "'067 Patent") titled "Apparatus, System and Method to Wirelessly Charge/Discharge a Battery." The '067 Patent was duly issued by the United States Patent and Trademark Office ("USPTO") on February 27, 2018. A true and correct copy of the '067 Patent is attached hereto as Exhibit A.

16. Mr. Paul Garrity of Rockwall, Texas and Mr. Aaron Jungreis of Ra'anana, Israel are named inventors for the '067 Patent.

17. GPS owns by assignment all right, title, and interest in and to the '067 Patent, including the right to all remedies for past and ongoing infringement thereof.

18. The '067 Patent generally relates to bidirectional wireless charging. It provides many advantages over conventional systems. It provides safety advantages over a wired system, while also providing efficient and bidirectional charging capabilities. It further may reduce need for metallic contacts, thereby reducing concerns of corrosion of battery contacts. It further may reduce need for devices to be connected to the utility grid to recharge. It allows a single battery to wirelessly interface with many devices. It also allows for efficient transfer of power in both directions and may regulate an output characteristic (e.g., an output voltage) and may obviate the need for a post regulator regardless of the direction of power transfer.

B. Inventors; GPS; Neosen Energy

19. Mr. Garrity was born and raised in and around Wishaw, Scotland, United Kingdom. He attended Edinburgh Napier University where he earned—with honors—a Bachelor of Engineering in Electrical, Electronics and Communications Engineering in 1992. Mr. Garrity has more than 30 years' experience in the design and product development business. He moved to the United States in 1996. He has resided and worked in and around the Dallas-Plano-Rockwall area of Texas since 2004, where he raised his family.

20. Mr. Garrity founded GPS in 2005 and is the chief executive officer (CEO) of

GPS. GPS is a company focused on technologies delivering smart wireless and energy products to the Industrial Medical, Automotive and Consumer markets, in North America, Europe, and Asia. With an emphasis on handset, tablet, and laptop integration, GPS leads the market in technology and innovation. GPS has expertise in leveraging innovative technology in wireless charging, energy harvesting, and isolated power and radio systems, among other things.

21. In addition, Mr. Garrity founded a company called Neosen Energy LLC (“Neosen”) in 2014. Mr. Garrity is also the CEO of Neosen. Neosen has its principal place of business in Plano, Texas, where it has offices, an engineering lab, and a manufacturing facility, among other things. Neosen also has offices located in Sha Tin, Hong Kong. Neosen, *inter alia*, designs, manufactures, and sells products related to wireless charging, RF systems, and disposable sensor tags. Neosen manufactures certain products out of its Plano headquarters and also uses off-shore manufacturing for higher volume production. Neosen employs (including contractors) approximately thirteen persons, with the majority working out of Neosen’s Plano headquarters.

22. The below photographs depict portions of the engineering lab and manufacturing facility, respectively, where Mr. Garrity works:



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