

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

The CALIFORNIA INSTITUTE OF
TECHNOLOGY,

Plaintiff,

v.

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

Defendants.

Case No. 2:21-CV-0446-JRG

JURY TRIAL DEMANDED

**DEFENDANTS SAMSUNG ELECTRONICS CO., LTD.'S AND SAMSUNG
ELECTRONICS AMERICA, INC.'S ANSWER TO CALTECH'S FIRST AMENDED
COMPLAINT**

Defendants Samsung Electronics Co., Ltd. (“SEC”) and Samsung Electronics America, Inc. (“SEA”) (collectively, “Samsung”) hereby submit their Answer to Plaintiff The California Institute of Technology’s (“Caltech” or “Plaintiff”) First Amended Complaint. Caltech’s First Amended Complaint is improper under Fed. R. Civ. P. 15 without leave of the Court or consent of Samsung. Samsung does not object to Caltech’s withdrawal of U.S. Patent No. 7,716,552 (“the ’552 patent”) because, as Caltech now knows, Samsung is fully licensed to all of the Asserted Patents. The other Asserted Patents should be withdrawn against Samsung for at least this same reason. Samsung reserves all rights against Caltech for continuing to pursue unwarranted litigation on the four remaining Asserted Patents that Samsung is fully licensed to use and for which Caltech has already been fully compensated.

Samsung denies all allegations in Caltech’s First Amended Complaint unless expressly admitted in the following paragraphs. Any admissions herein are for purposes of this matter only. Samsung also reserves the right to take further positions and raise additional defenses and counterclaims that may become apparent as a result of additional information discovered subsequent to filing the Answer.

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT*

1. Samsung admits that Plaintiff purports to set forth an action for patent infringement of U.S. Patent No. 7,116,710 (the “’710 patent”), U.S. Patent No. 7,421,032 (the “’032 patent”), U.S. Patent No. 7,916,781 (the “’781 patent”), and U.S. Patent No. 8,284,833 (the “’833 patent”) (collectively, “the Asserted Patents”) against Samsung arising under the patent laws of the United States, 35 U.S.C. §§ 1 et seq. Samsung denies committing any acts of infringement at any time. Samsung denies any remaining allegations in Paragraph 1 of the First Amended Complaint.

* Samsung restates the heading used in Plaintiff’s First Amended Complaint, but the use of Plaintiff’s headings should not be construed as an admission by Samsung. For example, as set forth below, Samsung denies any alleged patent infringement.

2. Samsung admits that certain public documents reflect a jury found Apple and Broadcom infringed certain claims of the '710, '032, and '781 patents and awarded Caltech more than \$1 billion in damages, but the litigation documents are heavily redacted and the Federal Circuit vacated the judgment of infringement for the '781 patent and the damages award in its entirety and then remanded for a new trial. *California Inst. of Tech. v. Broadcom Ltd.*, 25 F.4th 976, 980 (Fed. Cir. 2022). Samsung denies committing any acts of infringement at any time. Samsung admits that Caltech seeks a reasonable royalty from Samsung, but Samsung denies that any is owed. Samsung denies any remaining allegations in Paragraph 2 of the First Amended Complaint.

THE PARTIES

3. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 of the First Amended Complaint and, on that basis, denies them.

4. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 of the First Amended Complaint and, on that basis, denies them.

5. Samsung admits that SEC is a corporation organized and existing under the laws of the Republic of Korea with a principal place of business at 129 Samsung-ro, Maetan-3dong, Yeongtong-gu Suwon-si, Gyeonggi-do, 16677, Korea. Samsung denies the remaining allegations in Paragraph 5 of the First Amended Complaint.

6. Samsung admits that SEA is a wholly owned subsidiary of SEC. Samsung admits that SEA is incorporated under the laws of New York with a principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660. Samsung admits that SEA has offices at 6625 Excellence Way, Plano, Texas 75023. Samsung further admits that SEA may be served with process through its registered agent with the Texas Secretary of State, CT Corporation System,

1999 Bryan Street, Suite 900, Dallas, Texas 75201. Samsung denies the remaining allegations in Paragraph 6 of the First Amended Complaint.

7. Samsung admits that SEA is involved in sales and distribution of certain Samsung consumer electronics products in the United States. Samsung denies that it has committed any acts of infringement as alleged by Caltech and denies the remaining allegations in Paragraph 7 of the First Amended Complaint.

8. Samsung admits that SEA merged with Samsung Telecommunications America LLC (“STA”) in January 2015. Samsung admits that STA was involved in the sales and distribution of certain Samsung-branded mobile electronic products in the United States. Samsung denies that STA or any other Samsung entity infringed any of the Asserted Patents. Samsung denies the remaining allegations in Paragraph 8 of the First Amended Complaint.

9. Samsung denies that SEA or STA has committed any acts of infringement as alleged by Caltech. Samsung further denies that any alleged acts of infringement at issue in this case occurred before the merger of STA and SEA, which occurred more than six years before the First Amended Complaint was filed. The remaining allegations in Paragraph 9 of the First Amended Complaint express legal conclusions and thus no response is required. To the extent that a response is required, Samsung denies the remaining allegations in Paragraph 9 of the First Amended Complaint.

10. Samsung denies the allegations in Paragraph 10 of the First Amended Complaint.

JURISDICTION AND VENUE

11. Samsung admits that the First Amended Complaint purports to set forth an action under the patent laws of the United States, Title 35 of the United States Code.

12. As pled, Samsung does not deny that the Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a). Samsung denies the Court has subject matter jurisdiction in this case, and on that basis denies the remaining allegations in Paragraph 12 of the First Amended Complaint.

13. For the purposes of this action only, Samsung does not challenge personal jurisdiction in the Eastern District of Texas. Samsung denies that it has committed any acts of infringement as alleged by Caltech. The remaining allegations in Paragraph 13 of the First Amended Complaint express legal conclusions and thus no response is required. To the extent that a response is required, Samsung denies the remaining allegations in Paragraph 13 of the First Amended Complaint.

14. Samsung admits that SEA has offices in the Eastern District of Texas, including at 6625 Excellence Way, Plano, Texas 75023. The remaining allegations in Paragraph 14 of the First Amended Complaint express legal conclusions and thus no response is required. To the extent that a response is required, Samsung denies the remaining allegations in Paragraph 14 of the First Amended Complaint.

15. Samsung admits that the website cited in Paragraph 15 Footnote 1 of the First Amended Complaint, when accessed on April 5, 2022, stated that SEA's "Mobile hub in Plano centralizes innovation and enhances cross-functional collaboration for all teams dedicated to their largest mobile product line: smartphones" and its "[d]ivisions includ[e] Networks, Mobile Marketing, Computing and Wearables, and Product Management." Samsung further admits that the April 6, 2018 website cited in Paragraph 15 Footnote 2 of the First Amended Complaint, when accessed on April 5, 2022, stated that as of the date of that article, "Samsung Electronics America's North Texas offices will now be located in a newly redeveloped 216,000 square foot building" and "more than 1,000 regional employees from two current locations in Richardson and Plano will be

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