

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

PICTOS TECHNOLOGIES INC.

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.,
SAMSUNG SEMICONDUCTOR, INC.,
SAMSUNG AUSTIN SEMICONDUCTOR, LLC

Defendants.

Case No. 21-cv-00376

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Pictos Technologies Inc. (“Pictos”) files this Complaint for Patent Infringement against Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung Semiconductor, Inc., and Samsung Austin Semiconductor, LLC (collectively, “Defendants”), and asserts as follows:

The Parties

1. Pictos is an intellectual property company that holds more than 70 patents on core technologies relating to image sensors and other features used in consumer electronic products such as cell phones, digital cameras, tablet computers, and laptops. Years ago, at the request of the United States Government, a team of engineers at Pictos’s predecessor-in-interest developed image sensor technologies for use in military applications, and subsequently developed those technologies for commercial uses as well. At a high level, an image sensor is a device that converts an optical image into electronic signals, such as those used by digital cameras and cell phones. Pictos’s predecessors to this imaging technology went on to include a publicly traded

U.S. corporation that also designed and manufactured products in the field of DVDs and other audiovisual equipment. Ultimately, as the owner of a broad array of patent rights directed to image sensors, Pictos has licensed its patents including the patents-in- suit. Pictos has a place of business at 109 Bonaventura Blvd., San Jose, CA 95134, and is incorporated in the state of Delaware.

2. 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 its principal place of business at 416, Maetan 3-dong, Yeongtong-gu, Suwon-si, Gyeonggi-do 443-742, Korea.

3. On information and belief, Samsung Electronics America, Inc. (“SEA”) is a subsidiary of Defendant Samsung Electronics, and is organized and existing under the laws of New York with its principal place of business at 85 Challenger Rd., Ridgefield Park, NJ 07660. Upon information and belief, SEA has corporate offices in the Eastern District of Texas at 1303 East Lookout Drive, Richardson, Texas 75082 and 2800 Technology Drive, Suite 200, Plano, Texas 75074, and also maintains a 216,000 square-foot campus at 6625 Excellence Way, Plano, Texas 75023.

4. On information and belief, Samsung Semiconductor, Inc. (“SSI”) is a corporation organized and existing under the laws of the State of California, with its principal place of business located at 3655 North First Street, San Jose, California 95134, and is a subsidiary of SEA.

5. On information and belief, Samsung Austin Semiconductor, LLC (“SAS”) is a limited liability company organized and existing under the laws of Delaware, with its principal place of business at 12100 Samsung Boulevard, Austin, Texas 78754.

6. On information and belief, SAS is a subsidiary of SSI, which is a subsidiary of SEA, which is a subsidiary of SEC.

Jurisdiction and Venue

7. This is a complaint for patent infringement that arises under the laws of the United States, Title 35 of the United States Code.

8. This Court has subject-matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338.

9. This Court has personal jurisdiction over Defendant SEC in this action because SEC has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over SEC would not offend traditional notions of fair play and substantial justice. Defendant SEC, directly and through subsidiaries or intermediaries (including distributors, retailers, and others), has committed and continues to commit acts of infringement in this District by among other things offering to sell and selling products that infringe the asserted patents.

10. This Court has personal jurisdiction over Defendant SEA in this action because SEA has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over SEA would not offend traditional notions of fair play and substantial justice. Defendant SEA, directly and through subsidiaries or intermediaries (including distributors, retailers, and others), has committed and continues to commit acts of infringement in this District by among other things offering to sell and selling products that infringe the asserted patents. SEA has also been authorized to do business in the State of Texas by the Texas Secretary of State. Further, SEA designated C T Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201, as its registered agent.

11. This Court has personal jurisdiction over Defendant SSI in this action because SSI has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over SSI would not offend traditional notions of fair play and substantial justice. Defendant SSI, directly and through subsidiaries or intermediaries (including distributors, retailers, and others), has committed and continues to commit acts of infringement in by among other things offering to sell and selling products that infringe the asserted patents. Defendant SSI is also authorized by the Texas Secretary of State to do business in the State of Texas and designated C T Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201, as its registered agent.

12. This Court has personal jurisdiction over Defendant SAS in this action because SAS has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over SAS would not offend traditional notions of fair play and substantial justice. Defendant SAS, directly and through subsidiaries or intermediaries (including distributors, retailers, and others), has committed and continues to commit acts of infringement in by among other things offering to sell and selling products that infringe the asserted patents. Defendant SAS is also authorized by the Texas Secretary of State to do business in the State of Texas and designated C T Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201, as its registered agent.

13. Venue is proper in the Eastern District of Texas under 28 U.S.C. §§ 1391(b)-(c) and 1400 because Defendants have committed acts of direct and indirect infringement in the Eastern District of Texas and have transacted business in the Eastern District of Texas. Defendants have authorized sellers and sales representatives throughout Texas that offer and sell

infringing products pertinent to this Complaint, including in this District and to consumers throughout this District

14. Each Defendant, through its own acts and/or through the acts of each other Defendant acting as its agent, representative, or alter ego, 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 is a fair and reasonable venue. Upon information and belief, each Defendant has transacted and continues to transact business within this District.

15. As more fully set forth below, the patents owned and asserted by Pictos in this case include United States Patent No. 6,838,651. That patent was the subject of a prior litigation recently handled by this District, thus making this action a “related” case under this District’s Local Patent Rule 2-6. *See Imperium (IP) Holdings, Inc. v. Apple Inc., et al.*, Case No. 4:11-CV-163-RC-ALM (E.D. Tex.). Additionally, Pictos¹, SEC, SEA, and SSI were previously before this court related to other patents owned and asserted by Pictos. *See Imperium IP Holdings (Cayman), Ltd. v. Samsung Electronics Co., Ltd. et al.*, Case. No. 4:14-cv-00371-ALM (E.D. Tex.).

Background Facts

16. This case involves innovative technology developed in the 1980s by Rockwell International while working for the United States Department of Defense on satellite imaging, including important contributions to the CMOS imaging sensors that power all of our mobile phone and laptop cameras today.

¹ Pictos was formerly known as Imperium (IP) Holdings, Inc.

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