

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK**

KANNUU PTY LTD.

Plaintiff,

v.

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

Defendants.

CIVIL ACTION NO. 1:19-cv-4297

**ECF CASE**

JURY TRIAL DEMANDED

**FIRST AMENDED COMPLAINT**

Under Fed. R. Civ. P. 15(a)(2), Plaintiff Kannuu Pty, Ltd. (“Plaintiff” or “Kannuu”) files its First Amended Complaint of patent infringement and breach of contract in this matter and hereby alleges through its attorneys as follows:

**Nature of the Action**

1. This is an action for patent infringement of U.S. Patent No. 8,370,393 (the “393 Patent”), granted February 5, 2013; U.S. Patent No. 8,676,852 (the “852 Patent”), granted March 18, 2014; U.S. Patent No. 8,996,579 (the “579 Patent”), granted March 31, 2013; U.S. Patent No. 9,436,354 (the “354 Patent”), granted September 6, 2016; and U.S. Patent No. 9,697,264 (the “264 Patent”), granted July 4, 2017 (collectively, the “Patents-In-Suit”) under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, seeking damages and other relief under 35 U.S.C. § 281, *et seq.*

2. This is additionally an action for breach of contract under the laws of the State of New York, specifically for breach of a “Mutual Non-Disclosure Agreement,” dated April 2012, between Plaintiff and the Defendants, seeking damages in excess of \$75,000.

### **The Parties**

3. Plaintiff is a company organized under the laws of Australia with a principal place of business located at 6 Hoop Street, Hukcrest CLD 4118, Australia.

4. Upon information and belief, Defendant Samsung Electronics Co., Ltd. (“Samsung Electronics Korea”), is a corporation organized under the laws of the Republic of Korea having its principal place of business at 129, Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, 443-742, Republic of Korea.

5. Upon information and belief, Defendant Samsung Electronics America, Inc. (“Samsung Electronics America”), is a New York corporation having its principal place of business located at 85 Challenger Road, Ridgefield Park, New Jersey 07660, and has designated its registered agent for purposes of service of process in New York as CT Corporation System, 28 Liberty Street, New York, New York 10005.

6. Samsung Electronics Korea and Samsung Electronics America collectively are referred to herein as “Defendants,” unless otherwise specifically noted. “Samsung” refers to “Samsung Electronics Korea and/or Samsung Electronics America” herein, unless otherwise specifically noted.

### **Jurisdiction and Venue**

7. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code § 1, *et seq.*, §§ 271, 281, 284, 285, among others.

8. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because the action concerns the infringement of United States patents.

9. This is additionally an action for breach contract against Samsung Electronics America and Samsung Electronics Korea arising under the laws of the State of New York.

10. This Court has subject matter jurisdiction over the breach of contract action. Specifically, this Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367, because the facts and circumstances that led to and resulted in the breach of contract form part of the same case or controversy under Article III of the United States Constitution that formed the basis for infringement of the Patents-in-Suit by Defendants.

11. This Court has personal jurisdiction over Samsung Electronics Korea and Samsung Electronics America.

12. Upon information and belief, Samsung Electronics America is incorporated in the State of New York and has designated its registered agent for purposes of service of process in New York as CT Corporation System, 28 Liberty Street, New York, New York 10005, and has thus purposely availed itself of the privileges and benefits of the laws of New York. Additionally, Samsung Electronics America transacts substantial business in the State of New York, directly or through intermediaries, including (i) committing at least a portion of the infringements alleged herein, and (ii) regularly doing or soliciting business in New York and deriving substantial revenue from goods or services provided to other businesses and individuals in New York. In particular, upon information and belief, Samsung Electronics America has sold and offered for sale the infringing products to other businesses and individuals in New York. Additionally, upon information and belief, Samsung Electronics America owns and/or operates “Samsung 837” in New York City, which allows consumers to interact with infringing Samsung products. Finally, Samsung Electronics America agreed to resolve any disputes regarding the Mutual Non-Disclosure Agreement at-issue in this action under “the laws of the State of New York” in “a court of competent jurisdiction, federal or state, located within the Borough of Manhattan, City of New York, State of New York and in no other jurisdiction.” Such choice of

forum and choice of law selection in itself supports this Court's having personal jurisdiction over Samsung Electronics America.

13. Upon information and belief, Samsung Electronics Korea manufactures, markets, and exports infringing products into the United States with the intent that such products will be sold within the State of New York by intermediaries, including by its wholly owned subsidiary Samsung Electronics America. Additionally, upon information and belief, Samsung Electronics Korea directs and manages Samsung Electronics America, which is incorporated in the State of New York and conducts substantial business in the state. In addition, upon information and belief, Samsung Electronics Korea owns and/or maintains and/or operates an artificial intelligence research center as well as a product research and venture capital division, Samsung Next, both in New York City, which constitutes systematic and continuous contacts with the jurisdiction and is alone sufficient for a finding of personal jurisdiction. Finally, Samsung Electronics America, acting on behalf of Samsung Electronics Korea, agreed to resolve any disputes regarding the Mutual Non-Disclosure Agreement at-issue in this action under "the laws of the State of New York" in "a court of competent jurisdiction, federal or state, located within the Borough of Manhattan, City of New York, State of New York and in no other jurisdiction." Such choice of forum and choice of law selection in itself supports this Court's having personal jurisdiction over Samsung Electronics Korea.

14. Based on the foregoing law and facts, the exercise of personal jurisdiction over the Defendants would not offend traditional notions of fair play and substantial justice and would not offend constitutional limitations.

15. Venue is proper in this judicial district. First, pursuant to § 1400(b) because, among other reasons, Samsung Electronics America is incorporated in the state of New York, and

Samsung Electronics America has committed and continues to commit acts of patent infringement and has a regular and established place of business in this judicial district. Second, pursuant to § 1391, because Samsung Electronics Korea is a foreign corporation, venue is proper in any district in which Samsung Electronics Korea is subject to personal jurisdiction.

### **The Patents-In-Suit**

16. On February 5, 2013, the United States Patent and Trademark Office (“Patent Office”) issued to Kannuu the ’393 Patent, entitled “Process and Apparatus for Selecting an Item from a Database.” The ’393 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code. A true and correct copy of the ’393 Patent is attached hereto as Exhibit A.

17. On March 18, 2014, the Patent Office issued to Kannuu the ’852 Patent, entitled “Process and Apparatus for Selecting an Item from a Database.” The ’852 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code. A true and correct copy of the ’852 Patent is attached hereto as Exhibit B.

18. On September 6, 2016, the Patent Office issued to Kannuu the ’354 Patent, entitled “Process and Apparatus for Selecting an Item from a Database.” The ’354 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code. A true and correct copy of the ’354 Patent is attached hereto as Exhibit C.

19. On July 4, 2017, the Patent Office issued to Kannuu the ’264 Patent, entitled “Process and Apparatus for Selecting an Item from a Database.” The ’264 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code. A true and correct copy of the ’264 Patent is attached hereto as Exhibit D.

20. On March 31, 2015, the Patent Office issued to Kannuu the '579 Patent, entitled "Process and Apparatus for Selecting an Item from a Database." The '579 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code. A true and correct copy of the '579 Patent is attached hereto as Exhibit E.

21. Plaintiff is the owner by assignment of the Patents-In-Suit. Plaintiff holds all rights, title, and interest in the Patents-In-Suit, including the right to collect and receive damages for past, present, and future infringements.

**The Mutual Non-Disclosure Agreement Between Plaintiff  
and Samsung Electronics America**

22. On April 5, 2012, Kannuu and Samsung Electronics America, on behalf of itself its affiliates, which includes Samsung Electronics Korea, executed a Mutual Non-Disclosure Agreement for the purpose of sharing confidential information to further a business relationship between the parties and to protect the confidential information from unauthorized disclosure and use, including by Samsung.

23. The Mutual Non-Disclosure Agreement is valid and enforceable. A true and correct copy of the Mutual Non-Disclosure Agreement is attached as Exhibit F.

**Plaintiff Kannuu's Leading Search and Navigation Technology for Smart TVs,  
Blu-ray Players, and Other Consumer Media Products**

24. Plaintiff Kannuu is an Australian-based start-up company that has spent millions of dollars and thousands of man hours developing innovative search and navigation technology for use in various media-related products, including Smart TVs and Blu-ray players. In a highly fragmented and competitive consumer media environment, speed and ease-of-use of a product can make the difference between a consumer either staying engaged or moving on to a different,

competing product or another activity altogether. Indeed, mere seconds can mean the difference between an engaged consumer and an uninterested or frustrated one.

25. Kannuu undertook substantial research and development effort creating products and methods to save consumers time when using electronic devices, such as TV and DVD player remote controls, with “up, down, left, right, select” navigation buttons or devices (often referred to as “joysticks” or “D-pads”) to search for media content or other information. Using a conventional keyboard to search for songs, movies, or information in a database is vastly different than searching using a remote control’s “4-way” joystick or D-pad. The unique problem faced by Smart TV and Blu-ray DVD player manufacturers was to enable consumers to use the 4-way device on a remote control to search for information or media content without having a conventional keyboard. Consumers familiar with using a conventional keyboard to enter text for searches rather than “up, down, left, right” buttons or a joystick or D-pad often found prior art products and methods difficult and frustrating to use. After many years of hard work and significant financial investment, Kannuu developed innovative search and navigation technology for use with such devices that solved this key industry problem. Kannuu subsequently developed applications for a number of large media and technology companies around the world. Kannuu’s technology ultimately caught the eye of one of the largest consumer electronics manufacturers in the world: Samsung.

**Samsung Pursues Prolonged and Detailed Licensing Negotiations with Kannuu  
After Learning About Kannuu’s Innovative Technology**

26. On March 6, 2012, Kannuu received an inquiry for information from Samsung Strategic Technology Sourcing, which upon information and belief, is a division of Samsung Electronics America.

27. Shortly thereafter, on March 21, 2012, Kannuu presented an overview of its search and navigation technology to Samsung Electronics America in Los Angeles, California.

28. Following this initial presentation, Samsung Electronics America indicated it was interested in another meeting with Kannuu.

29. As described in paragraph 22, on April 5, 2012, Kannuu and Samsung Electronics America, on behalf of itself its affiliates, which includes Samsung Electronics Korea, executed a Mutual Non-Disclosure Agreement, which, *inter alia*, was for the purpose of sharing confidential information to further a business relationship between the parties and to protect the confidential information from unauthorized disclosure and use, including by Samsung.

30. Specifically, the Mutual Non-Disclosure Agreement precluded the use of “Confidential Information for any purpose except for the Business Purpose” for a period of five years. The “Business Purpose” is defined narrowly as “to further a business relationship between the parties.”

31. On April 26, 2012, under the Mutual Non-Disclosure Agreement, Kannuu gave a detailed, confidential presentation of its technology in San Jose, California, to Samsung Electronics America and Samsung Electronics Korea executives, including a demonstration of its proprietary navigation and search technology.

32. Kannuu’s proprietary technology for navigation using a joystick or D-pad is generally referred to as “K-Nav.”

33. Kannuu informed Samsung Electronics America and Samsung Electronics Korea that it owned issued patents and pending patent applications in the United States and many other countries covering its innovative search and navigation technology and that it was continuing to aggressively pursue robust patent protection in the United States and around the world.



34. More specifically, Kannuu's presentation stated, "Impressive IP Portfolio around Word Segmentation, Autosuggestion and Directional Pad (D-Pad) Usage for text and symbol entry. 21 Patents in various stages of Prosecution (issued and pending) 4 Patent Families."

35. Kannuu also informed Samsung Electronics America and Samsung Electronics Korea that its outside patent prosecution counsel is the world-renowned law firm, Jones Day.

36. After the presentation, the Samsung Electronics America executives informed Kannuu that they were very interested in Kannuu's technology and that they "wanted to learn more."

37. Soon after the April 26, 2012, presentation, Kannuu received an invitation to meet with Samsung Electronics Korea executives at its corporate headquarters outside of Seoul, Korea.

38. Kannuu CEO Todd Viegut and Kannuu technical consultant Roland Williams met with Samsung Electronics Korea and Samsung Electronics America executives, managers, and engineers at the Samsung Electronics Korea headquarters in Suwon, commonly known as "Samsung Digital City," from June 12 to June 14, 2012.

39. During their meetings near Seoul with various Samsung Electronics Korea and Samsung Electronics America executives, managers, and engineers, both on-campus and off, Kannuu presented and explained in great detail its extremely fast and user-friendly technology to Samsung Electronics Korea and Samsung Electronics America personnel.

40. Samsung Electronics Korea and Samsung Electronics America expressed their desire to continue serious licensing discussions including technology evaluations and demonstrations with Kannuu based on its strong interest in incorporating Kannuu's technology into Samsung's existing and next-generation Smart TVs and Blu-ray players.

41. During the remainder of 2012 and through June 2013, Kannuu continued to meet with top Samsung Electronics Korea and Samsung Electronics America personnel and executives.

42. At Samsung's request, Kannuu provided detailed technical information about K-Nav and related Kannuu technologies, answered technical questions from Samsung engineers, provided information regarding Kannuu's pending and issued patents, and delivered proof-of-concept demonstration platforms to Samsung.

43. The purpose of the meetings and disclosures was to secure a licensing deal or commercial relationship with Samsung for Kannuu's proprietary technology or, alternatively, a buyout of Kannuu by Samsung.

44. From Samsung's perspective, the "Kannuu and Samsung collaboration" would involve various Samsung departments including Corporate Ventures, the User Experience Team, Marketing, and the Software Development Team.

45. For example, at a meeting with Samsung engineers and executives on August 21, 2012, Kannuu delivered a demonstration of an application Kannuu was developing for the Western Digital WD TV Player.

46. In September and October 2012, Samsung requested more specific "technological" information regarding Kannuu's pending and issued patents covering the K-Nav technology for Samsung's engineers in the Samsung Visual Display Division.

47. Samsung Electronics America and Kannuu engaged in additional meetings in Dallas, Texas, at Kannuu's U.S. offices on December 12, 2012, and at the Consumer Electronics Show ("CES") in early January 2013 with top Samsung executives.

48. On March 8, 2013, Kannuu delivered a specific proof-of-concept build to Samsung Electronics Korea's headquarters in Seoul, Korea, for Samsung Electronics Korea to run on its 2012 Smart TV platform.

49. Throughout this time period, there were ongoing communications between Kannuu and Samsung Electronics Korea and Samsung Electronics America regarding how Samsung Electronics Korea and Samsung Electronics America could incorporate Kannuu's technology into Samsung's technology platforms, in particular Samsung's Smart TVs and Blu-ray DVD players.

50. Following delivery of the proof-of-concept build to Samsung Electronics Korea in March 2013, Kannuu was invited for a second visit to Samsung Electronics Korea's Digital City headquarters in Suwon, South Korea.

51. Kannuu's CEO Mr. Viegut again made the trip to Korea to meet with Samsung Electronics Korea and Samsung Electronics America executives on May 12, 2013.

52. Over the next six weeks, Samsung Electronics Korea and Samsung Electronics America continued to engage with Kannuu in detailed technological discussions regarding implementation of Kannuu's technology into Samsung's products.

53. For example, on June 21, 2013, Kannuu provided detailed responses to a Samsung Electronics Korea's engineering team's questions regarding how to integrate Kannuu's technology into technology platforms for Samsung's Smart TVs and Blu-ray players.

**Samsung Informs Kannuu of its Decision Not to License Kannuu's Technology  
Despite K-Nav Technology's "Excellent Performance"**

54. After well over a year of highly detailed technology presentations and information transfers from Kannuu to Samsung in both the United States and South Korea, Samsung

informed Kannuu in an email dated July 1, 2013, that Samsung Electronics Korea and Samsung Electronics America had “unfortunate news to deliver” to Kannuu.

55. Samsung Electronics Korea’s development team “was very impressed by the performance and the speed of Kannuu’s auto-complete and instant search solutions,” but Samsung Electronics Korea “concluded that, even though the performance is excellent, Kannuu’s solution will be hard to integrate to [Samsung’s] next year’s service and features, and [Samsung’s engineers] have communicated to [Samsung’s employees] that they are going to stop reviewing the integration opportunities.”

56. Samsung concluded the email to Kannuu by saying “Thank you for all the support you gave [Samsung Electronics Korea and Samsung Electronics America], and we will reach back if there’s any projects that might require [Kannuu’s] solutions.”

57. Unbeknownst to Kannuu at the time, after Samsung terminated discussions, Samsung in fact continued to access Kannuu’s proprietary technology after July 1, 2013.

58. Specifically, on July 8, 2013, Samsung accessed the proof-of-concept build made specifically by Kannuu for Samsung Electronics Korea’s evaluation over 2,500 times.

**Kannuu’s Attempts to Continue License Negotiations with Samsung and Samsung’s Actual Knowledge of Kannuu’s Patents**

59. Over the course of the next four months, Kannuu attempted numerous times to re-engage Samsung Electronics Korea and Samsung Electronics America in licensing and commercial discussions.

60. As part of those attempts, Kannuu once again informed Samsung Electronics Korea and Samsung Electronics America that it held numerous patents in the U.S. that covered various aspects of Kannuu’s technology.

61. In particular, on August 27, 2013, Kannuu informed Samsung Electronics Korea and Samsung Electronics America executives in San Jose during an “IP (patent) Overview” that the ‘393 Patent is a “key patent grant” covering the “up, down, left, right” functionality that was at the heart of the Kannuu-Samsung collaboration and licensing discussions.

62. Kannuu specifically informed Samsung Electronics Korea and Samsung Electronics America executives of what each key claim of the ‘393 patent covered.

63. For instance, the presentation to Samsung Electronics Korea and Samsung Electronics America executives states, “Claim 1 describes the use of up,down,left,right,select functionality, in concert with dynamically changing choices.”

64. Additionally, Kannuu provided a description to Samsung executives of four families of patents and pending applications, specifically describing the technology and features the patents and applications covered.

65. Finally, Kannuu provided to Samsung executives a list of all issued and pending patents, including jurisdiction, status, application and/or registration number, title, and priority date as of August 2013 to Samsung Electronics Korea and Samsung Electronics America executives.

66. The list was color coded to indicate which of the four patent families the patent and/or application was associated.

67. This list specifically included the specific U.S. patent application number that became ‘852 Patent as well as the U.S. patent application number that became the ‘264 Patent.

68. Because the ‘579 Patent was filed in 2014, it was not included on the list, but the ‘579 Patent is a continuation of the application that became the ‘852 Patent.

69. Similarly, because the '354 Patent was filed in 2015, it was not included on the list, but the '354 Patent is a continuation of an application that is a continuation of the '852 Patent.

70. On November 14, 2013, Kannuu held its last meeting with Samsung Electronics Korea and Samsung Electronics America executives to try to continue the relationship between the two companies. The meeting was unsuccessful.

**Samsung Incorporates Kannuu's Patented Technology into Samsung "Smart Hub" Consumer Products Including Smart TVs and Blu-ray Players**

71. Samsung touts that it is "changing the rules of watching TV with its new Smart Hub. A highly advanced gateway, Smart Hub allows you to search and access content quickly and easily."

72. Upon information and belief, the "highly advanced gateway" that Samsung calls "Smart Hub" enables technology in tens of millions of Samsung products sold in the United States.

73. Upon information and belief, Samsung products, including Samsung's Smart TVs (and any such reasonably similar products) with the following series numbers (and any such reasonably similar products with different series numbers) incorporate Kannuu's technology claimed in, or that can be used to perform methods claimed in, the '393 Patent, the '852 Patent, the '579 Patent, the '264 Patent, and the '354 Patent (the "Accused TV Products"): 4-Series, 5-Series, 6-Series, 7-Series, 8-Series, and 9-Series (represented in 1000's; e.g. 4500/6300/8000).

74. Upon information and belief, Samsung products including Samsung's Blu-ray DVD Players (and any such reasonably similar products) with the following series numbers (and any such reasonably similar products with different series numbers) incorporate Kannuu's technology claimed in, or that can be used to perform methods claimed in, the '393 Patent, the '852 Patent, the '579 Patent, the '264 Patent, and the '354 Patent (the "Accused Player

Products’): 4-Series, 5-Series, 6-Series, 7-Series, 8-Series, and 9-Series (represented in 1000’s; e.g. 4500/5700/6300).

**COUNT 1: DIRECT INFRINGEMENT OF THE ’393 PATENT BY DEFENDANTS**

75. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1 through 74 as if fully set forth herein.

76. Samsung is not licensed under the ’393 Patent, yet Samsung knowingly, actively, and lucratively practices the claimed inventions of the ’393 Patent.

77. Upon information and belief, Samsung has directly infringed, literally or under the doctrine of equivalents, one or more claims of the ’393 Patent by using the claimed inventions within the United States without license or authority. Specifically, upon information and belief, in the very least, Samsung marketing personnel have performed the claimed methods in the ’393 patent by using the Accused TV Products and/or Accused Player Products in marketing demonstrations. Upon information and belief, Samsung’s direct infringement includes, without limitation, using the Accused TV Products and/or Accused Player Products to perform the claimed methods in at least independent Claim 1 and dependent Claims 2, 6, 7, 13, and 14 of the ’393 Patent in the United States and its territories.

78. Samsung’s use of the Accused TV Products and/or Accused Player Products satisfies each and every claim limitation of at least Claims 1, 2, 6, 7, 13, and 14 of the ’393 Patent. For example, Samsung’s certain use of the Accused TV Products and/or Accused Player Products directly infringe, literally or under the doctrine of equivalents, independent Claim 1 because such use of the Accused TV Products and/or Accused Player Products satisfy each and every claim limitation of Claim 1 described generally as follows: the Accused TV Products and Accused

Player Products enable a computer-implemented method of selecting an item from a plurality of items, the method comprising: displaying certain item identifiers in a position corresponding to an up, down, left, right select functionality of an input directional controller of the device; enabling selection of one of the item identifiers by using the up, down, left, right select functionality of an input directional controller of the device; displaying selected portions of the item identifiers; enabling selection of a second plurality of portions of item identifiers by using the up, down, left, right select functionality of an input directional controller of the device; combining the first and second portions of the item identifiers; displaying the larger portion of the item identifier wherein the first and second portions of item identifiers are orthographic symbols representing at least a writing language and wherein the at least two portions of item identifiers chosen for display based on the selection of the one of the plurality of portions of item identifiers are chosen to minimize a number of actuations of the input directional controller that is otherwise necessary to input the item identifier.

79. Samsung is therefore liable for direct infringement of the '393 Patent pursuant to 35 U.S.C. § 271(a).

80. As a result of Samsung's unlawful direct infringement of the '393 Patent, Plaintiff has suffered and will continue to suffer damages in an amount to be proven at trial. Plaintiff is entitled to recover from Samsung the damages adequate to compensate for such infringement, in an amount no less than a reasonable royalty pursuant to 35 U.S.C. § 284, which have yet to be determined. The full measure of damages sustained as a result of Samsung's wrongful acts will be proven at trial.



81. Upon information and belief, Samsung will continue to directly infringe Plaintiff's exclusive rights under the '393 Patent, and will continue to damage Plaintiff, causing irreparable harm, unless and until it is enjoined by this Court.

82. Plaintiff is entitled to pre-suit damages, and is not barred from pre-suit damages by 35 U.S.C. § 287. Samsung has been on actual notice of the '393 Patent since at least August 27, 2013, when Kannuu informed Samsung executives that the '393 Patent is a "key patent grant" covering the "up, down, left, right" functionality that was at the heart of the Kannuu-Samsung collaboration and licensing discussions. Additionally, Plaintiff had previously notified Samsung in August 2012 of the pending U.S. patent application that led to the '393 Patent. Finally, Plaintiff notified Samsung via its initial complaint in this action that Samsung directly infringed the '393 Patent.

83. Despite having learned of the '393 Patent and the technology it covers at least as early as on or about August 27, 2013, Samsung did not cease its infringing activities. Upon information and belief, Samsung deliberately copied each and every claim limitation of at least Claim 1 of the '393 Patent. Samsung then informed Plaintiff that it would not license or provide Plaintiff with any compensation for Plaintiff's patented technology as disclosed in the '393 Patent. Samsung's conduct towards Plaintiff in connection with its deliberate disregard of the '393 Patent was and continues to be egregious, including after the filing of Plaintiff's initial complaint in this action.

84. Thus, Samsung's direct infringement of the '393 Patent, which is entitled to statutory presumption of validity of 35 U.S.C. § 282, has been and continues to be deliberate and willful, at least since August 27, 2013.

**COUNT 2: CONTRIBUTORY INFRINGEMENT OF THE '393 PATENT BY  
DEFENDANTS**

85. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1 through 84 as if fully set forth herein.

86. Samsung is not licensed under the '393 Patent, yet Samsung knowingly, actively, and lucratively contributorily practices the claimed inventions of the '393 Patent.

87. Upon information and belief, Samsung has contributorily infringed, literally or under the doctrine of equivalents, one or more claims of the '393 Patent by selling, offering for sale and/or importing the Accused TV Products and Accused Player Products, because the Accused TV Products and Accused Player Products constitute a material part of the patented inventions of one or more of the claims of the '393 Patent and are not a staple article of commerce suitable for non-infringing uses.

88. Upon information and belief, Samsung knows or has been willfully blind to the fact that features of its Accused TV Products and Accused Player Products are especially made or adapted for use in a direct infringement of one or more of the claims of the '393 Patent and are not a staple article of commerce suitable for non-infringing uses. As described in paragraphs 26-70 above, Kannuu put Samsung on notice of the '393 Patent in August 2013, and the patent application that led to the '393 Patent in August 2012, including providing Samsung a detailed description of the technology that the '393 Patent and its claims covered. Moreover, Plaintiff notified Samsung via its initial complaint in this action that Samsung indirectly infringed the '393 Patent.

89. More specifically, Samsung's making, selling, using, offering for sale and/or importing of the Accused TV Products and Accused Player Products constitute contributory infringement of at least independent Claim 1 and dependent Claims 2, 6, 7, 13, and 14 of the '393 Patent in the United States and its territories, for the reasons set forth in paragraph 78 above.

90. Samsung and, upon information belief, millions of end users are directly infringing at least Claim 1 and dependent Claims 2, 6, 7, 13, and 14 of the '393 Patent in the United States and its territories, for the reasons set forth in paragraph 78 above.

91. Samsung is therefore liable for contributory infringement of the '393 Patent pursuant to 35 U.S.C. § 271(c).

92. As a result of Samsung's unlawful contributory infringement of the '393 Patent, Plaintiff has suffered and will continue to suffer damages in an amount to be proven at trial. Plaintiff is entitled to recover from Samsung the damages adequate to compensate for such infringement, in an amount no less than a reasonable royalty pursuant to 35 U.S.C. § 284, which have yet to be determined. The full measure of damages sustained as a result of Samsung's wrongful acts will be proven at trial.

93. Upon information and belief, Samsung will continue to contributorily infringe Plaintiff's exclusive rights under the '393 Patent, and will continue to damage Plaintiff, causing irreparable harm, unless and until it is enjoined by this Court.

94. Plaintiff is entitled to pre-suit damages, and is not barred from pre-suit damages by 35 U.S.C. § 287.

95. Despite having learned of the '393 Patent and the technology it covers at least as early as on or about August 27, 2013, Samsung did not cease its infringing activities. Upon

information and belief, Samsung deliberately copied each and every claim limitation of at least Claim 1 of the '393 Patent. Samsung then informed Plaintiff that it would not license or provide Plaintiff with any compensation for Plaintiff's patented technology as disclosed in the '393 Patent. Samsung's conduct towards Plaintiff in connection with its deliberate disregard of the '393 Patent was and continues to be egregious, including after the filing of Plaintiff's initial complaint in this action.

96. Thus, Samsung's contributory infringement of the '393 Patent, which is entitled to statutory presumption of validity of 35 U.S.C. § 282, has been and continues to be deliberate and willful, at least since August 27, 2013.

### **COUNT 3: INDUCED INFRINGEMENT OF THE '393 PATENT BY DEFENDANTS**

97. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1 through 96 as if fully set forth herein.

98. Samsung is not licensed under the '393 Patent, yet Samsung knowingly, actively, and lucratively induces infringement of the claimed inventions of the '393 Patent.

99. Upon information and belief, Samsung has induced infringement, literally or under the doctrine of equivalents, of one or more claims of the '393 Patent by its intentional marketing of and encouraging the use of the Accused TV Products and Accused Player Products by end users so as to directly infringe one or more claims of the '393 Patent. For example, upon information and belief, Samsung marketing staff intentionally instructed end users at trade shows how to perform the steps claimed in at least one or more claims of the '393 Patent. Furthermore, upon information and belief, Samsung instructs end users on how to perform the claimed method

in its user manuals. For example, the User Manual (“E-Manual”) for the Samsung Blu-ray DVD Player Model BD-H8500 and similar models includes two pages of information on “Using the Keyboard Pop-Up.” Specifically, the User Manual instructs users on how to activate the keyboard pop-up, how to use the remote control to select “a letter or number,” how to enter that letter or number, how to delete characters, and how to finish a selection. In addition to other information regarding using the keyboard pop-up, the User Manual notes, “Predict Next Letter : The keyboard predicts the next letter as you enter letters. The predictions appear in a ring around the letter you have just entered. You can select a predicted letter or move to another letter. You can turn this function On or Off.”

100. Upon information and belief, Samsung knows or has been willfully blind to the fact that its marketing of and encouraging the use of its Accused TV Products and Accused Player Products by end-users to perform the steps claimed in at least one or more claims of the ‘393 Patent constitutes the direct infringement of the ‘393 Patent. Specifically, as described in paragraphs 26-70 above, Kannuu put Samsung on notice of the ‘393 Patent in August 2013, and the application that led to the ‘393 Patent in August 2012, including providing Samsung a detailed description of the technology that the ‘393 Patent and its claims covered. Moreover, Plaintiff notified Samsung via its initial complaint in this action that Samsung indirectly infringed the ‘393 Patent.

101. More specifically, Samsung’s marketing of and encouraging the use of its Accused TV Products and Accused Player Products by end-users of the Accused TV Products and Accused Player Products constitute inducement of infringement of at least independent Claim 1 and dependent Claims 2, 6, 7, 13, and 14 of the ‘393 Patent in the United States and its territories, for the reasons set forth in paragraphs 77-78 above.

102. Samsung and, upon information belief, millions of end users are directly infringing at least Claim 1 and dependent Claims 2, 6, 7, 13, and 14 of the '393 Patent in the United States and its territories, for the reasons set forth in paragraphs 77-78 above

103. Samsung is therefore liable for inducement of infringement of the '393 Patent pursuant to 35 U.S.C. § 271(b).

104. As a result of Samsung's unlawful inducement of infringement of the '393 Patent, Plaintiff has suffered and will continue to suffer damages in an amount to be proven at trial. Plaintiff is entitled to recover from Samsung the damages adequate to compensate for such infringement, in an amount no less than a reasonable royalty pursuant to 35 U.S.C. § 284, which have yet to be determined. The full measure of damages sustained as a result of Samsung's wrongful acts will be proven at trial.

105. Upon information and belief, Samsung will continue to induce infringement of Plaintiff's exclusive rights under the '393 Patent, and will continue to damage Plaintiff, causing irreparable harm, unless and until it is enjoined by this Court.

106. Plaintiff is entitled to pre-suit damages, and is not barred from pre-suit damages by 35 U.S.C. § 287.

107. Despite having learned of the '393 Patent and the technology it covers at least as early as on or about August 27, 2013, Samsung did not cease its infringing activities. Upon information and belief, Samsung deliberately copied each and every claim limitation of at least Claim 1 of the '393 Patent. Samsung then informed Plaintiff that it would not license or provide Plaintiff with any compensation for Plaintiff's patented technology as disclosed in the '393 Patent. Samsung's conduct towards Plaintiff in connection with its deliberate disregard of the

'393 Patent was and continues to be egregious, including after the filing of Plaintiff's initial complaint in this action.

108. Thus, Samsung's inducing infringement of the '393 Patent, which is entitled to statutory presumption of validity of 35 U.S.C. § 282, has been and continues to be deliberate and willful, at least since August 27, 2013.

#### **COUNT 4: DIRECT INFRINGEMENT OF THE '852 PATENT BY DEFENDANTS**

109. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1 through 108 as if fully set forth herein.

110. Samsung is not licensed under the '852 Patent, yet Samsung knowingly, actively, and lucratively practices the claimed inventions of the '852 Patent.

111. Upon information and belief, Samsung has been and is currently directly infringing, literally or under the doctrine of equivalents, one or more claims of the '852 Patent by making, using, offering to sell, and/or selling within the United States, and/or importing into the United States and its territories, without license or authority, the Accused TV Products. Samsung's direct infringement on this basis includes, without limitation, making, using, offering to sell, and/or selling within the United States, and/or importing into the United States and its territories Accused TV Products that infringe at least independent apparatus Claim 12 and dependent Claims 17 and 18 of the '852 Patent. For example, the making, selling, offering for sale, using, and/or importing the Accused TV Products directly infringe, literally or under the doctrine of equivalents, independent apparatus Claim 12 because the the Accused TV Products satisfy each and every claim limitation of Claim 12 described generally as follows: An apparatus for

selecting items, the apparatus comprising: an output display; an input; and a computer processor configured to execute a method comprising: associating the items with a corresponding item identifiers; generating a first display on the output display, the first display comprises: a part of an item identifier for at least a first set of items and a part of an item identifier for at least a second set of items in a database; enabling selection of one of the two parts of the item identifiers by a user using the input; generating, in response to the selection of the one of the two parts of item identifiers, a further display on the output display, the further display comprises: an additional part of an item identifier for at least a third set of items and an additional part of an item identifier for at least a fourth set of items; and the previously selected one of the two parts of the item identifiers; enabling selection of one of the two additional parts of the item identifiers by the user using the input; combining the selected one of the two parts of the item identifiers with the selected one of the two additional parts of the item identifiers to create a larger part of the item identifiers; and displaying the larger part of the item identifiers on the output display; wherein the parts of the item identifiers and the additional parts of the item identifiers are text symbols and the additional parts of the item identifiers are shorter than complete item identifiers; and the first set of item identifiers and the second set of item identifiers are mutually exclusive of one another and the third set of item identifiers and the fourth set of item identifiers are mutually exclusive subsets of the first set of item identifiers or the second set of item identifiers.

112. Furthermore, upon information and belief, in the very least, Samsung marketing personnel have performed the claimed methods in the '852 patent by using the Accused TV Products and/or Accused Player Products in marketing demonstrations. Samsung's direct infringement includes, without limitation, using the Accused TV Products and/or Accused Player



Products to perform the claimed methods of at least independent method Claim 1 and dependent Claims 2, 6, 7 of the '852 Patent in the United States and its territories.

113. Specifically, certain use of the Accused TV Products and/or Accused Player Products satisfy each and every claim limitation of at least Claims 1, 2, 6, and 7 of the '852 Patent. For example, certain use of the Accused TV Products and/or Accused Player Products directly infringe, literally or under the doctrine of equivalents, independent Claim 1 because such use of the Accused TV Products and/or Accused Player Products satisfies each and every claim limitation of Claim 1 described generally as follows: the Accused TV Products and Accused Player Products enable a computer-implemented method of selecting an item from a plurality of items, the method comprising: generating, by at least one computer processor, a first display, the first display comprises a part of an item identifier for at least a first set of items and a part of an item identifier for at least a second set of items in a database enabling, by the at least one computer processor, selection of one of the two parts of the item identifiers by a user using a user interface; generating, by the at least one computer processor, in response to the selection of the one of the two parts, a further display; wherein the further display comprises: an additional part of an item identifier for at least a third set of items and an additional part of an item identifier for at least a fourth set of items; and the previously selected one of the two parts of the item identifiers; enabling, by the at least one computer processor, selection of one of the two additional parts of the item identifiers by the user using the user interface; combining by a computer processor, the portion of the item identifier selected from the second plurality of portions of the item identifiers with the portion of the item identifier selected from the first plurality of portions of the item identifiers to create a larger portion of the item identifier; and displaying, by the at least one computer processor, the larger part of the item identifiers; wherein

the parts of the item identifiers and the additional parts of the item identifiers are text symbols and the additional parts of the item identifiers are shorter than complete item identifiers; and the first set of items identifiers and the second set of item identifiers are mutually exclusive of one another and the third set of item identifiers and the fourth set of item identifiers are mutually exclusive subsets of the first set of item identifiers or the second set of item identifiers.

114. Samsung is therefore liable for direct infringement of the '852 Patent pursuant to 35 U.S.C. § 271(a).

115. As a result of Samsung's unlawful infringement of the '852 Patent, Plaintiff has suffered and will continue to suffer damages in an amount to be proven at trial. Plaintiff is entitled to recover from Samsung the damages adequate to compensate for such infringement, in an amount no less than a reasonable royalty pursuant to 35 U.S.C. § 284, which have yet to be determined. The full measure of damages sustained as a result of Samsung's wrongful acts will be proven at trial.

116. Upon information and belief, Samsung will continue to infringe Plaintiff's exclusive rights under the '852 Patent, and will continue to damage Plaintiff, causing irreparable harm, unless and until it is enjoined by this Court.

117. Plaintiff is entitled to pre-suit damages, and is not barred from pre-suit damages by 35 U.S.C. § 287.

118. Based on Kannuu's extensive disclosure to Samsung Executives in August 2013, including the patent application number and title of the application that issued as the '852 Patent, and the extensive description of the rights encompassed by the patent family comprising the application that issued as the '852 Patent, Samsung in the very least knew and/or should have have known of the '852 Patent that its activities infringed the '852 Patent, upon the issuance of

the '852 Patent. Finally, Plaintiff notified Samsung via its initial complaint in this action that Samsung directly infringed the '852 Patent. Despite such knowledge and/or constructive knowledge, Samsung did not cease its infringing activities. Samsung's conduct towards Plaintiff in connection with its deliberate disregard of the '852 Patent was and continues to be egregious. Such conduct is sufficient for a finding of willful infringement, including after the filing of Plaintiff's initial complaint in this action.

119. Thus, Samsung's direct infringement of the '852 Patent, which is entitled to statutory presumption of validity of 35 U.S.C. § 282, has been and continues to be deliberate and willful, since the issuance of the '852 Patent, on March 18, 2014.

#### **COUNT 5: CONTRIBUTORY INFRINGEMENT OF THE '852 PATENT BY DEFENDANTS**

120. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1 through 119 as if fully set forth herein.

121. Samsung is not licensed under the '852 Patent, yet Samsung knowingly, actively, and lucratively contributorily practices the claimed inventions of the '852 Patent.

122. Upon information and belief, Samsung also has been and is currently contributorily infringing, without limitation, independent apparatus Claim 12 and dependent Claims 17 and 18 and at least independent method Claim 1 and dependent Claims 2, 6, 7 of the '852 Patent of the '852 Patent under 35 U.S.C § 271(c) through, among other things, the sale, offer for sale and importation into the United States of its Accused TV and Accused Player Products, which constitute a material part of the patented inventions of one or more of the claims of the '852 Patent and are not a staple article of commerce suitable for non-infringing uses. Upon information or belief, Samsung knows or has been willfully blind to the fact that its Accused TV

and Accused Player Products are especially made or adapted for use in an infringement of one or more of the claims of the '852 Patent and are not a staple article of commerce suitable for non-infringing uses.

123. Upon information and belief, Samsung knows or has been willfully blind to the fact that the features of its Accused TV Products and Accused Player Products are especially made or adapted for use in a direct infringement of one or more of the claims of the '852 Patent and are not a staple article of commerce suitable for non-infringing uses, because Kannuu put Samsung in August 2013 on notice of the patent application that issued as the '852 Patent, including providing Samsung a detailed description of the technology that the family including the patent application that issued as the '852 Patent covered, as described in paragraphs 26-70 above. . Moreover, Plaintiff notified Samsung via its initial complaint in this action that Samsung indirectly infringed the '852 Patent.

124. More specifically, Samsung's making, selling, using, offering for sale and/or importing of the Accused TV Products and Accused Player Products constitute contributory infringement of at least apparatus Claim 12 and dependent Claims 17 and 18 of the '852 Patent and independent method Claim 1 and dependent Claims 2, 6, 7 of the '852 Patent in the United States and its territories, for the reasons set forth in paragraphs 111-112 above.

125. Samsung and, upon information belief, millions of end users are directly infringing apparatus Claim 12 and dependent Claims 17 and 18 of the '852 Patent and independent method Claim 1 and dependent Claims 2, 6, 7 of the '852 Patent of the '852 Patent in the United States and its territories, for the reasons set forth in paragraphs 111-112 above.

126. Samsung is therefore liable for contributory infringement of the '852 Patent pursuant to 35 U.S.C. § 271(c).

127. As a result of Samsung's unlawful infringement of the '852 Patent, Plaintiff has suffered and will continue to suffer damages in an amount to be proven at trial. Plaintiff is entitled to recover from Samsung the damages adequate to compensate for such infringement, in an amount no less than a reasonable royalty pursuant to 35 U.S.C. § 284, which have yet to be determined. The full measure of damages sustained as a result of Samsung's wrongful acts will be proven at trial.

128. Upon information and belief, Samsung will continue to contributorily infringe Plaintiff's exclusive rights under the '852 Patent, and will continue to damage Plaintiff, causing irreparable harm, unless and until it is enjoined by this Court.

129. Plaintiff is entitled to pre-suit damages, and is not barred from pre-suit damages by 35 U.S.C. § 287.

130. Based on Kannuu's extensive disclosure to Samsung Executives in August 2013, including the patent application number and title of the application that issued as the '852 Patent, and the extensive description of the rights encompassed by the patent family comprising the application that issued as the '852 Patent, Samsung in the very least should have have known of the '852 Patent and the likelihood that its activities infringed the '852 Patent, upon the issuance of the '852 Patent. Despite such constructive knowledge and/or knowledge, Samsung did not cease its infringing activities. Samsung's conduct towards Plaintiff in connection with its deliberate disregard of the '852 Patent was and continues to be egregious, including after the filing of Plaintiff's initial complaint in this action. Such conduct is sufficient for a finding of willful infringement.

131. Thus, Samsung's contributory infringement of the '852 Patent, which is entitled to statutory presumption of validity of 35 U.S.C. § 282, has been and continues to be deliberate and willful, since the issuance of the '852 Patent, on March 18, 2014.

#### **COUNT 6: INDUCED INFRINGEMENT OF THE '852 PATENT BY DEFENDANTS**

132. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1 through 131 as if fully set forth herein.

133. Upon information and belief, Samsung has induced infringement, literally or under the doctrine of equivalents, of one or more claims of the '852 Patent by its intentional marketing of and encouraging the use of the Accused TV Products and Accused Player Products by end users so as to directly infringe one or more claims of the '852 Patent. For example, upon information and belief, Samsung marketing staff intentionally instructed end users at trade shows how to perform the steps claimed in at least one or more claims of the '852 Patent. Furthermore, upon information and belief, Samsung instructs end users on how to perform the claimed method in its user manuals. For example, the User Manual ("E-Manual") for the Samsung Blu-ray DVD Player Model BD-H8500 and similar models includes two pages of information on "Using the Keyboard Pop-Up." Specifically, the User Manual instructs users on how to activate the keyboard pop-up, how to use the remote control to select "a letter or number," how to enter that letter or number, how to delete characters, and how to finish a selection. In addition to other information regarding using the keyboard pop-up, the User Manual notes, "Predict Next Letter : The keyboard predicts the next letter as you enter letters. The predictions appear in a ring around the letter you have just entered. You can select a predicted letter or move to another letter. You can turn this function On or Off."

134. Upon information and belief, Samsung knows or has been willfully blind to the fact that its marketing of and encouraging the use of its Accused TV Products and Accused Player Products by end-users to perform the steps claimed in at least one or more claims of the '852 Patent constitutes the direct infringement of the '852 Patent. Specifically, as set forth in detail in paragraphs 26-70, Kannuu put Samsung on notice of the patent application that issued as the '852 patent in August 2013, including providing Samsung a detailed description of the technology that the family including the patent application that issued as the '852 Patent covered. Moreover, Plaintiff notified Samsung via its initial complaint in this action that Samsung indirectly infringed the '852 Patent.

135. More specifically, Samsung's marketing of and encouraging the use of its Accused TV Products and Accused Player Products by end-users of the Accused TV Products and Accused Player Products constitute inducement of infringement of at least independent method claim 1, and dependent claims 2, 6, 7, as well as independent apparatus claim 12, and dependent claims 17 and 18 of the '852 Patent in the United States and its territories, for the reasons set forth in paragraph 131-132 above.

136. Samsung and, upon information belief, millions of end users are directly infringing independent method claim 1, and dependent claims 2, 6, 7, as well as independent apparatus claim 12, and dependent claims 17 and 18 of the '852 Patent in the United States and its territories in the United States and its territories, for the reasons set forth in paragraphs 131-132 above.

137. Samsung is therefore liable for inducement of infringement of the '852 Patent pursuant to 35 U.S.C. § 271(b).

138. As a result of Samsung's unlawful inducement of infringement of the '852 Patent, Plaintiff has suffered and will continue to suffer damages in an amount to be proven at trial. Plaintiff is entitled to recover from Samsung the damages adequate to compensate for such infringement, in an amount no less than a reasonable royalty pursuant to 35 U.S.C. § 284, which have yet to be determined. The full measure of damages sustained as a result of Samsung's wrongful acts will be proven at trial.

139. Upon information and belief, Samsung will continue to induce infringement of Plaintiff's exclusive rights under the '852 Patent, and will continue to damage Plaintiff, causing irreparable harm, unless and until it is enjoined by this Court.

140. Plaintiff is entitled to pre-suit damages, and is not barred from pre-suit damages by 35 U.S.C. § 287.

141. Based on Kannuu's extensive disclosure to Samsung Executives in August 2013, including the patent application number and title of the application that issued as the '852 Patent, and the extensive description of the rights encompassed by the patent family comprising the application that issued as the '852 Patent, Samsung in the very least should have have known of the '852 Patent and the likelihood that its activities infringed the '852 Patent, upon the issuance of the '852 Patent. Despite such constructive knowledge and/or knowledge, Samsung did not cease its infringing activities. Samsung's conduct towards Plaintiff in connection with its deliberate disregard of the '852 Patent was and continues to be egregious, including after the filing of Plaintiff's initial complaint in this action. Such conduct is sufficient for a finding of willful infringement.



142. Thus, Samsung's inducement of infringement of the '852 Patent, which is entitled to statutory presumption of validity of 35 U.S.C. § 282, has been and continues to be deliberate and willful, since the issuance of the '852 Patent, on March 18, 2014.

**COUNT 7: DIRECT INFRINGEMENT OF THE '354 PATENT BY DEFENDANTS**

143. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1 through 142 as if fully set forth herein.

144. Samsung is not licensed under the '354 Patent, yet Samsung knowingly, actively, and lucratively practices the claimed inventions of the '354 Patent.

145. Upon information and belief, Samsung has directly infringed, literally or under the doctrine of equivalents, one or more claims of the '354 Patent by using the claimed inventions within the United States without license or authority. Specifically, upon information and belief, in the very least, Samsung marketing personnel have performed the claimed methods in the '354 patent by using the Accused TV Products and/or Accused Player Products in marketing demonstrations. Samsung's direct infringement includes, without limitation, using the Accused TV Products and/or Accused Player Products to perform the claimed methods in at least independent Claim 1 and dependent Claims 2, 3, 6, 7, 8, 9, and 10 of the '354 Patent in the United States and its territories.

146. Samsung's use of the Accused TV Products and/or Accused Player Products satisfy each and every claim limitation of Claims 1, 2, 3, 6, 7, 8, 9, and 10 of the '354 Patent. For example, Samsung's certain use of the Accused TV Products and/or Accused Player Products directly infringe, literally or under the doctrine of equivalents, independent Claim 1 because such use of the Accused TV Products and/or Accused Player Products satisfy each and every claim

limitation of Claim 1 described generally as follows: the Accused TV Products and/or Accused Player Products enable a method of selecting database items from a database, the database items being indexed by a list of item identifiers, the method comprising: generating an initial display including one or more parts of item identifiers for selection by a user; enabling the selection, by the user, of the one or more parts; in response to the selection of the one or more parts of item identifiers, generating a display of a further one or more parts of item identifiers for selection, the further one of more parts being selected for display based at least in part on a ranking scheme wherein the further one of more parts of item identifiers being arranged on the display relative to one another and corresponding to at least an up, down, left or right position, and the highest ranked of the further one or more parts of item identifiers being positioned in one of the up, down, left and right positions; and enabling selection, by the user, of the further one or more parts of item identifiers in order to add to the selected one or more parts to build a larger part or whole of a particular item identifier; wherein the selected one or more parts of item identifiers and the further one or more parts of item identifiers are shorter than a complete word; and wherein selection of the further one or more parts of item identifiers is enabled by a key press corresponding to the relative arrangement of the further one or more parts of item identifiers on the display.

147. Samsung is therefore liable for direct infringement of the '354 Patent pursuant to 35 U.S.C. § 271(a).

148. As a result of Samsung's unlawful infringement of the '354 Patent, Plaintiff has suffered and will continue to suffer damages in an amount to be proven at trial. Plaintiff is entitled to recover from Samsung the damages adequate to compensate for such infringement, in an amount no less than a reasonable royalty pursuant to 35 U.S.C. § 284, which have yet to be

determined. The full measure of damages sustained as a result of Samsung's wrongful acts will be proven at trial.

149. Upon information and belief, Samsung will continue to infringe Plaintiff's exclusive rights under the '354 Patent, and will continue to damage Plaintiff, causing irreparable harm, unless and until it is enjoined by this Court.

150. Plaintiff is entitled to pre-suit damages, and is not barred from pre-suit damages by 35 U.S.C. § 287.

151. Based on Kannuu's extensive disclosure to Samsung Executives in August 2013, Samsung in the very least knew and/or should have have known of the '354 Patent and that its activities infringed the '354 Patent, upon the issuance of the '354 Patent. Finally, Plaintiff notified Samsung via its initial complaint in this action that Samsung directly infringed the '354 Patent. Despite such knowledge and/or constructive knowledge, Samsung did not cease its infringing activities. Samsung's conduct towards Plaintiff in connection with its deliberate disregard of the '354 Patent was and continues to be egregious, including after the filing of Plaintiff's initial complaint in this action. Such conduct is sufficient for a finding of willful infringement.

152. Thus, Samsung's direct infringement of the '354 Patent, which is entitled to statutory presumption of validity of 35 U.S.C. § 282, has been and continues to be deliberate and willful, since the issuance of the '354 Patent, on September 6, 2016.

#### **COUNT 8: CONTRIBUTORY INFRINGEMENT OF THE '354 PATENT BY DEFENDANTS**

153. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1 through 152 as if fully set forth herein.

154. Samsung is not licensed under the '354 Patent, yet Samsung knowingly, actively, and lucratively contributorily practices the claimed inventions of the '354 Patent.

155. Upon information and belief, Samsung also has been and is currently contributorily infringing, without limitation, at least independent Claim 1 and dependent Claims 2, 3, 6, 7, 8, 9, and 10 of the '354 Patent under 35 U.S.C § 271(c) through, among other things, the sale, offer for sale and importation into the United States of its Accused TV and Accused Player Products, which constitute a material part of the patented inventions of one or more of the claims of the '354 Patent and are not a staple article of commerce suitable for non-infringing uses. Samsung knows or has been willfully blind to the fact that its Accused TV and Accused Player Products are especially made or adapted for use in an infringement of one or more of the claims of the '354 Patent and are not a staple article of commerce suitable for non-infringing uses.

156. Upon information and belief, Samsung knows or has been willfully blind to the fact that its Accused TV Products and Accused Player Products are especially made or adapted for use in a direct infringement of one or more of the claims of the '354 Patent and are not a staple article of commerce suitable for non-infringing uses, because Kannuu put Samsung on notice of the patent family and parent application of '354 patent in August 2013, including providing Samsung a detailed description of the technology that the family of the '354 Patent covered, as described in paragraphs 26-70 above. Moreover, Plaintiff notified Samsung via its initial complaint in this action that Samsung indirectly infringed the '354 Patent.

157. Samsung Electronics America and/or Samsung Electronics Korea, and upon information belief, millions of end users are directly infringing independent Claim 1 and dependent Claims 2, 3, 6, 7, 8, 9, and 10 of the '354 Patent in the United States and its territories, for the reasons set forth in paragraphs 145-146 above

158. Samsung is therefore liable for contributory infringement of the '354 Patent pursuant to 35 U.S.C. § 271(c).

159. As a result of Samsung's unlawful contributory infringement of the '354 Patent, Plaintiff has suffered and will continue to suffer damages in an amount to be proven at trial. Plaintiff is entitled to recover from Samsung the damages adequate to compensate for such infringement, in an amount no less than a reasonable royalty pursuant to 35 U.S.C. § 284, which have yet to be determined. The full measure of damages sustained as a result of Samsung's wrongful acts will be proven at trial.

160. Upon information and belief, Samsung will continue to contributorily infringe Plaintiff's exclusive rights under the '354 Patent, and will continue to damage Plaintiff, causing irreparable harm, unless and until it is enjoined by this Court.

161. Plaintiff is entitled to pre-suit damages, and is not barred from pre-suit damages by 35 U.S.C. § 287.

162. Based on Kannuu's extensive disclosure to Samsung Executives in August 2013, Samsung in the very least knew and/or should have have known of the '354 Patent and the likelihood that its activities infringed the '354 Patent, upon the issuance of the '354 Patent. Finally, Plaintiff notified Samsung via its initial complaint in this action that Samsung directly infringed the '354 Patent. Despite such knowledge and/or constructive knowledge, Samsung did not cease its infringing activities. Samsung's conduct towards Plaintiff in connection with its deliberate disregard of the '354 Patent was and continues to be egregious, including after the filing of Plaintiff's initial complaint in this action. Such conduct is sufficient for a finding of willful infringement.

163. Thus, Samsung's contributory infringement of the '354 Patent, which is entitled to statutory presumption of validity of 35 U.S.C. § 282, has been and continues to be deliberate and willful, since the issuance of the '354 Patent, on September 6, 2016.

#### **COUNT 9: INDUCED INFRINGEMENT OF THE '354 PATENT BY DEFENDANTS**

164. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1 through 163 as if fully set forth herein.

165. Upon information and belief, Samsung has induced infringement, literally or under the doctrine of equivalents, of one or more claims of the '354 Patent by its intentional marketing of and encouraging the use of the Accused TV Products and Accused Player Products by end users so as to directly infringe one or more claims of the '354 Patent. For example, upon information and belief, Samsung marketing staff intentionally instructed end users at trade shows how to perform the steps claimed in at least one or more claims of the '354 Patent. Furthermore, upon information and belief, Samsung instructs end users on how to perform the claimed method in its user manuals. For example, the User Manual ("E-Manual") for the Samsung Blu-ray DVD Player Model BD-H8500 and similar models includes two pages of information on "Using the Keyboard Pop-Up." Specifically, the User Manual instructs users on how to activate the keyboard pop-up, how to use the remote control to select "a letter or number," how to enter that letter or number, how to delete characters, and how to finish a selection. In addition to other information regarding using the keyboard pop-up, the User Manual notes, "Predict Next Letter : The keyboard predicts the next letter as you enter letters. The predictions appear in a ring around the letter you have just entered. You can select a predicted letter or move to another letter. You can turn this function On or Off."

166. Upon information and belief, Samsung knows or has been willfully blind to the fact that its marketing of and encouraging the use of its Accused TV Products and Accused Player Products by end-users to perform the steps claimed in at least one or more claims of the '354 Patent constitutes the direct infringement of the '354 Patent, because Kannuu put Samsung on notice of the patent family and parent application of '354 patent in August 2013, including providing Samsung a detailed description of the technology that the family of the '354 Patent covered, as described in paragraphs 26-70 above. Moreover, Plaintiff notified Samsung via its initial complaint in this action that Samsung indirectly infringed the '354 Patent.

167. Samsung Electronics America and/or Samsung Electronics Korea, and upon information belief, millions of end users are directly infringing independent Claim 1 and dependent Claims 2, 3, 6, 7, 8, 9, and 10 of the '354 Patent in the United States and its territories, for the reasons set forth in paragraphs 145-146 above.

168. Samsung is therefore liable for inducement of infringement of the '354 Patent pursuant to 35 U.S.C. § 271(b).

169. As a result of Samsung's unlawful inducement of infringement of the '354 Patent, Plaintiff has suffered and will continue to suffer damages in an amount to be proven at trial. Plaintiff is entitled to recover from Samsung the damages adequate to compensate for such infringement, in an amount no less than a reasonable royalty pursuant to 35 U.S.C. § 284, which have yet to be determined. The full measure of damages sustained as a result of Samsung's wrongful acts will be proven at trial.

170. Upon information and belief, Samsung will continue to induce infringement of Plaintiff's exclusive rights under the '354 Patent, and will continue to damage Plaintiff, causing irreparable harm, unless and until it is enjoined by this Court.

171. Plaintiff is entitled to pre-suit damages, and is not barred from pre-suit damages by 35 U.S.C. § 287.

172. Based on Kannuu's extensive disclosure to Samsung Executives in August 2013, Samsung in the very least knew and/or should have have known of the '354 Patent and the likelihood that its activities infringed the '354 Patent, upon the issuance of the '354 Patent. Finally, Plaintiff notified Samsung via its initial complaint in this action that Samsung directly infringed the '354 Patent. Despite such knowledge and/or constructive knowledge, Samsung did not cease its infringing activities. Samsung's conduct towards Plaintiff in connection with its deliberate disregard of the '354 Patent was and continues to be egregious. Such conduct is sufficient for a finding of willful infringement.

173. Thus, Samsung's induced infringement of the '354 Patent, which is entitled to statutory presumption of validity of 35 U.S.C. § 282, has been and continues to be deliberate and willful, since the issuance of the '354 Patent, on September 6, 2016.

**COUNT 10: DIRECT INFRINGEMENT OF THE '264 PATENT BY DEFENDANTS**

174. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1 through 173 as if fully set forth herein.

175. Samsung is not licensed under the '264 Patent, yet Samsung knowingly, actively, and lucratively practices the claimed inventions of the '264 Patent.

176. Upon information and belief, Samsung has directly infringed, literally or under the doctrine of equivalents, one or more claims of the '264 Patent by using the claimed inventions within the United States without license or authority. Specifically, upon information and belief, in the very least, Samsung marketing personnel have performed the claimed methods in the '264 patent by using the Accused TV Products and/or Accused Player Products in marketing



demonstrations. Samsung's direct infringement includes, without limitation, using the Accused TV Products and Accused Player Products to perform the claimed methods in at least independent Claim 1 and dependent Claims 2, 3, 4, 5, 6, 17, and 18 of the '264 Patent in the United States and its territories.

177. Samsung's use of the Accused TV Products and/or Accused Player Products satisfy each and every claim limitation of Claims 1, 2, 3, 4, 5, 6, 17, and 18 of the '264 Patent. For example, Samsung's certain use of the Accused TV Products and/or Accused Player Products directly infringe, literally or under the doctrine of equivalents, independent Claim 1 because such use of the Accused TV Products and/or Accused Player Products satisfy each and every claim limitation of Claim 1 described generally as follows: the Accused TV Products and/or Accused Player Products enable a method of selecting items from at least two collections of items, said at least two collections of items being individually indexed by a list of respective item identifiers, the method comprising: generating, on a device, an initial display including a plurality of parts of said item identifiers for selection, wherein said plurality of parts of said item identifiers include at least one part of an item identifier corresponding to a first collection of items and at least one part of an item identifier corresponding to a second collection of items; enabling selection of one of said plurality of parts of said item identifiers; identifying, based at least in part on the part of the item identifier selected, which of the at least two collections of items the selected part of the item identifier corresponds to; generating, on said device, a display of a further plurality of parts of said item identifiers for selection in response to selection of said one of said plurality of parts of said item identifiers, wherein said further plurality of parts of item identifiers include at least one further part of said item identifiers corresponding to the one or more collections of items identified based on the selection of said one of said plurality of parts of said item identifiers; and

enabling selection of one of said further plurality of parts of said item identifiers in order to add to said selected one of said plurality of parts of said item identifiers to build a larger part or whole of said selected item identifier; wherein generating said initial display comprises selecting said one or more parts of said item identifiers to be displayed based on a dynamic prioritization scheme that adjusts priorities of said item identifiers based on the number of times a particular item identifier from said list of item identifiers was previously selected.

178. Samsung is therefore liable for direct infringement of the '264 Patent pursuant to 35 U.S.C. § 271(a).

179. As a result of Samsung's unlawful infringement of the '264 Patent, Plaintiff has suffered and will continue to suffer damages in an amount to be proven at trial. Plaintiff is entitled to recover from Samsung the damages adequate to compensate for such infringement, in an amount no less than a reasonable royalty pursuant to 35 U.S.C. § 284, which have yet to be determined. The full measure of damages sustained as a result of Samsung's wrongful acts will be proven at trial.

180. Upon information and belief, Samsung will continue to infringe Plaintiff's exclusive rights under the '264 Patent, and will continue to damage Plaintiff, causing irreparable harm, unless and until it is enjoined by this Court.

181. Plaintiff is entitled to pre-suit damages, and is not barred from pre-suit damages by 35 U.S.C. § 287.

182. Based on Kannuu's extensive disclosure to Samsung Executives in August 2013, Samsung in the very least knew and/or should have have known of the '264 Patent and that its activities infringed the '264 Patent, upon the issuance of the '264 Patent. Finally, Plaintiff notified Samsung via its initial complaint in this action that Samsung directly infringed the '264

Patent. Despite such knowledge and/or constructive knowledge, Samsung did not cease its infringing activities. Samsung's conduct towards Plaintiff in connection with its deliberate disregard of the '264 Patent was and continues to be egregious, including after the filing of Plaintiff's initial complaint in this action. Such conduct is sufficient for a finding of willful infringement.

183. Thus, Samsung's direct infringement of the '264 Patent, which is entitled to statutory presumption of validity of 35 U.S.C. § 282, has been and continues to be deliberate and willful, since the issuance of the '264 Patent, on July 4, 2017.

#### **COUNT 11: CONTRIBUTORY INFRINGEMENT OF THE '264 PATENT BY DEFENDANTS**

184. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1 through 183 as if fully set forth herein.

185. Samsung is not licensed under the '264 Patent, yet Samsung knowingly, actively, and lucratively contributorily practices the claimed inventions of the '264 Patent.

186. Upon information and belief, Samsung also has been and is currently contributorily infringing, without limitation, at least independent Claim 1 and dependent Claims 2, 3, 4, 5, 6, 17, and 18 of the '264 Patent under 35 U.S.C § 271(c) through, among other things, the sale, offer for sale and importation into the United States of its Accused TV and Accused Player Products, which constitute a material part of the patented inventions of one or more of the claims of the '264 Patent and are not a staple article of commerce suitable for non-infringing uses. Samsung knows or has been willfully blind to the fact that its Accused TV and Accused Player Products are especially made or adapted for use in an infringement of one or more of the claims of the '264 Patent and are not a staple article of commerce suitable for non-infringing uses.

187. Upon information and belief, Samsung knows or has been willfully blind to the fact that its Accused TV Products and Accused Player Products are especially made or adapted for use in a direct infringement of one or more of the claims of the '264 Patent and are not a staple article of commerce suitable for non-infringing uses, because Kannuu put Samsung on notice of the patent application that issued as the '264 patent in August 2013, including providing Samsung a detailed description of the technology that the family of the '264 Patent covered, as described in paragraphs 26-70 above. Moreover, Plaintiff notified Samsung via its initial complaint in this action that Samsung indirectly infringed the '364 Patent.

188. Samsung and, upon information belief, millions of end users are directly infringing independent Claim 1 and dependent Claims 2, 3, 4, 5, 6, 17, and 18 of the '264 Patent in the United States and its territories, for the reasons set forth in paragraphs 176-77 above

189. Samsung is therefore liable for contributory infringement of the '264 Patent pursuant to 35 U.S.C. § 271(c).

190. As a result of Samsung's unlawful contributory infringement of the '264 Patent, Plaintiff has suffered and will continue to suffer damages in an amount to be proven at trial. Plaintiff is entitled to recover from Samsung the damages adequate to compensate for such infringement, in an amount no less than a reasonable royalty pursuant to 35 U.S.C. § 284, which have yet to be determined. The full measure of damages sustained as a result of Samsung's wrongful acts will be proven at trial.

191. Upon information and belief, Samsung will continue to contributorily infringe Plaintiff's exclusive rights under the '264 Patent, and will continue to damage Plaintiff, causing irreparable harm, unless and until it is enjoined by this Court.

192. Plaintiff is entitled to pre-suit damages, and is not barred from pre-suit damages by 35 U.S.C. § 287.

193. Based on Kannuu's extensive disclosure to Samsung Executives in August 2013, Samsung in the very least knew and/or should have have known of the '264 Patent and the likelihood that its activities infringed the '264 Patent, upon the issuance of the '264 Patent. Finally, Plaintiff notified Samsung via its initial complaint in this action that Samsung directly infringed the '264 Patent. Despite such knowledge and/or constructive knowledge, Samsung did not cease its infringing activities. Samsung's conduct towards Plaintiff in connection with its deliberate disregard of the '264 Patent was and continues to be egregious, including after the filing of Plaintiff's initial complaint in this action. Such conduct is sufficient for a finding of willful infringement.

194. Thus, Samsung's contributory infringement of the '264 Patent, which is entitled to statutory presumption of validity of 35 U.S.C. § 282, has been and continues to be deliberate and willful, since the issuance of the '264 Patent, on July 4, 2017.

#### **COUNT 12: INDUCED INFRINGEMENT OF THE '264 PATENT BY DEFENDANTS**

195. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1 through 194 as if fully set forth herein.

196. Upon information and belief, Samsung has induced infringement, literally or under the doctrine of equivalents, of one or more claims of the '264 Patent by its intentionally marketing of and encouraging the use of the Accused TV Products and Accused Player Products by end users so as to directly infringe one or more claims of the '264 Patent. For example, upon information and belief, Samsung marketing staff intentionally instructed end users at trade shows

how to perform the steps claimed in at least one or more claims of the '264 Patent. Furthermore, upon information and belief, Samsung instructs end users on how to perform the claimed method in its user manuals. For example, the User Manual ("E-Manual") for the Samsung Blu-ray DVD Player Model BD-H8500 and similar models includes two pages of information on "Using the Keyboard Pop-Up." Specifically, the User Manual instructs users on how to activate the keyboard pop-up, how to use the remote control to select "a letter or number," how to enter that letter or number, how to delete characters, and how to finish a selection. In addition to other information regarding using the keyboard pop-up, the User Manual notes, "Predict Next Letter : The keyboard predicts the next letter as you enter letters. The predictions appear in a ring around the letter you have just entered. You can select a predicted letter or move to another letter. You can turn this function On or Off."

197. Upon information and belief, Samsung knows or has been willfully blind to the fact that its marketing of and encouraging the use of its Accused TV Products and Accused Player Products by end-users to perform the steps claimed in at least one or more claims of the '264 Patent constitutes the direct infringement of the '264 Patent, because Kannuu put Samsung on notice of the patent application that issued as the '264 patent in August 2013, including providing Samsung a detailed description of the technology that the family of the '264 Patent covered, as described in paragraphs 26-70 above. Additionally, Plaintiff notified Samsung via its initial complaint in this action that Samsung directly infringed the '264 Patent.

198. Samsung and, upon information belief, millions of end users are directly infringing independent Claim 1 and dependent Claims 2, 3, 4, 5, 6, 17, and 18 of the '264 Patent in the United States and its territories, for the reasons set forth in paragraphs 176-77 above.

199. Samsung is therefore liable for inducement of infringement of the '264 Patent pursuant to 35 U.S.C. § 271(b).

200. As a result of Samsung's unlawful inducement of infringement of the '264 Patent, Plaintiff has suffered and will continue to suffer damages in an amount to be proven at trial. Plaintiff is entitled to recover from Samsung the damages adequate to compensate for such infringement, in an amount no less than a reasonable royalty pursuant to 35 U.S.C. § 284, which have yet to be determined. The full measure of damages sustained as a result of Samsung's wrongful acts will be proven at trial.

201. Upon information and belief, Samsung will continue to induce infringement of Plaintiff's exclusive rights under the '264 Patent, and will continue to damage Plaintiff, causing irreparable harm, unless and until it is enjoined by this Court.

202. Plaintiff is entitled to pre-suit damages, and is not barred from pre-suit damages by 35 U.S.C. § 287.

203. Based on Kannuu's extensive disclosure to Samsung Executives in August 2013, Samsung in the very least knew and/or should have have known of the '264 Patent and the likelihood that its activities infringed the '264 Patent, upon the issuance of the '264 Patent. Finally, Plaintiff notified Samsung via its initial complaint in this action that Samsung directly infringed the '264 Patent. Despite such knowledge and/or constructive knowledge, Samsung did not cease its infringing activities. Samsung's conduct towards Plaintiff in connection with its deliberate disregard of the '264 Patent was and continues to be egregious, including after the filing of Plaintiff's initial complaint in this action. Such conduct is sufficient for a finding of willful infringement.

204. Thus, Samsung's induced infringement of the '264 Patent, which is entitled to statutory presumption of validity of 35 U.S.C. § 282, has been and continues to be deliberate and willful, since the issuance of the '264 Patent, on July 4, 2017.

**COUNT 13: DIRECT INFRINGEMENT OF THE '579 PATENT BY DEFENDANTS**

204. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1 through 203 as if fully set forth herein.

205. Samsung is not licensed under the '579 Patent, yet Samsung knowingly, actively, and lucratively practices the claimed inventions of the '579 Patent.

206. Upon information and belief, Samsung has directly infringed, literally or under the doctrine of equivalents, one or more claims of the '579 Patent by using the claimed inventions within the United States without license or authority. Specifically, upon information and belief, in the very least, Samsung marketing personnel have performed the claimed methods in the '579 patent by using the Accused TV Products and/or Accused Player Products in marketing demonstrations. Samsung's direct infringement includes, without limitation, using the Accused TV Products and/or Accused Player Products to perform the claimed methods in at least independent Claim 1 and dependent Claims 2, 6, and 7 of the '579 Patent in the United States and its territories.

207. Upon information and belief, Samsung has been and is currently directly infringing, literally or under the doctrine of equivalents, one or more claims of the '579 Patent by making, using, offering to sell, and/or selling within the United States, and/or importing into the United States and its territories, without license or authority, the Accused TV Products. Samsung's direct infringement on this basis includes, without limitation, making, using, offering to sell,



and/or selling within the United States, and/or importing into the United States and its territories Accused TV Products that infringe at least independent apparatus Claim 12 and dependent Claims 13, 17 and 18 of the '579 Patent.

208. Samsung's use of the Accused TV Products and/or Accused Player Products satisfy each and every claim limitation of Claims 1, 2, 6, and 7 of the '579 Patent. For example, Samsung's certain use of the Accused TV Products and/or Accused Player Products directly infringe, literally or under the doctrine of equivalents, independent Claim 1 because such use of the Accused TV Products and Accused Player Products satisfy each and every claim limitation of Claim 1 described generally as follows: the Accused TV Products and Accused Player Products enable a computer-implemented method of electing an item from a plurality of items, the method comprising: generating, by at least one computer processor, a first display, the first display comprises: a part of an item identifier corresponding to a first set of items and a part of an item identifier corresponding to a second set of items in a database; enabling, by the at least one computer processor, selection of one of the two parts of the item identifiers by a user using a user interface; generating, by the at least one computer processor, in response to the selection of the one of the two parts, a further display; wherein the further display comprises: an additional part of an item identifier corresponding to a subset of the selected set of items and another additional part of an item identifier corresponding to another subset of the selected set of items; enabling, by the at least one computer processor, selection of one of the two additional parts of the item identifiers by the user using the user interface; combining, by the at least one computer processor, the selected one of the two parts of the item identifiers with the selected one of the two additional parts of the item identifiers to create a larger part of the item identifiers; and displaying, by the at least one computer processor, the larger part of the item identifiers; wherein

the additional parts of the item identifiers are shorter than complete item identifiers; and the first set of items and the second set of items are mutually exclusive of one another.

209. Samsung's making, using, offering to sell, and/or selling within the United States, and/or importing into the United States and its territories, without license or authority, the Accused TV Products satisfy each and every claim limitation of Claims 12, 13, 17, and 18 of the '579 Patent. For example, Samsung's using, offering to sell, and/or selling within the United States, and/or importing into the United States and its territories the Accused TV and Accused Player Products directly infringes, literally or under the doctrine of equivalents, independent Claim 12 because the Accused TV and Accused Player Products contain every claim limitation of Claim 12 described generally as follows: An apparatus for selecting items, the apparatus comprising: an output display; an input; and a computer processor configured to execute a method comprising: associating the items with a corresponding item identifiers; generating a first display on the output display, the first display comprises: a part of an item identifier corresponding to a first set of items and a part of an item identifier corresponding to a second set of items in a database; enabling selection of one of the two parts of the item identifiers by a user using the input; generating, in response to the selection of the one of the two parts of item identifiers, a further display on the output display, the further display comprises: an additional part of an item identifier corresponding to a subset of the selected set of items and another additional part of an item identifier corresponding to another subset of the selected set of items; enabling selection of one of the two additional parts of the item identifiers by the user using the input; combining the selected one of the two parts of the item identifiers with the selected one of the two additional parts of the item identifiers to create a larger part of the item identifiers; and displaying the larger part of the item identifiers on the output display; wherein the additional

parts of the item identifiers are shorter than complete item identifiers; and the first set of items and the second set of items are mutually exclusive of one another.

210. Samsung is therefore liable for direct infringement of the '579 Patent pursuant to 35 U.S.C. § 271(a).

211. As a result of Samsung's unlawful infringement of the '579 Patent, Plaintiff has suffered and will continue to suffer damages in an amount to be proven at trial. Plaintiff is entitled to recover from Samsung the damages adequate to compensate for such infringement, in an amount no less than a reasonable royalty pursuant to 35 U.S.C. § 284, which have yet to be determined. The full measure of damages sustained as a result of Samsung's wrongful acts will be proven at trial.

212. Upon information and belief, Samsung will continue to infringe Plaintiff's exclusive rights under the '579 Patent, and will continue to damage Plaintiff, causing irreparable harm, unless and until it is enjoined by this Court.

213. Plaintiff is entitled to pre-suit damages, and is not barred from pre-suit damages by 35 U.S.C. § 287.

214. Based on Kannuu's extensive disclosure to Samsung Executives in August 2013, Samsung in the very least knew and/or should have have known of the '579 Patent and that its activities infringed the '579 Patent, upon the issuance of the '579 Patent. Despite such knowledge and/or constructive knowledge, Samsung did not cease its infringing activities. Samsung's conduct towards Plaintiff in connection with its deliberate disregard of the '579 Patent was and continues to be egregious. Such conduct is sufficient for a finding of willful infringement.

215. Thus, Samsung's direct infringement of the '579 Patent, which is entitled to statutory presumption of validity of 35 U.S.C. § 282, has been and continues to be deliberate and willful, since the issuance of the '579 Patent, on March 31, 2015.

**COUNT 14: CONTRIBUTORY INFRINGEMENT OF THE '579 PATENT BY DEFENDANTS**

216. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1 through 215 as if fully set forth herein.

217. Samsung is not licensed under the '579 Patent, yet Samsung knowingly, actively, and lucratively contributorily practices the claimed inventions of the '579 Patent.

218. Upon information and belief, Samsung also has been and is currently contributorily infringing, without limitation, at least independent Claims 1 and 12 and dependent Claims 2, 6, 7, 13, 17, and 18 of the '579 Patent under 35 U.S.C § 271(c) through, among other things, the sale, offer for sale and importation into the United States of its Accused TV Products and Accused Player Products, which constitute a material part of the patented inventions of one or more of the claims of the '579 Patent and are not a staple article of commerce suitable for non-infringing uses. Samsung knows or has been willfully blind to the fact that its Accused TV Products and Accused Player Products are especially made or adapted for use in an infringement of one or more of the claims of the '579 Patent and are not a staple article of commerce suitable for non-infringing uses.

219. Upon information and belief, Samsung knows or has been willfully blind to the fact that its Accused TV Products and Accused Player Products are especially made or adapted for use in a direct infringement of one or more of the claims of the '579 Patent and are not a staple article of commerce suitable for non-infringing uses, because Kannuu put Samsung on notice of

the patent application that is the parent of the patent application that issued as the '579 patent in August 2013, including providing Samsung a detailed description of the technology that the family of the '579 Patent covered, as described in paragraphs 26-70 above.

220. Samsung and, upon information belief, millions of end users are directly infringing independent Claims 1 and 12 and dependent Claims 2, 6, 7, 13, 17, and 18 of the '579 Patent in the United States and its territories, for the reasons set forth in paragraphs 206-209 above.

221. Samsung is therefore liable for contributory infringement of the '579 Patent pursuant to 35 U.S.C. § 271(c).

222. As a result of Samsung's unlawful contributory infringement of the '579 Patent, Plaintiff has suffered and will continue to suffer damages in an amount to be proven at trial. Plaintiff is entitled to recover from Samsung the damages adequate to compensate for such infringement, in an amount no less than a reasonable royalty pursuant to 35 U.S.C. § 284, which have yet to be determined. The full measure of damages sustained as a result of Samsung's wrongful acts will be proven at trial.

223. Upon information and belief, Samsung will continue to contributorily infringe Plaintiff's exclusive rights under the '579 Patent, and will continue to damage Plaintiff, causing irreparable harm, unless and until it is enjoined by this Court.

224. Plaintiff is entitled to pre-suit damages, and is not barred from pre-suit damages by 35 U.S.C. § 287.

225. Based on Kannuu's extensive disclosure to Samsung Executives in August 2013, Samsung in the very least knew and/or should have have known of the '579 Patent and the likelihood that its activities infringed the '579 Patent, upon the issuance of the '579 Patent. Despite such knowledge and/or constructive knowledge, Samsung did not cease its infringing

activities. Samsung's conduct towards Plaintiff in connection with its deliberate disregard of the '579 Patent was and continues to be egregious. Such conduct is sufficient for a finding of willful infringement.

226. Thus, Samsung's contributory infringement of the '264 Patent, which is entitled to statutory presumption of validity of 35 U.S.C. § 282, has been and continues to be deliberate and willful, since the issuance of the '579 Patent, on March 31, 2015.

#### **COUNT 15: INDUCED INFRINGEMENT OF THE '579 PATENT BY DEFENDANTS**

227. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1 through 226 as if fully set forth herein.

228. Upon information and belief, Samsung has induced infringement, literally or under the doctrine of equivalents, of one or more claims of the '579 Patent by its intentionally marketing of and encouraging the use of the Accused TV Products and Accused Player Products by end users so as to directly infringe one or more claims of the '579 Patent. For example, upon information and belief, Samsung marketing staff intentionally instructed end users at trade shows how to perform the steps claimed in at least one or more claims of the '579 Patent. Furthermore, upon information and belief, Samsung instructs end users on how to perform the claimed method in its user manuals. For example, the User Manual ("E-Manual") for the Samsung Blu-ray DVD Player Model BD-H8500 and similar models includes two pages of information on "Using the Keyboard Pop-Up." Specifically, the User Manual instructs users on how to activate the keyboard pop-up, how to use the remote control to select "a letter or number," how to enter that letter or number, how to delete characters, and how to finish a selection. In addition to other information regarding using the keyboard pop-up, the User Manual notes, "Predict Next Letter :

The keyboard predicts the next letter as you enter letters. The predictions appear in a ring around the letter you have just entered. You can select a predicted letter or move to another letter. You can turn this function On or Off.”

229. Upon information and belief, Samsung knows or has been willfully blind to the fact that its marketing of and encouraging the use of its Accused TV Products and Accused Player Products by end-users to perform the steps claimed in at least one or more claims of the ‘579 Patent constitutes the direct infringement of the ‘579 Patent, because Kannuu put Samsung on notice in August 2013 of the patent application that was a parent of the application that issued as the ‘579 Patent, including providing Samsung a detailed description of the technology that the family of the ‘579 Patent covered, as described in paragraphs 26-70 above.

230. Samsung and, upon information belief, millions of end users are directly infringing independent Claims 1 and 12 and dependent Claims 2, 6, 7, 13, 17, and 18 of the ‘579 Patent in the United States and its territories, for the reasons set forth in paragraphs 206-209 above.

231. Samsung is therefore liable for inducement of infringement of the ‘579 Patent pursuant to 35 U.S.C. § 271(b).

232. As a result of Samsung’s unlawful inducement of infringement of the ‘579 Patent, Plaintiff has suffered and will continue to suffer damages in an amount to be proven at trial. Plaintiff is entitled to recover from Samsung the damages adequate to compensate for such infringement, in an amount no less than a reasonable royalty pursuant to 35 U.S.C. § 284, which have yet to be determined. The full measure of damages sustained as a result of Samsung’s wrongful acts will be proven at trial.

233. Upon information and belief, Samsung will continue to induce infringement of Plaintiff's exclusive rights under the '579 Patent, and will continue to damage Plaintiff, causing irreparable harm, unless and until it is enjoined by this Court.

234. Plaintiff is entitled to pre-suit damages, and is not barred from pre-suit damages by 35 U.S.C. § 287.

235. Based on Kannuu's extensive disclosure to Samsung Executives in August 2013, Samsung in the very least knew and/or should have have known of the '579 Patent and the likelihood that its activities infringed the '579 Patent, upon the issuance of the '579 Patent. Despite such knowledge and/or constructive knowledge, Samsung did not cease its infringing activities. Samsung's conduct towards Plaintiff in connection with its deliberate disregard of the '579 Patent was and continues to be egregious. Such conduct is sufficient for a finding of willful infringement.

236. Thus, Samsung's induced infringement of the '579 Patent, which is entitled to statutory presumption of validity of 35 U.S.C. § 282, has been and continues to be deliberate and willful, since the issuance of the '579 Patent, on July 4, 2017.

**COUNT 16: BREACH OF THE MUTUAL NON-DISCLOSURE AGREEMENT BY SAMSUNG ELECTRONICS AMERICA AND SAMSUNG ELECTRONICS KOREA**

237. Kannuu incorporates and reasserts the allegations from all previous paragraphs of this First Amended Complaint.

238. The Mutual Non-Diclosure Agreement between Kannuu and Samsung Electronics America, on behalf of itself its affiliates, which includes Samsung Electronics Korea, was validly



formed and entered into by the parties with sufficient consideration. There are no defenses to the formation of the Mutual Non-Disclosure Agreement and it is enforceable by Kannuu.

239. Under Paragraph 3 of the Mutual Non-Disclosure Agreement, the parties agreed for a period of five (5) years from the date of disclosure they will “(i) hold the Confidential Information disclosed by the other party in confidence, (ii) not disclose such Confidential Information to any one other than the Representatives (as defined below) of the recipient, and (iii) not use such Confidential Information for any purpose except for the Business Purpose.” The “Business Purpose” is defined narrowly as “to further a business relationship between the parties.”

240. The parties further agreed that “[e]ach party shall protect and prevent the unauthorized use, dissemination, or publication of the Confidential Information disclosed by the other party using the same degree of care it would use in protecting its own confidential information” and “[e]ach party shall remain liable for any breach of this Agreement by its Affiliates or Representatives.”

241. In the course of discussions between the parties under the Mutual Non-Disclosure Agreement, Kannuu disclosed Confidential Information to Samsung regarding Kannuu’s proprietary navigation and search technology. Additionally, Samsung Electronics America and/or Samsung Electronics Korea, an “Affiliate” under the Mutual Non-Disclosure Agreement, accessed information provided by Kannuu. As described in paragraph 55, after Samsung Electronics Korea informed Kannuu that it “concluded that . . . [it was] going to stop reviewing the integration opportunities” with Kannuu, Samsung in fact continued to access Kannuu’s proprietary technology, including interacting with the proof-of-concept build made specifically

by Kannuu for Samsung Electronics America's and Samsung Electronics Korea's evaluation over 2,500 times on July 8, 2013.

242. Upon information and belief, Samsung Electronics America and Samsung Electronics Korea have materially breached Paragraph 3 of the Mutual Non-Disclosure Agreement by Samsung's unauthorized access of Confidential Information disclosed by Kannuu under the Mutual Non-Disclosure Agreement, because such access was for a purpose outside the scope of the Business Purpose of the Mutual Non-Disclosure Agreement.

243. Upon information and belief, Kannuu has been and continues to be damaged as a result of Samsung Electronics America's and Samsung Electronics Korea's material breach of Paragraph 3 of the Mutual Non-Disclosure Agreement, including but not limited to monetary damages in the form of lost royalties and business opportunities due to Samsung Electronics America's and Samsung Electronics Korea's unauthorized use of Kannuu's Confidential Information.

244. The harm to Kannuu is and was the direct, proximate, and foreseeable result of Samsung Electronics America's and Samsung Electronics Korea's contractual breaches, for which Kannuu is entitled to all remedies available under the agreements and the law, including, but not limited to specific performance, an injunction, and damages, including consequential damages to the extent allowed in the law.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment and respectfully requests that this Court enter judgment in its favor and that the Court grant Plaintiff the relief as follows:

- A. Judgment that Defendants have directly infringed and continue to directly infringe one or more claims of the '393 Patent, literally or under the doctrine of equivalents or both;
- B. Judgment that Defendants have contributorily infringed and continue to contributorily infringe one or more claims of the '393 Patent, literally or under the doctrine of equivalents or both;
- C. Judgment that Defendants have induced infringement and continue to induce infringement one or more claims of the '393 Patent, literally or under the doctrine of equivalents or both;
- D. Judgment that such direct, contributory, and induced infringement of the '393 Patent has been willful;
- E. Judgment that the '393 Patent is neither invalid nor unenforceable;
- F. Judgment that Defendants have directly infringed and continue to directly infringe one or more claims of the '852 Patent, literally or under the doctrine of equivalents or both;
- G. Judgment that Defendants have contributorily infringed and continue to contributorily infringe one or more claims of the '852 Patent, literally or under the doctrine of equivalents or both;
- H. Judgment that Defendants have induced infringement and continue to induce infringement one or more claims of the '852 Patent, literally or under the doctrine of equivalents or both;
- I. Judgment that such direct, contributory, and induced infringement of the '852 Patent has been willful;

- J. Judgment that the '852 Patent is neither invalid nor unenforceable;
- K. Judgment that Defendants have directly infringed and continue to directly infringe one or more claims of the '354 Patent, literally or under the doctrine of equivalents or both;
- L. Judgment that Defendants have contributorily infringed and continue to contributorily infringe one or more claims of the '354 Patent, literally or under the doctrine of equivalents or both;
- M. Judgment that Defendants have induced infringement and continue to induce infringement one or more claims of the '354 Patent, literally or under the doctrine of equivalents or both;
- N. Judgment that such direct, contributory, and induced infringement of the '354 Patent has been willful;
- O. Judgment that the '354 Patent is neither invalid nor unenforceable;
- P. Judgment that Defendants have directly infringed and continue to directly infringe one or more claims of the '264 Patent, literally or under the doctrine of equivalents or both;
- Q. Judgment that Defendants have contributorily infringed and continue to contributorily infringe one or more claims of the '264 Patent, literally or under the doctrine of equivalents or both;
- R. Judgment that Defendants have induced infringement and continue to induce infringement one or more claims of the '264 Patent, literally or under the doctrine of equivalents or both;

- S. Judgment that such direct, contributory, and induced infringement of the '264 Patent has been willful;
- T. Judgment that the '264 Patent is neither invalid nor unenforceable;
- U. Judgment that Defendants have directly infringed and continue to directly infringe one or more claims of the '579 Patent, literally or under the doctrine of equivalents or both;
- V. Judgment that Defendants have contributorily infringed and continue to contributorily infringe one or more claims of the '579 Patent, literally or under the doctrine of equivalents or both;
- W. Judgment that Defendants have induced infringement and continue to induce infringement one or more claims of the '579 Patent, literally or under the doctrine of equivalents or both;
- X. Judgment that such direct, contributory, and induced infringement of the '579 Patent has been willful;
- Y. Judgment that the '579 Patent is neither invalid nor unenforceable;
- Z. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents and all others acting in active concert therewith from infringement of the '393 Patent, the '852 Patent, the '354 Patent, the '579 Patent, and the '264 Patent;
- AA. Award to Plaintiff of the damages to which it is entitled under 35 U.S.C. § 284 for Defendants' past infringement and any continuing or future infringement, including compensatory damages.

BB. Award to Plaintiff enhanced damages due to the willful nature of the infringement of the '393 Patent, '852 Patent, the '354 Patent, the '579 Patent, and the '264 Patent;

CC. Judgment that this case is exceptional pursuant to 35 U.S.C § 285 and awarding Plaintiff its attorneys' fees and costs;

DD. An injunction permanently prohibiting Samsung Electronics America, Samsung Electronics Korea, and Samsung Electronics America's other affiliates from making, offering for sale, and/or selling products that incorporate Kannuu's confidential information.

EE. Damages adequate to compensate Kannuu for Samsung Electronics America's and Samsung Electronics Korea's breach of the Mutual Non-Disclosure Agreement;

FF. Award to Plaintiff its attorneys' fees incurred in connection with this action under Paragraph 15 of the Mutual Non-Disclosure Agreement;

GG. Award to Plaintiff all the costs and expenses in this action;

HH. Award to Plaintiff pre- and post-judgment interest on its damages; and

II. Award to Plaintiff such other and further relief in law or in equity as this Court deems just and proper.

### **JURY DEMAND**

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any and all issues to be triable by right.

Respectfully submitted,

Dated:  
October 1, 2019

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