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

VB ASSETS, LLC, Plaintiff, v. SAMSUNG ELECTRONICS CO., LTD. and SAMSUNG ELECTRONICS AMERICA, INC, Defendants.	C.A. No. 2:24-cv-828

SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG ELECTRONICS AMERICA, INC.'S ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS

Defendants Samsung Electronics Co., Ltd. ("SEC") and Samsung Electronics America, Inc. ("SEA") (collectively, "Samsung") submit their Answer, Affirmative Defenses, and Counterclaims in response to the Complaint filed by Plaintiff VB Assets, LLC ("VoiceBox") (Dkt. No. 1). Except as specifically admitted, Samsung denies the allegations in the Complaint—including, without limitation, the headings, subheadings, footnotes, and images to the extent they contain any allegations, implicit or direct. Samsung further denies that any quotation or characterization of articles, documents, press releases, videos, or otherwise is accurate. Samsung's investigation of the allegations in the Complaint is ongoing. Samsung expressly reserves the right to amend and/or supplement this Answer.

ANSWER TO SPECIFIC ALLEGATIONS

1. Samsung denies that the United States Patent and Trademark Office ("USPTO") duly and legally issued U.S. Patent Nos. 8,073,681 (the "'681 patent"), 8,515,765 (the "'765 patent"), 10,510,341 (the "'341 patent"), 10,755,699 (the "'699 patent"), 7,818,176 (the "'176

patent"), and 8,886,536 (the "'536 patent") (together, the "Patents-in-Suit"). Samsung is without sufficient information to form a belief as to the truth of the relationship between Plaintiff VB Assets LLC, VoiceBox Technologies Corporation, and VoiceBox Technologies, Inc. The remainder of paragraph 1 contains opinions and characterizations to which no response is required. To the extent a response is required, Samsung denies the remaining allegations of paragraph 1.

2. Paragraph 2 contains opinions and characterizations to which no response is required. Discovery will speak for itself. Samsung denies that it has committed acts of infringement, whether willfully or otherwise, or that it has committed any act, directly or indirectly, that would give rise to any cause of action under the Complaint. Samsung denies all remaining allegations in paragraph 2.[1]

3. Paragraph 3 contains opinions and characterizations to which no response is required. Samsung denies that it has committed acts of infringement, whether willfully or otherwise, or that it has committed any act, directly or indirectly, that would give rise to any cause of action under the Complaint. Samsung further denies that VoiceBox is entitled to any monetary damages. To the extent a response is required, Samsung denies the allegations in paragraph 3.

THE PARTIES

4. Paragraph 4 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung is without sufficient information to form a belief as to the truth of the allegations of paragraph 4 and therefore denies them.

5. Samsung admits that SEC is a corporation organized and existing under the laws of the Republic of Korea, with its principal place of business at 129 Samsung-Ro Yeongtong-gu,

[1] Samsung denies that all the products listed in footnote 1 of paragraph 2 employ "Bixby 2.0" technology and that Samsung employs the same versions of Bixby 2.0 technology across Samsung's products.

Gyeonggi-do, Republic of Korea. Samsung admits, for purposes of this action only, that SEC may be served pursuant to Fed. R. Civ. P. 4(f)(1).

6. Samsung admits that SEC designs, manufactures, and sells consumer electronic products. Samsung denies the remaining allegations of paragraph 6.

7. Samsung admits that SEA is a corporation organized under the laws of the State of New York, with its principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660. Samsung admits that SEA is a wholly-owned subsidiary of SEC.

8. Samsung admits that SEA has been registered to do business in the State of Texas since June 10, 1996. Samsung admits that SEA's registered agent is CT Corporation System, located at 1999 Bryan Street, Suite 900, Dallas, Texas 75201. Samsung admits, for purposes of this action only, that SEA may be served in Texas via its registered agent.

9. Samsung admits that SEA oversees domestic sales and distribution of Samsung's consumer electronics products. Samsung denies the remaining allegations of paragraph 9 and specifically denies that Samsung products infringe VoiceBox's patents.

10. To the extent paragraph 10 states a legal conclusion, no response is required. Samsung admits that SEA is a wholly-owned subsidiary of SEC. Samsung denies the remaining allegations of paragraph 10 and specifically denies that Samsung products infringe VoiceBox's patents.

11. Samsung admits that SEA has a facility located at 6625 Excellence Way, Plano, Texas 75023. Samsung admits that there is a Samsung Experience Store at 2601 Preston Road, Frisco, Texas 75034. Samsung denies the remaining allegations of paragraph 11.

12. Samsung admits that some SEA employees are located in the Eastern District of Texas.

13. Samsung admits that it sells and offers products for sale at the Samsung Experience Store at 2601 Preston Road, Frisco, Texas. To the extent the allegations set forth in paragraph 13 purport to summarize or characterize the contents of the website, www.samsung.com/us/, the website speaks for itself.

14. Samsung admits that it sells and offers products for sale through authorized dealers in the State of Texas and the Eastern District of Texas. Samsung denies the remaining allegations of paragraph 14.

JURISDICTION AND VENUE

15. Samsung admits that the Complaint purports to be an action for patent infringement, which arises under the Patent Laws of the United States.

16. Samsung admits, for purposes of this action only, that the Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) because the Complaint purports to be an action for patent infringement, which arises under the Patent Laws of the United States.

17. Paragraph 17 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung does not contest, for purposes of this action only, whether personal jurisdiction properly lies in the Eastern District of Texas. Samsung denies that it has committed acts of infringement in the Eastern District of Texas or elsewhere, or that is has committed any act, directly or indirectly, that would give rise to any cause of action under the Complaint. Samsung denies the remaining allegations of paragraph 17.

18. Paragraph 18 states legal conclusions to which no response is required. To the extent a response is required, Samsung denies the allegations in paragraph 18.

19. Paragraph 19 states legal conclusions to which no response is required. To the extent a response is required, Samsung denies that it has committed any acts of infringement of

the VoiceBox patents.

20. Paragraph 20 states legal conclusions to which no response is required. To the extent a response is required, Samsung does not contest, for purposes of this action only, that personal jurisdiction properly lies in the Eastern District of Texas.

21. Paragraph 21 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung does not contest, for purposes of this action only, that personal jurisdiction properly lies in the Eastern District of Texas. Samsung denies the remaining allegations of paragraph 21 and specifically denies that it has committed acts of infringement in the Eastern District of Texas or elsewhere.

22. Paragraph 22 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung does not contest, for purposes of this action only, that personal jurisdiction properly lies in the Eastern District of Texas. Samsung admits that certain of its products are sold in the Eastern District of Texas, but Samsung denies the remaining allegations of paragraph 22 and specifically denies that it has committed acts of infringement in the Eastern District of Texas or elsewhere.

23. Paragraph 23 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung does not contest, for purposes of this action only, that personal jurisdiction properly lies in the Eastern District of Texas.

24. Paragraph 24 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung does not contest, for purposes of this action only, that personal jurisdiction properly lies in the Eastern District of Texas. Samsung admits that certain of its products are sold in the Eastern District of Texas.

25. Paragraph 25 sets forth legal conclusions, to which no response is required. To the

extent a response is required, Samsung does not contest, for purposes of this action only, that venue is proper in the Eastern District of Texas.

26. Samsung admits that SEA has a facility located at 6625 Excellence Way, Plano, Texas 75023. Samsung denies the remaining allegations of paragraph 26 and specifically denies that it has committed acts of infringement in the Eastern District of Texas or elsewhere.

27. Paragraph 27 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung does not contest, for purposes of this action only, that venue is proper in the Eastern District of Texas.

BACKGROUND

28. Samsung is without knowledge or sufficient information to form a belief as to the truth of the allegations in paragraph 28 and therefore denies them.

29. To the extent the allegations set forth in the footnote accompanying paragraph 29 purport to summarize or characterize the contents of the cited website located at https://www.youtube.com/watch?v=DDcRyPnvWhw, the website speaks for itself. VoiceBox did not include complete dated copies of this dynamic website with its Complaint, so to the extent VoiceBox is attempting to assert that certain information appeared on this website in 2005, Samsung is without knowledge or sufficient information to form a belief as to the truth of the allegations and therefore denies them. VoiceBox also does not identify the source of the image labeled "Figure 1" copied below paragraph 29. Samsung is without knowledge or information sufficient to form a belief as to the truth of such allegations and therefore denies them. Samsung is without knowledge or sufficient information to form a belief as to the truth of the remaining allegations in paragraph 29 and therefore denies them.

30. VoiceBox does not cite any support for the allegations in paragraph 30. Samsung

is without knowledge or sufficient information to form a belief as to the truth of the allegations in paragraph 30 and therefore denies them. The remainder of paragraph 30 contains opinions and characterizations to which no response is required. To the extent a response is required, Samsung denies the allegations in paragraph 30.

31. VoiceBox does not cite any support for the allegations in paragraph 31 and does not identify the source of the image labeled "Figure 2" copied below paragraph 31. Samsung is without knowledge or sufficient information to form a belief as to the truth of the allegations in paragraph 31 and therefore denies them.

32. VoiceBox does not cite any support for the allegations in paragraph 32 and does not identify the source of the images labeled "Figure 3" and "Figure 4" copied below paragraph 32. Samsung is without knowledge or sufficient information to form a belief as to the truth of the allegations in paragraph 32 and therefore denies them.

33. Samsung is without knowledge or sufficient information to form a belief as to the truth of the factual allegations in paragraph 33 and therefore denies them. The remainder of paragraph 33 contains opinions and characterizations to which no response is required. To the extent a response is required, Samsung denies the allegations in paragraph 33.

34. To the extent the allegations set forth in paragraph 34 purport to summarize or characterize the contents of the websites located at https://web.archive.org/web/20210925234339/https://spectrum.ieee.org/patent-power-2013 and https://www.databricks.com/company/newsroom/press-releases/voicebox-accelerates-voice-recognition-innovations-with-databricks-unified-analytics-platform, the websites are not authenticated and otherwise speak for themselves. Samsung denies the remaining allegations of paragraph 34.

35. VoiceBox does not cite any support for the allegations in paragraph 35 and does not identify the source of the image copied below paragraph 35. Samsung is without knowledge or sufficient information to form a belief as to the truth of the image or the other allegations in paragraph 35 and therefore denies them.

36. Samsung admits that SEC and VoiceBox Technologies have engaged in business discussions. The remainder of paragraph 36 contains opinions and characterizations to which no response is required. To the extent a response is required, Samsung denies the remaining allegations in paragraph 36.

37. Samsung admits that, based on its investigation to date, SEC executed an agreement with VoiceBox Technologies in or around July 2013. To the extent the allegations set forth in paragraph 37 purport to summarize or characterize the contents of a press release authored by VoiceBox Technologies or the website located at https://www.prnewswire.com/news-releases/voicebox-provides-natural-language-understanding-technology-for-samsung-mobile-devices-300221995.html, the website speaks for itself. The remainder of paragraph 37 contains opinions and characterizations to which no response is required. To the extent a response is required, Samsung denies the remaining allegations in paragraph 37.

38. Samsung admits that SEC and VoiceBox Technologies have engaged in business discussions. The remainder of paragraph 38 contains opinions and characterizations to which no response is required. Except as expressly admitted, and to the extent a further response is required, Samsung denies the allegations in paragraph 38.

39. VoiceBox does not cite any support for the allegations in paragraph 39. Samsung is without knowledge or sufficient information to form a belief as to the truth of the allegations in paragraph 39 and therefore denies them.

40. Samsung admits that certain technology that VoiceBox Technologies licensed to Samsung was used in S Voice, and S Voice was available on the Samsung Galaxy Note 7. To the extent the allegations set forth in paragraph 40 purport to summarize or characterize the contents of the websites located at https://pages.samsung.com/us/note7/recall/index.jsp, https://reuters.com/article/us-samsung-elec-smartphones-idUSKCN12A2JH/, and https://www.geekwire.com/2017/samsung-partner-voicebox-technologies-maks-major-job-cuts-note-7-discontinuation/, the websites speak for themselves. The remainder of paragraph 40 contains opinions and characterizations to which no response is required. To the extent a response is required, Samsung denies the remaining allegations in paragraph 40.

41. To the extent the allegations set forth in paragraph 41 purport to summarize or characterize the contents of the websites located at https://news.samsung.com/us/bixby-2-next-paradigm-shift-in-devices/, https://www.theverge.com/2018/8/9/17670654/samsung-galaxy-note-9-bixby-2-assistant-features-uber-unpacked-event-2018, and https://www.samsung.com/in/support/mobile-devices/galaxy-note9-what-is-bixby-20-and-how-does-it-differ-from-bixby-10/, the websites speak for themselves. Samsung denies the remaining allegations in paragraph 41 and specifically denies that Samsung products infringe VoiceBox's patents or that Samsung willfully infringed VoiceBox's patents.

42. Samsung admits that VoiceBox Technologies contacted Samsung regarding certain patents in VoiceBox Technologies' patent portfolio. Samsung admits that a version of Bixby 2.0 was used in the Note 9, and Samsung released the Note 9 around August 9, 2018. Samsung denies the remaining allegations in paragraph 42 and specifically denies that Samsung products infringe the VoiceBox patents.

43. Samsung denies the allegations in paragraph 43.

44. Samsung admits that, on its face, the ’681 patent is titled “SYSTEM AND METHOD FOR A COOPERATIVE CONVERSATIONAL VOICE USER INTERFACE,” and states that it issued December 6, 2011, to Larry Baldwin, Tom Freeman, Michael Tjalve, Blane Ebersold, and Chris Welder. Samsung admits that Exhibit A to the Complaint purports to be a copy of the ’681 patent. Samsung denies the remaining allegations of paragraph 44.

45. Samsung admits that paragraph 45 purports to summarize or characterize claim 25 of Exhibit A, which speaks for itself. To the extent paragraph 45 sets forth legal conclusions, no response is required. To the extent a response is required, Samsung denies the allegations.

46. Paragraph 46 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations.

47. Samsung admits that, on its face, the ’765 patent is titled “SYSTEM AND METHOD FOR A COOPERATIVE CONVERSATIONAL VOICE USER INTERFACE,” and states that it issued August 20, 2013, to Larry Baldwin, Tom Freeman, Michael Tjalve, Blane Ebersold, and Chris Welder. Samsung admits that Exhibit B to the Complaint purports to be a copy of the ’765 patent. Samsung denies the remaining allegations of paragraph 47.

48. Samsung admits that paragraph 48 purports to summarize or characterize claim 10 of Exhibit B, which speaks for itself. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 48 and therefore denies them.

49. Paragraph 49 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations.

50. Samsung admits that, on its face, the ’341 patent is titled “SYSTEM AND METHOD FOR A COOPERATIVE CONVERSATIONAL VOICE USER INTERFACE,” and states that it issued December 17, 2019, to Larry Baldwin, Tom Freeman, Michael Tjalve, Blane

Ebersold, and Chris Welder. Samsung admits that Exhibit C to the Complaint purports to be a copy of the ’341 patent. Samsung denies the remaining allegations of paragraph 50.

51. Samsung admits that paragraph 51 purports to summarize or characterize claim 10 of Exhibit C, which speaks for itself. To the extent the allegations of paragraph 51 of the Complaint set forth legal conclusions, no response is required. To the extent a response is required, Samsung denies the allegations.

52. Paragraph 52 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations.

53. Samsung admits that, on its face, the ’699 patent is titled “SYSTEM AND METHOD FOR A COOPERATIVE CONVERSATIONAL VOICE USER INTERFACE,” and issued to Larry Baldwin, Tom Freeman, Michael Tjalve, Blane Ebersold, and Chris Welder. Samsung admits that Exhibit D to the Complaint purports to be a copy of the ’699 patent. Samsung denies the remaining allegations of paragraph 53.

54. Samsung admits that paragraph 54 purports to summarize or characterize claim 12 of Exhibit D, which speaks for itself. To the extent the allegations of paragraph 54 of the Complaint set forth legal conclusions, no response is required. To the extent a response is required, Samsung denies the allegations.

55. Paragraph 55 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations.

56. Samsung admits that, on its face, the ’176 patent is titled “SYSTEM AND METHOD FOR SELECTING AND PRESENTING ADVERTISEMENTS BASED ON NATURAL LANGUAGE PROCESSING OF VOICE-BASED INPUT,” and states that it issued October 19, 2010, to Tom Freeman and Mike Kennewick. Samsung admits that Exhibit E to the

Complaint purports to be a copy of the ’176 patent. Samsung denies the remaining allegations of paragraph 56.

57. Samsung admits that paragraph 57 purports to summarize or characterize claim 27 of Exhibit E, which speaks for itself. To the extent the allegations of paragraph 57 of the Complaint set forth legal conclusions, no response is required. To the extent a response is required, Samsung denies the allegations.

58. Paragraph 58 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations.

59. Samsung admits that, on its face, the ’536 patent is titled “SYSTEM AND METHOD FOR DELIVERING TARGETED ADVERTISEMENTS AND TRACKING ADVERTISEMENT INTERACTIONS IN VOICE RECOGNITION CONTEXTS,” and states that it issued November 11, 2014, to Tom Freeman and Mike Kennwick [sic]. Samsung admits that Exhibit F to the Complaint purports to be a copy of the ’536 patent. Samsung denies the remaining allegations of paragraph 59.

60. Samsung admits that paragraph 60 purports to summarize or characterize claim 38 of Exhibit F, which speaks for itself. To the extent the allegations of paragraph 60 of the Complaint set forth legal conclusions, no response is required. To the extent a response is required, Samsung denies the allegations.

61. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 61 and therefore denies them.

COUNT 1: [ALLEGED] INFRINGEMENT OF THE ’681 PATENT

62. Samsung realleges and incorporates its responses to the allegations of paragraphs 1 through 61 set forth above as if fully set forth therein.

63. Samsung admits that Exhibit G to the Complaint purports to be VoiceBox's claim chart for claim 25 of the '681 patent. Samsung denies that it has infringed any claim of the '681 patent and denies all remaining allegations in paragraph 63.

64. Samsung admits that SEC and VoiceBox Technologies have engaged in business discussions. Samsung admits that, on its face, VoiceBox Technologies, Inc. was the assignee of the '681 patent. Samsung admits that it announced a version of Bixby 2.0 on October 18, 2017. Paragraph 64 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations. Samsung denies any remaining allegations in paragraph 64.

65. Samsung admits that the '681 patent was referenced during prosecution of U.S. Patent No. 10,891,968, which is assigned to Samsung. Paragraph 65 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations. Samsung denies any remaining allegations in paragraph 65.

66. Paragraph 66 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations.

67. Samsung admits that it has sold products containing versions of Bixby 2.0 technology. Otherwise, paragraph 67 states legal conclusions to which no response is required. To the extent a response is required, Samsung denies the remaining allegations.

68. Samsung admits that it has sold products containing versions of Bixby 2.0 technology. Otherwise, paragraph 68 states legal conclusions to which no response is required. To the extent a response is required, Samsung denies the allegations.

69. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 69 and therefore denies them.

70. Samsung denies the allegations of paragraph 70.

71. Samsung denies the allegations of paragraph 71.

72. Samsung denies the allegations of paragraph 72.

COUNT 2: [ALLEGED] INFRINGEMENT OF THE ’765 PATENT

73. Samsung realleges and incorporates its responses to the allegations of paragraphs 1 through 72 set forth above as if fully set forth therein.

74. Samsung admits that Exhibit H to the Complaint purports to be VoiceBox’s claim chart for claim 10 of the ’765 patent. Samsung denies that it has infringed any claim of the ’765 patent and denies all remaining allegations in paragraph 74.

75. Samsung admits that, on its face, the ’765 patent purports to have issued on August 20, 2013, and purports to be a continuation of application No. 11/580,926, which issued as the ’681 patent. Samsung admits that SEC and VoiceBox Technologies have engaged in business discussions. Samsung admits that it announced a version of Bixby 2.0 on October 18, 2017. Paragraph 75 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations. Samsung denies any remaining allegations in paragraph 75.

76. Samsung admits that the ’681 patent was referenced during prosecution of U.S. Patent No. 10,891,968, which is assigned to Samsung. Paragraph 76 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations. Samsung denies any remaining allegations in paragraph 76.

77. Paragraph 77 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations.

78. Samsung admits that it has sold products containing versions of Bixby 2.0

technology. Paragraph 78 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations. Samsung denies any remaining allegations in paragraph 78.

79. Samsung admits that it has sold products containing versions of Bixby 2.0 technology. Paragraph 79 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations. Samsung denies any remaining allegations in paragraph 79.

80. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 80 and therefore denies them.

81. Samsung denies the allegations of paragraph 81.

82. Samsung denies the allegations of paragraph 82.

83. Samsung denies the allegations of paragraph 83.

COUNT 3: [ALLEGED] INFRINGEMENT OF THE ’341 PATENT

84. Samsung realleges and incorporates its responses to the allegations of paragraphs 1 through 83 set forth above as if fully set forth therein.

85. Samsung admits that Exhibit I to the Complaint purports to be VoiceBox’s claim chart for claim 10 of the ’341 patent. Samsung denies that it has infringed any claim of the ’341 patent and denies all remaining allegations in paragraph 85.

86. Samsung admits that, on its face, the ’341 patent purports to have issued on December 19, 2019, and claims priority to application No. 11/580,926, which issued as the ’681 patent. Samsung admits that SEC and VoiceBox Technologies have engaged in business discussions. Samsung admits that the ’681 patent was referenced during prosecution of U.S. Patent No. 10,891,968, which is assigned to Samsung. Paragraph 86 sets forth legal conclusions, to which

no response is required. To the extent a response is required, Samsung denies the allegations. Samsung denies any remaining allegations in paragraph 86.

87. Paragraph 87 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations.

88. Samsung admits that it has sold products containing versions of Bixby 2.0 technology. Paragraph 88 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations. Samsung denies any remaining allegations in paragraph 88.

89. Samsung admits that it has sold products containing versions of Bixby 2.0 technology. Paragraph 89 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations. Samsung denies any remaining allegations in paragraph 89.

90. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 90 and therefore denies them.

91. Samsung denies the allegations of paragraph 91.

92. Samsung denies the allegations of paragraph 92.

93. Samsung denies the allegations of paragraph 93.

COUNT 4: [ALLEGED] INFRINGEMENT OF THE ’699 PATENT

94. Samsung realleges and incorporates its responses to the allegations of paragraphs 1 through 93 set forth above as if fully set forth therein.

95. Samsung admits that Exhibit J to the Complaint purports to be VoiceBox’s claim chart for claim 12 of the ’699 patent. Samsung denies that it has infringed any claim of the ’699 patent and denies all remaining allegations in paragraph 95.

96. Samsung admits that, on its face, the ’699 patent purports to have issued on August 25, 2020, and claims priority to application No. 11/580,926, which issued as the ’681 patent. Samsung admits that SEC and VoiceBox Technologies have engaged in business discussions. Samsung admits that the ’681 patent was referenced during prosecution of U.S. Patent No. 10,891,968, which is assigned to Samsung. Paragraph 96 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations. Samsung denies any remaining allegations in paragraph 96.

97. Paragraph 97 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations.

98. Samsung admits that it has sold products containing versions of Bixby 2.0 technology. Paragraph 98 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations. Samsung denies any remaining allegations in paragraph 98.

99. Samsung admits that it has sold products containing versions of Bixby 2.0 technology. Paragraph 99 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations. Samsung denies any remaining allegations in paragraph 99.

100. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 100 and therefore denies them.

101. Samsung denies the allegations of paragraph 101.

102. Samsung denies the allegations of paragraph 102.

103. Samsung denies the allegations of paragraph 103.

COUNT 5: [ALLEGED] INFRINGEMENT OF THE ’176 PATENT

104. Samsung realleges and incorporates its responses to the allegations of paragraphs 1 through 103 set forth above as if fully set forth therein.

105. Samsung admits that Exhibit K to the Complaint purports to be VoiceBox’s claim chart for claim 27 of the ’176 patent. Samsung denies that it has infringed any claim of the ’176 patent and denies all remaining allegations in paragraph 105.

106. Samsung admits that, on its face, the ’176 patent issued on October 19, 2010. Samsung admits that SEC and VoiceBox Technologies have engaged in business discussions. Paragraph 106 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations. Samsung denies any remaining allegations in paragraph 106.

107. Samsung admits that the ’176 patent was referenced during prosecution of U.S. patent application published as US 2008/0256574A1. Samsung admits that it announced a version of Bixby 2.0 on October 18, 2017. Paragraph 107 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations. Samsung denies any remaining allegations in paragraph 107.

108. Paragraph 108 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations.

109. Samsung admits that it has sold products containing versions of Bixby 2.0 technology. Paragraph 109 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations. Samsung denies any remaining allegations in paragraph 109.

110. Samsung admits that it has sold products containing versions of Bixby 2.0

technology. Paragraph 110 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations. Samsung denies any remaining allegations in paragraph 110.

111. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 111 and therefore denies them.

112. Samsung denies the allegations of paragraph 112.

113. Samsung denies the allegations of paragraph 113.

114. Samsung denies the allegations of paragraph 114.

COUNT 6: [ALLEGED] INFRINGEMENT OF THE ’536 PATENT

115. Samsung realleges and incorporates its responses to the allegations of paragraphs 1 through 114 set forth above as if fully set forth therein.

116. Samsung admits that Exhibit L to the Complaint purports to be VoiceBox’s claim chart for claim 38 of the ’536 patent. Samsung denies that it has infringed any claim of the ’536 patent and denies all remaining allegations in paragraph 116.

117. Samsung admits that, on its face, the ’536 patent purports to have issued on November 11, 2014, and claims priority to application No. 11/671,526, which issued as the ’176 patent. Samsung admits that SEC and VoiceBox Technologies have engaged in business discussions. Samsung admits that the ’176 patent was referenced during prosecution of U.S. patent application published as US 2008/0256574A1. Paragraph 117 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations. Samsung denies the remaining allegations in paragraph 117.

118. Samsung denies the allegations of paragraph 118.

119. Samsung admits that it has sold products containing versions of Bixby 2.0

technology. Paragraph 119 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations. Samsung denies any remaining allegations in paragraph 119.

120. Samsung admits that it has sold products containing versions of Bixby 2.0 technology. Paragraph 120 sets forth legal conclusions, to which no response is required. To the extent a response is required, Samsung denies the allegations. Samsung denies any remaining allegations in paragraph 120.

121. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 121 and therefore denies them.

122. Samsung denies the allegations of paragraph 122.

123. Samsung denies the allegations of paragraph 123.

124. Samsung denies the allegations of paragraph 124.

DEMAND FOR A JURY TRIAL

125. Samsung admits that VoiceBox sets forth a demand for a jury trial. Samsung likewise demands a jury trial on all issues so triable raised by VoiceBox's Complaint or by Samsung's Answer, Affirmative Defenses, and Counterclaims.

RESPONSE TO PRAYER FOR RELIEF

126. To the extent a response is required, Samsung denies the underlying allegations of VoiceBox's Prayer for Relief against Samsung, denies that VoiceBox is entitled to any relief whatsoever, and requests that the Court deny all relief to VoiceBox, enter judgment in favor of Samsung, and award Samsung its attorneys' fees as the prevailing party in the action.

* * *

127. To the extent any allegations of the Complaint have not been previously specifically

admitted or denied, Samsung denies them.

AFFIRMATIVE DEFENSES

128. Samsung asserts the following defenses, without assuming the burden of proof on issues as to which VoiceBox bears such burden. Samsung reserves all defenses permitted under the Federal Rules of Civil Procedure, the Patent Laws of the United States, and/or at law or equity, which may now exist or in the future be available based on discovery and further investigation in this case. Assertion of a defense is not a concession that Samsung has the burden of proving the matter asserted.

129. Samsung reserves the right to assert any additional defenses or counterclaims which may not exist or in the future may be available based on discovery and further factual investigation in the case.

FIRST DEFENSE
NON-INFRINGEMENT

130. Samsung does not infringe and has not infringed (directly, contributorily, or by inducement), either literally or under the doctrine of equivalents, and is not liable for infringement of any claim of the Patents-in-Suit.

SECOND DEFENSE
INVALIDITY

131. Each asserted claim of the Patents-in-Suit is invalid for failure to comply with one or more of the requirements of United States Code, Title 35, including without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112, and the rules, regulations, and laws pertaining thereto.

THIRD DEFENSE
LICENSING

132. VoiceBox's claims are barred by the existence of a valid and enforceable license agreement.

FOURTH DEFENSE
PROSECUTION HISTORY ESTOPPEL AND/OR DISCLAIMER

133. VoiceBox's claims are barred by the doctrine of prosecution history estoppel and/or disclaimer based on statements, representations, and admissions made during prosecution of the patent applications resulting in the Patents-in-Suit.

FIFTH DEFENSE
FAILURE TO STATE A CLAIM

134. VoiceBox's Complaint fails to state a claim upon which relief can be granted.

SIXTH DEFENSE
NO WILLFUL INFRINGEMENT

135. VoiceBox's claims for enhanced damages, and an award of fees and costs against Samsung have no basis in fact or law and should be denied.

SEVENTH DEFENSE
NO ATTORNEYS' FEES

136. VoiceBox is not entitled to a finding that this case is exceptional warranting attorneys' fees under 35 U.S.C. § 285, or pursuant to the Court's inherent power.

EIGHTH DEFENSE
LIMITATION ON PATENT DAMAGES

137. VoiceBox's claim for damages against Samsung for alleged infringement of the Patents-in-Suit is limited by 35 U.S.C. §§ 286, 287, and/or 288, and the terms of the parties' agreements.

NINTH DEFENSE
SUBSTANTIAL NON-INFRINGING USES

138. Any and all products or actions accused of infringement have substantial uses that do not infringe and do not induce or contribute to the alleged infringement of the claims of the Patents-in-Suit.

TENTH DEFENSE
EQUITABLE DOCTRINES

139. VoiceBox's claims of patent infringement are barred in whole or in part by the equitable defenses of waiver, estoppel, acquiescence, patent misuse, and/or unclean hands.

ELEVENTH DEFENSE
FAILURE TO MARK

140. VoiceBox's claims for damages prior to the filing of this lawsuit are barred to the extent VoiceBox, its predecessors-in-interest, or licensees failed to comply with the requirements of 35 U.S.C. § 287, including its marking requirements. In particular, VoiceBox fails to identify any facts or allegations that could establish that VoiceBox or its licensees complied with the marking requirements of 35 U.S.C. § 287 for any practicing products, and therefore VoiceBox is not entitled to seek damages any earlier than the date it can establish actual notice for the alleged infringement.

TWELFTH DEFENSE
EXTRATERRITORIALITY

141. VoiceBox's claims for patent infringement are barred in whole or in part to the extent any accused functionality or acts are located or performed outside the United States.

THIRTEENTH DEFENSE
STANDING

142. VoiceBox's claims for patent infringement are barred in whole or in part to the extent VoiceBox lacks standing.

FOURTEENTH DEFENSE:
ENSNAREMENT

143. VoiceBox's claims for patent infringement under the doctrine of equivalents, if any, are barred under the doctrine of ensnarement.

COUNTERCLAIMS

Without admitting any of the allegations of the Complaint other than those expressly admitted herein, and without prejudice to either SEC or SEA's right to plead additional counterclaims as information becomes available, Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, "Samsung") bring these Counterclaims against Plaintiff and Counterclaim-Defendant VB Assets, LLC ("VoiceBox").

BACKGROUND

1. On October 9, 2024, VoiceBox filed its Complaint against Samsung, alleging infringement of the Patents-in-Suit.

2. In its Complaint, VoiceBox alleges that it is the owner of the Patents-in-Suit. Dkt No. 1 ¶ 4.

3. An actual, substantial, and continuing justiciable controversy, within the meaning of 28 U.S.C. §§ 2201 and 2202, exists between VoiceBox and Samsung concerning the alleged validity and infringement of the Patents-in-Suit. This controversy is of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

THE PARTIES

4. Counterclaim-Plaintiff Samsung Electronics Co., Ltd. is a corporation organized and existing under the laws of the Republic of Korea, with its principal place of business at 129 Samsung-Ro Yeongtong-gu, Gyeonggi-do 16677 Suwon-Shi, Republic of Korea.

5. Counterclaim-Plaintiff Samsung Electronics America, Inc. is a New York corporation having its principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660.

6. Upon information and belief, Counterclaim-Defendant VoiceBox is a limited liability company organized and existing under the laws of the State of Delaware and has its

principal place of business at 1229A 120th Avenue NE, Bellevue, WA 98005.

JURISDICTION AND VENUE

7. Samsung's Counterclaims arise under the Patent Laws of the United States, 35 U.S.C. § 1 et seq., and the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq. This Court has subject matter jurisdiction over Samsung's Counterclaims under 28 U.S.C. §§ 1331, 1338, 2201, and 2202. An actual controversy exists under the Declaratory Judgment Act, at least because VoiceBox has asserted and is asserting infringement of U.S. Patent Nos. 8,073,681 (the "'681 patent"), 8,515,765 (the "'765 patent"), 10,510,341 (the "'341 patent"), 10,755,699 (the "'699 patent"), 7,818,176 (the "'176 patent"), and 8,886,536 (the "'536 patent") (together, the "Patents-in-Suit") by Samsung and Samsung denies those allegations.

8. The Court has personal jurisdiction over VoiceBox at least by virtue of VoiceBox's consent to the personal jurisdiction of this Court by filing the Complaint against Samsung in this Court. For the purposes of the Counterclaims set forth herein, and without waiving any defense of lack of venue or improper venue in connection with VoiceBox's Complaint and causes of action, venue is proper in this District at least because VoiceBox has submitted to personal jurisdiction in this Court and has consented to venue by filing its Complaint here.

FIRST COUNT
DECLARATION OF INVALIDITY OF '681 PATENT

9. Samsung realleges and incorporates by reference the allegations set forth in the foregoing paragraphs.

10. Due to VoiceBox's filing of the Complaint, an actual controversy exists between Samsung and VoiceBox as to the validity of the '681 patent. Absent a declaration of invalidity, VoiceBox will continue to wrongfully assert the '681 patent against Samsung, and will continue to cause Samsung injury and damage.

11. The claims of the ’681 patent are invalid, in whole or in part, for failure to meet one or more requirements of Title 35 of the United States Code, including but not limited to §§ 101, 102, 103, and/or 112.

12. Solely by way of example, at least claim 25 in the ’681 patent is invalid pursuant to 35 U.S.C. § 101 as being directed to patent ineligible subject matter. The claim is drawn to an abstract idea without including an inventive concept sufficient to transform the nature of the claim into a patent-eligible application, as the claim invokes a computer merely as a tool and not an improvement to computer capabilities.

13. Under the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., Samsung requests a judicial determination and declaration that the claims of the ’681 patent are invalid.

SECOND COUNT
DECLARATION OF INVALIDITY OF ’765 PATENT

14. Samsung realleges and incorporates by reference the allegations set forth in the foregoing paragraphs.

15. Due to VoiceBox’s filing of the Complaint, an actual controversy exists between Samsung and VoiceBox as to the validity of the ’765 patent. Absent a declaration of invalidity, VoiceBox will continue to wrongfully assert the ’765 patent against Samsung, and will continue to cause Samsung injury and damage.

16. The claims of the ’765 patent are invalid, in whole or in part, for failure to meet one or more requirements of Title 35 of the United States Code, including but not limited to §§ 101, 102, 103, and/or 112.

17. Solely by way of example, at least claim 10 in the ’765 patent is invalid pursuant to 35 U.S.C. § 101 as being directed to patent ineligible subject matter. The claim is drawn to an abstract idea without including an inventive concept sufficient to transform the nature of the claim

into a patent-eligible application, as the claim invokes a computer merely as a tool and not an improvement to computer capabilities.

18. Under the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., Samsung requests a judicial determination and declaration that the claims of the ’765 patent are invalid.

THIRD COUNT
DECLARATION OF INVALIDITY OF ’341 PATENT

19. Samsung realleges and incorporates by reference the allegations set forth in the foregoing paragraphs.

20. Due to VoiceBox’s filing of the Complaint, an actual controversy exists between Samsung and VoiceBox as to the validity of the ’341 patent. Absent a declaration of invalidity, VoiceBox will continue to wrongfully assert the ’341 patent against Samsung, and will continue to cause Samsung injury and damage.

21. The claims of the ’341 patent are invalid, in whole or in part, for failure to meet one or more requirements of Title 35 of the United States Code, including but not limited to §§ 101, 102, 103, and/or 112.

22. Solely by way of example, at least claim 10 in the ’341 patent is invalid pursuant to 35 U.S.C. § 101 as being directed to patent ineligible subject matter. The claim is drawn to an abstract idea without including an inventive concept sufficient to transform the nature of the claim into a patent-eligible application, as the claim invokes a computer merely as a tool and not an improvement to computer capabilities.

23. Under the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., Samsung requests a judicial determination and declaration that the claims of the ’341 patent are invalid.

FOURTH COUNT
DECLARATION OF INVALIDITY OF ’699 PATENT

24. Samsung realleges and incorporates by reference the allegations set forth in the

foregoing paragraphs.

25. Due to VoiceBox's filing of the Complaint, an actual controversy exists between Samsung and VoiceBox as to the validity of the '699 patent. Absent a declaration of invalidity, VoiceBox will continue to wrongfully assert the '699 patent against Samsung, and will continue to cause Samsung injury and damage.

26. The claims of the '699 patent are invalid, in whole or in part, for failure to meet one or more requirements of Title 35 of the United States Code, including but not limited to §§ 101, 102, 103, and/or 112.

27. Solely by way of example, at least claim 12 in the '699 patent is invalid pursuant to 35 U.S.C. § 101 as being directed to patent ineligible subject matter. The claim is drawn to an abstract idea without including an inventive concept sufficient to transform the nature of the claim into a patent-eligible application, as the claim invokes a computer merely as a tool and not an improvement to computer capabilities.

28. Under the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., Samsung requests a judicial determination and declaration that the claims of the '699 patent are invalid.

FIFTH COUNT
DECLARATION OF INVALIDITY OF '176 PATENT

29. Samsung realleges and incorporates by reference the allegations set forth in the foregoing paragraphs.

30. Due to VoiceBox's filing of the Complaint, an actual controversy exists between Samsung and VoiceBox as to the validity of the '176 patent. Absent a declaration of invalidity, VoiceBox will continue to wrongfully assert the '176 patent against Samsung, and will continue to cause Samsung injury and damage.

31. The claims of the '176 patent are invalid, in whole or in part, for failure to meet one

or more requirements of Title 35 of the United States Code, including but not limited to §§ 101, 102, 103, and/or 112.

32. Solely by way of example, at least claim 27 in the ’176 patent is invalid pursuant to 35 U.S.C. § 101 as being directed to patent ineligible subject matter. The claim is drawn to an abstract idea without including an inventive concept sufficient to transform the nature of the claim into a patent-eligible application, as the claim invokes a computer merely as a tool and not an improvement to computer capabilities.

33. Under the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., Samsung requests a judicial determination and declaration that the claims of the ’176 patent are invalid.

SIXTH COUNT
DECLARATION OF INVALIDITY OF ’536 PATENT

34. Samsung realleges and incorporates by reference the allegations set forth in the foregoing paragraphs.

35. Due to VoiceBox’s filing of the Complaint, an actual controversy exists between Samsung and VoiceBox as to the validity of the ’536 patent. Absent a declaration of invalidity, VoiceBox will continue to wrongfully assert the ’536 patent against Samsung, and will continue to cause Samsung injury and damage.

36. The claims of the ’536 patent are invalid, in whole or in part, for failure to meet one or more requirements of Title 35 of the United States Code, including but not limited to §§ 101, 102, 103, and/or 112.

37. Solely by way of example, at least claim 38 in the ’536 patent is invalid pursuant to 35 U.S.C. § 101 as being directed to patent ineligible subject matter. The claim is drawn to an abstract idea without including an inventive concept sufficient to transform the nature of the claim into a patent-eligible application, as the claim invokes a computer merely as a tool and not an

improvement to computer capabilities.

38. Under the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., Samsung requests a judicial determination and declaration that the claims of the ’536 patent are invalid.

SEVENTH COUNT
DECLARATION OF NON-INFRINGEMENT OF ’681 PATENT

39. Samsung realleges and incorporates by reference the allegations set forth in the foregoing paragraphs.

40. On October 9, 2024, VoiceBox filed a Complaint alleging patent infringement against Samsung.

41. VoiceBox’s Complaint alleges that Samsung infringes at least claim 25 of the ’681 patent even though Samsung has not infringed, contributed to the infringement, or induced the infringement of claim 25 or any other claim of the ’681 patent. Samsung denies these claims of infringement.

42. Solely by way of example, the products accused of infringement do not include at least a system comprising a conversational speech engine configured to identify a context associated with an utterance from short-term shared knowledge and long-term shared knowledge.

43. An actual, continuing and justiciable controversy exists between Samsung and VoiceBox as to Samsung’s non-infringement of all claims of the ’681 patent as evidenced by VoiceBox’s Complaint. Absent a declaration of non-infringement, VoiceBox will continue to wrongfully assert the ’681 patent against Samsung, and will continue to cause Samsung injury and damage.

44. Under the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., Samsung requests a judicial determination and declaration that Samsung does not and has not infringed, contributed to the infringement of, or induced infringement of any claim of the ’681 patent either

literally or under the doctrine of equivalents, willfully, or in any other manner.

EIGHTH COUNT
DECLARATION OF NON-INFRINGEMENT OF ’765 PATENT

45. Samsung realleges and incorporates by reference the allegations set forth in the foregoing paragraphs.

46. On October 9, 2024, VoiceBox filed a Complaint alleging patent infringement against Samsung.

47. VoiceBox’s Complaint alleges that Samsung infringes at least claim 10 of the ’765 patent even though Samsung has not infringed, contributed to the infringement, or induced the infringement of claim 10 or any other claim of the ’765 patent. Samsung denies these claims of infringement.

48. Solely by way of example, the products accused of infringement do not include at least a system for providing a voice interface comprising a speech engine configured to determine the conversation type corresponding to the natural language utterance based on whether a user that spoke the natural language utterance has a leader role in an interaction with the voice-enabled device or has a supporter role in the interaction with the voice-enabled device.

49. An actual, continuing and justiciable controversy exists between Samsung and VoiceBox as to Samsung’s non-infringement of all claims of the ’765 patent as evidenced by VoiceBox’s Complaint. Absent a declaration of non-infringement, VoiceBox will continue to wrongfully assert the ’765 patent against Samsung, and will continue to cause Samsung injury and damage.

50. Under the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., Samsung requests a judicial determination and declaration that Samsung does not and has not infringed, contributed to the infringement of, or induced infringement of any claim of the ’765 patent either

literally or under the doctrine of equivalents, willfully, or in any other manner.

NINTH COUNT
DECLARATION OF NON-INFRINGEMENT OF ’341 PATENT

51. Samsung realleges and incorporates by reference the allegations set forth in the foregoing paragraphs.

52. On October 9, 2024, VoiceBox filed a Complaint alleging patent infringement against Samsung.

53. VoiceBox’s Complaint alleges that Samsung infringes at least claim 10 of the ’341 patent even though Samsung has not infringed, contributed to the infringement, or induced the infringement of claim 10 or any other claim of the ’341 patent. Samsung denies these claims of infringement.

54. Solely by way of example, the products accused of infringement do not include at least a system for facilitating natural language system responses utilizing accumulated short-term and long-term knowledge comprising a processor configured to determine a first context for a first natural language utterance based on short-term knowledge and the long-term knowledge.

55. An actual, continuing and justiciable controversy exists between Samsung and VoiceBox as to Samsung’s non-infringement of all claims of the ’341 patent as evidenced by VoiceBox’s Complaint. Absent a declaration of non-infringement, VoiceBox will continue to wrongfully assert the ’341 patent against Samsung, and will continue to cause Samsung injury and damage.

56. Under the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., Samsung requests a judicial determination and declaration that Samsung does not and has not infringed, contributed to the infringement of, or induced infringement of any claim of the ’341 patent either literally or under the doctrine of equivalents, willfully, or in any other manner.

TENTH COUNT
DECLARATION OF NON-INFRINGEMENT OF ’699 PATENT

57. Samsung realleges and incorporates by reference the allegations set forth in the foregoing paragraphs.

58. On October 9, 2024, VoiceBox filed a Complaint alleging patent infringement against Samsung.

59. VoiceBox’s Complaint alleges that Samsung infringes at least claim 12 of the ’699 patent even though Samsung has not infringed, contributed to the infringement, or induced the infringement of claim 12 or any other claim of the ’699 patent. Samsung denies these claims of infringement.

60. Solely by way of example, the products accused of infringement do not include at least a system for generating natural language system responses adapted based on a user’s manner of speaking comprising a processor configured to identify a manner in which the natural language was spoken based on the short-term knowledge and the long-term knowledge.

61. An actual, continuing and justiciable controversy exists between Samsung and VoiceBox as to Samsung’s non-infringement of all claims of the ’699 patent as evidenced by VoiceBox’s Complaint. Absent a declaration of non-infringement, VoiceBox will continue to wrongfully assert the ’699 patent against Samsung, and will continue to cause Samsung injury and damage.

62. Under the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., Samsung requests a judicial determination and declaration that Samsung does not and has not infringed, contributed to the infringement of, or induced infringement of any claim of the ’699 patent either literally or under the doctrine of equivalents, willfully, or in any other manner.

ELEVENTH COUNT
DECLARATION OF NON-INFRINGEMENT OF ’176 PATENT

63. Samsung realleges and incorporates by reference the allegations set forth in the foregoing paragraphs.

64. On October 9, 2024, VoiceBox filed a Complaint alleging patent infringement against Samsung.

65. VoiceBox’s Complaint alleges that Samsung infringes at least claim 27 of the ’176 patent even though Samsung has not infringed, contributed to the infringement, or induced the infringement of claim 27 or any other claim of the ’176 patent. Samsung denies these claims of infringement.

66. Solely by way of example, the products accused of infringement do not include at least a system for selecting and presenting advertisements in response to processing natural language utterances comprising a speech recognition engine configured to map a stream of phonemes contained in the natural language utterance to one or more syllables that are phonemically represented in an acoustic grammar.

67. An actual, continuing and justiciable controversy exists between Samsung and VoiceBox as to Samsung’s non-infringement of all claims of the ’176 patent as evidenced by VoiceBox’s Complaint. Absent a declaration of non-infringement, VoiceBox will continue to wrongfully assert the ’176 patent against Samsung, and will continue to cause Samsung injury and damage.

68. Under the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., Samsung requests a judicial determination and declaration that Samsung does not and has not infringed, contributed to the infringement of, or induced infringement of any claim of the ’176 patent either literally or under the doctrine of equivalents, willfully, or in any other manner.

TWELFTH COUNT
DECLARATION OF NON-INFRINGEMENT OF ’536 PATENT

69. Samsung realleges and incorporates by reference the allegations set forth in the foregoing paragraphs.

70. On October 9, 2024, VoiceBox filed a Complaint alleging patent infringement against Samsung.

71. VoiceBox’s Complaint alleges that Samsung infringes at least claim 38 of the ’536 patent even though Samsung has not infringed, contributed to the infringement, or induced the infringement of claim 38 or any other claim of the ’536 patent. Samsung denies these claims of infringement.

72. Solely by way of example, the products accused of infringement do not include at least a system for providing promotional content related to one or more natural language utterances and/or responses, the system comprising a processor configured to interpret at least one incomplete or ambiguous request based on the interaction.

73. An actual, continuing and justiciable controversy exists between Samsung and VoiceBox as to Samsung’s non-infringement of all claims of the ’536 patent as evidenced by VoiceBox’s Complaint. Absent a declaration of non-infringement, VoiceBox will continue to wrongfully assert the ’536 patent against Samsung, and will continue to cause Samsung injury and damage.

74. Under the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., Samsung requests a judicial determination and declaration that Samsung does not and has not infringed, contributed to the infringement of, or induced infringement of any claim of the ’536 patent either literally or under the doctrine of equivalents, willfully, or in any other manner.

PRAYER FOR RELIEF

For these reasons, Samsung respectfully prays for the following relief:

a. That the Court dismiss VoiceBox's claims in its Complaint against Samsung with prejudice, and enter judgment on the Complaint in favor of Samsung and against VoiceBox;

b. That the Court deny all relief from Samsung requested by VoiceBox in its Complaint;

c. That the Court enter judgment in favor of Samsung and against VoiceBox on Samsung's Counterclaims;

d. That the Court find and enter a declaratory judgment that Samsung does not and has not infringed, contributed to the infringement of, or induced infringement of any claim of the Patents-in-Suit;

e. That the Court find and enter a declaratory judgment that the claims of the Patents-in-Suit are invalid;

f. That the Court grant Samsung all reasonable attorneys' fees, experts' fees, and costs; and

g. That the Court grant Samsung such further relief as the Court deems proper and just.

JURY DEMAND

Samsung hereby demands a trial by jury on all issues properly triable to a jury.

Dated: January 14, 2025

By: */s/ Melissa R. Smith*

Melissa R. Smith
Texas Bar No. 24001351
GILLIAM & SMITH, LLP
303 South Washington Avenue
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257
melissa@gilliamsmithlaw.com

Douglas J. Kline
Srikanth K. Reddy
Brian T. Drummond
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, Massachusetts 02210
Telephone: (617) 570-1000
Facsimile: (617) 523-1231
dkline@goodwinlaw.com
sreddy@goodwinlaw.com
bdrummond@goodwinlaw.com

Darryl M. Woo
GOODWIN PROCTER LLP
525 Market Street, 32nd Floor
San Francisco, California 94105
Telephone: (415) 733-6000
Facsimile: (415) 677-9041
dwoo@goodwinlaw.com

Patrick J. McCarthy
Matthew Ginther
GOODWIN PROCTER LLP
1900 N Street, NW
Washington, DC 20036
Telephone: (202) 346-4000
Facsimile: (202) 346-4444
pmccarthy@goodwinlaw.com
mginther@goodwinlaw.com

Naomi Birbach
GOODWIN PROCTER LLP
The New York Times Building
620 Eighth Avenue
New York, New York 10018
Telephone: (212) 813-8800

Facsimile: (212) 355-3333
nbirbach@goodwinlaw.com

Jesse Cheng
GOODWIN PROCTER LLP
601 Marshall Street
Redwood City, California 94063
Telephone: (650) 752-3100
Facsimile: (650) 853-1038
jessecheng@goodwinlaw.com

Lora Krsulich
GOODWIN PROCTER LLP
601 South Figueroa Street, Suite 4200
Los Angeles, California 90017
Telephone: (213) 426-2500
Facsimile: (213) 623-1673
lkrsulich@goodwinlaw.com

Attorneys for Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.

CERTIFICATE OF SERVICE

This is to certify that on January 14, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Melissa R. Smith
Melissa R. Smith