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

WHIRLPOOL CORPORATION, Plaintiff, v. SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS AMERICA, INC., Defendants.	Civil Action No. 2:25-cv-01042-JRG-RSP PATENT CASE **JURY TRIAL DEMANDED**

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Whirlpool Corporation brings this action seeking injunctive relief and monetary damages against Defendants Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. (collectively, "Samsung" or "Defendants"), based on its infringement of Whirlpool's patents.

THE PARTIES

1. Plaintiff Whirlpool Corporation is a corporation organized and existing under the laws of the state of Delaware with a principal place of business at 2000 North M-63, Benton Harbor, Michigan. Whirlpool owns United States Patent Nos. 12,232,681 ("the '681 patent"), 10,512,385 ("the '385 patent"), and 12,543,922 ("the '922 patent") (collectively the "Asserted Patents").

2. Upon information and belief, Defendant Samsung Electronics Co., Ltd. ("Samsung Electronics") is a company organized and existing under the laws of the Republic of Korea, with its principal place of business at 129 Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-Do, Korea 443-742.

3. Upon information and belief, Defendant Samsung Electronics America, Inc. ("Samsung USA") (collectively with Samsung Electronics, "Samsung" or "Defendants") is a corporation organized and existing under the laws of New York, with its principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660. Samsung USA may be served through its registered agent for service of process, CT Corporation System, 1999 Bryant Street, Suite 900, Dallas, Texas.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

5. This Court has personal jurisdiction over Samsung Electronics and Samsung USA because Defendants have committed acts within Texas and this judicial district giving rise to this action and/or have established minimum contacts with this forum such that the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

6. On information and belief, Defendants conduct substantial business in this forum, including (a) engaging in the infringing conduct alleged herein in Texas and in this judicial district; (b) regularly and consistently doing and soliciting business; (c) engaging in other persistent courses of conduct such as providing customer service and warranty repairs in connection with its business operations in Texas and in this judicial district; (d) deriving substantial revenue by its offering of infringing products and services and providing infringing goods to consumers in Texas and in this judicial district; and (e) purposefully establishing substantial, systematic, and continuous contacts with the state of Texas and with this District such that they should reasonably expect to be subject to suit here in this judicial district.

7. In the alternative, Federal Rule of Civil Procedure 4(k)(1)(A) confers personal jurisdiction over Defendants because, upon information and belief, Defendants regularly conduct,

transact, and/or solicit business in Texas and in this judicial district; derive substantial revenue from its business transactions in Texas and in this judicial district; and otherwise avail themselves of the privileges and protection of the laws of the State of Texas such that this Court's assertion of jurisdiction over Defendants does not offend traditional notions of fair play and due process. On information and belief, Defendants' unlawful infringing actions have caused and will continue to cause injury to Whirlpool in Texas and in this judicial district such that Defendants should reasonably expect such actions to have consequences in Texas and in this judicial district.

8. This Court has personal jurisdiction over Samsung Electronics and Samsung USA because, directly or through intermediaries, each has committed acts and continues to commit acts of patent infringement in the state of Texas and within this judicial district, including making, using, offering to sell and/or selling the Accused Products in Texas, and/or importing the Accused Products into Texas, and/or inducing others to commit acts of patent infringement in Texas.

9. For example, Samsung USA maintains regular and established offices in the Eastern District of Texas, including at 6625 Excellence Way, Plano, Texas 75023. Further, on information and belief, Samsung Electronics directs and controls the actions of Samsung USA such that it too maintains regular and established offices in the Eastern District of Texas, including at 6625 Excellence Way, Plano, Texas 75023.

10. Samsung has described its 216,000 square foot Plano office as its "flagship" office and employs over 1,000 people there, as part of its "longstanding and growing commitment to Texas."[1]

11. In addition, Samsung Electronics and Samsung USA have placed or contributed to placing infringing products (including the Accused Products) into the stream of commerce via an

[1] Samsung, *Samsung Electronics America to Open Flagship North Texas Campus* (Apr. 6, 2018), https://news.samsung.com/us/samsung-electronics-america-open-flagship-north-texas-campus.

established distribution channel knowing, understanding, or intending that such products would be sold and used in the United States, including in the Eastern District of Texas.

12. On information and belief, Samsung Electronics and Samsung USA also have derived substantial revenues from infringing acts in the Eastern District of Texas, including from the sale and use of infringing products and the Accused Products.

13. Venue is proper as to Samsung Electronics because, inter alia, pursuant to 28 U.S.C. § 1391(b)–(c) and/or 28 U.S.C. § 1400(b), Samsung Electronics is not resident in the United States and thus may be sued in any judicial district, including this one. Samsung Electronics is a corporation organized and existing under the laws of the Republic of Korea. Venue is proper against Samsung Electronics pursuant to 28 U.S.C. § 1391(c)(3) because venue is proper in any judicial district against a foreign corporation. *In re HTC Corp.*, 889 F.3d 1349, 1354 (Fed. Cir. 2018).

14. Venue is proper as to Samsung USA because, inter alia, pursuant to 28 U.S.C. § 1400(b), Samsung USA has committed acts of infringement in this District and has maintained regular and established places of business in this District including at least at 6625 Excellence Way, Plano, Texas 75023. *In re Cray Inc.*, 871 F.3d 1355, 1362–63 (Fed. Cir. 2017).

15. In other recent patent-infringement actions, Defendants have not disputed this Court's personal jurisdiction over them and have not contested that venue properly lies in this District. *See*, *e.g.*, Samsung Defendants' Answer ¶¶ 6-9, 15, *Four Batons Wireless, LLC v. Samsung Elecs. Co. Ltd., et al.*, No. 2:24-cv-00284 (E.D. Tex. Aug. 19, 2024), ECF No. 24; Samsung Defendants' Answer ¶¶ 8-9, *SpaceTime3D, Inc. v. Samsung Elecs. Co. Ltd., et al.*, No. 2:19-cv-00372 (E.D. Tex. Mar. 16, 2020), ECF No. 22; Samsung Defendants' Answer ¶ 10,

Barkan Wireless v. Samsung Elecs. Co. Ltd. et al., No. 2:18-cv-00028 (E.D. Tex. Apr. 23, 2018), ECF No. 25.

WHIRLPOOL'S DEVELOPMENT AND PRACTICE OF THE PATENTED TECHNOLOGY

16. Household dishwashers typically include one or more dish racks for holding various types of dishes in the dishwasher tub. Traditionally, a dishwasher includes an upper dish rack that holds glassware and small dishes, and a lower dish rack that holds larger dishes, such as plates. A utensil caddy is often used to specifically hold silverware. Utensil caddies come in two traditional forms. They are either removably carried by the lower dish rack or on the inner surface of the door closing the dishwasher and are oriented such that they hold the utensils in an upright or vertical orientation during washing. Or, alternatively, some dishwashers include a third rack, located above the upper rack described above, which is shallow and only capable of holding utensils.

17. Household dishwashers also typically include sprayers below each dish rack and sometimes at the top of the wash tub. Water is pumped under pressure through these sprayers in a manner that causes nozzles to emit water to clean the dishes. Placement of multiple sprayers helps ensure that water reaches all items loaded in the dishwasher and targets the cleaning of the dishes.

18. Whirlpool manufactures and sells consumer dishwashers under various brands, including several in the premium segment (e.g., JennAir and KitchenAid). Unlike traditional dishwashers, many of Whirlpool's dishwashers, including but not limited to the KitchenAid 360° Max Jets™ Third Rack Dishwasher, feature an enhanced top rack that can accommodate both drinkware (e.g., cups) and utensils and silverware. Whirlpool released these dishwashers with the enhanced top racks in or around 2020. On information and belief, Whirlpool was the first—and until Samsung's infringement at issue, the only—manufacturer of dishwashers with such enhanced top racks.

19. As shown in the image below, one of Whirlpool's enhanced top rack designs accommodates both (1) utensils and silverware to be loaded horizontally and (2) drinkware to be loaded in an angular manner in a defined cup seat:

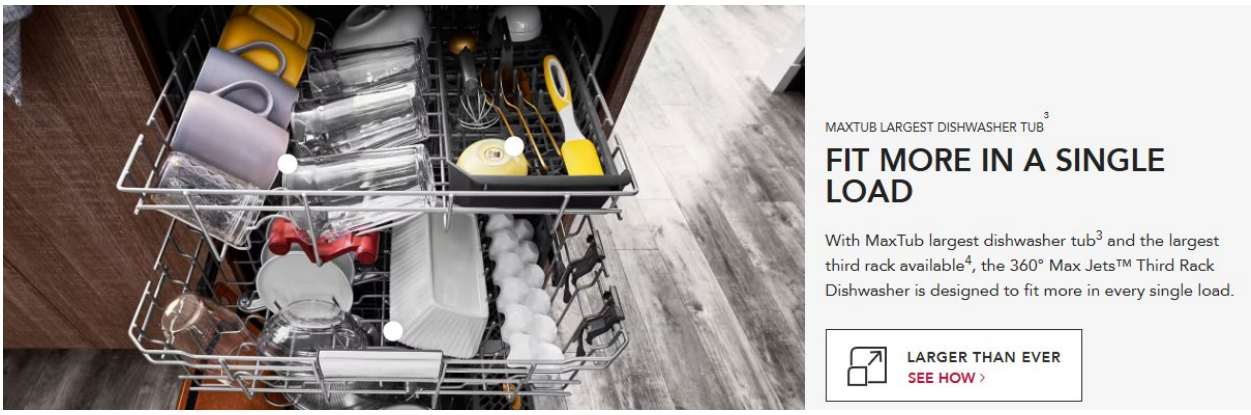

Image of KitchenAid 360° Max Jets™ Third Rack Dishwasher[2]

20. This specific enhanced top rack design practices each of the'681, '385, and '922 patents. Whirlpool has limited the introduction of this specific enhanced top rack design exclusively to its higher-end KitchenAid dishwashers and has not incorporated it into its lines of non-KitchenAid dishwashers from Amana, Whirlpool, Maytag, and JennAir.

21. Whirlpool's dishwashers also feature numerous sprayers (also referred to as "wash jets"), including ones dedicated to the enhanced top rack, to ensure that all utensils, silverware, and drinkware are thoroughly cleaned.

[2] https://www.kitchenaid.com/major-appliances/dishwashers/third-rack.html (last visited Oct. 8, 2025).

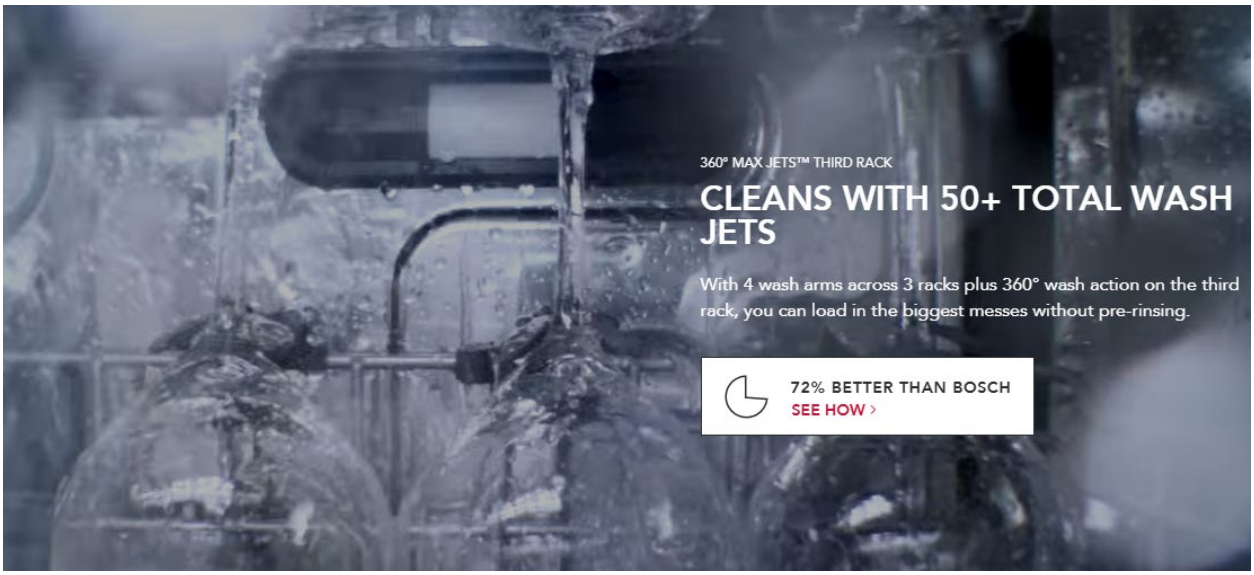

Image of KitchenAid 360° Max Jets Third Rack Dishwasher[3]

22. Sprayers dedicated to the third rack are featured in the KitchenAid enhanced top rack design as well as in the enhanced top rack design for other Whirlpool products.

23. Since its release in or around 2020, Whirlpool has annually sold approximately 1.6 million premium dishwashers with the enhanced top racks under the KitchenAid brand alone. The enhanced top racks have served as a major differentiator in the market for premium dishwasher segments.

SAMSUNG'S ACCUSED PRODUCTS

24. Samsung is a multinational manufacturer, importer, distributor, and/or seller of consumer appliances, including dishwashers.

25. In or around April 2025, Samsung released an infringing dishwasher modeled after the KitchenAid design that includes an enhanced top rack that can hold both drinkware as well as

[3] *Id.*

utensils and silverware ("Accused Products"). The Samsung 38 dBA Bespoke Auto Open Door Dishwasher with 3rd Rack Washing System is one such Accused Product.[4]

26. Samsung first began selling its Accused Products through the online channels, including its own website and the websites of appliance retailers like Best Buy and Home Depot. Upon information and belief, Samsung plans to expand its release of its Accused Products in brick-and-mortar stores and directly compete with Whirlpool's dishwashers with these enhanced top racks capable of holding both drinkware and utensils/silverware. In particular, at brick-and-mortar retailers, floor space is a finite and valuable resource. Appliance brands, including Whirlpool and Samsung, fiercely compete for this scarce space. Upon information and belief, Samsung's release of its Accused Products into brick-and-mortar stores threatens the floor space that retailers assign to Whirlpool's enhanced top-rack dishwashers. The resulting decrease in dedicated floor space for Whirlpool's dishwashers, in turn, leads to a decrease in sales and revenue from these products, as consumers who would have encountered and purchased Whirlpool's dishwashers in stores will no longer have the same opportunities to learn about Whirlpool's enhanced top-rack products. Indeed, consumers who experience Samsung's enhanced top-rack infringing product are expected to formulate a less favorable view of enhanced top racks more generally given that Samsung did not address some of the challenges related to this design in the same way Whirlpool did. This may result in a negative impression of Whirlpool's KitchenAid products.

27. Samsung actively advertises its Accused Products' infringing top rack with "dedicated area for drinkware, cutlery and utensils."

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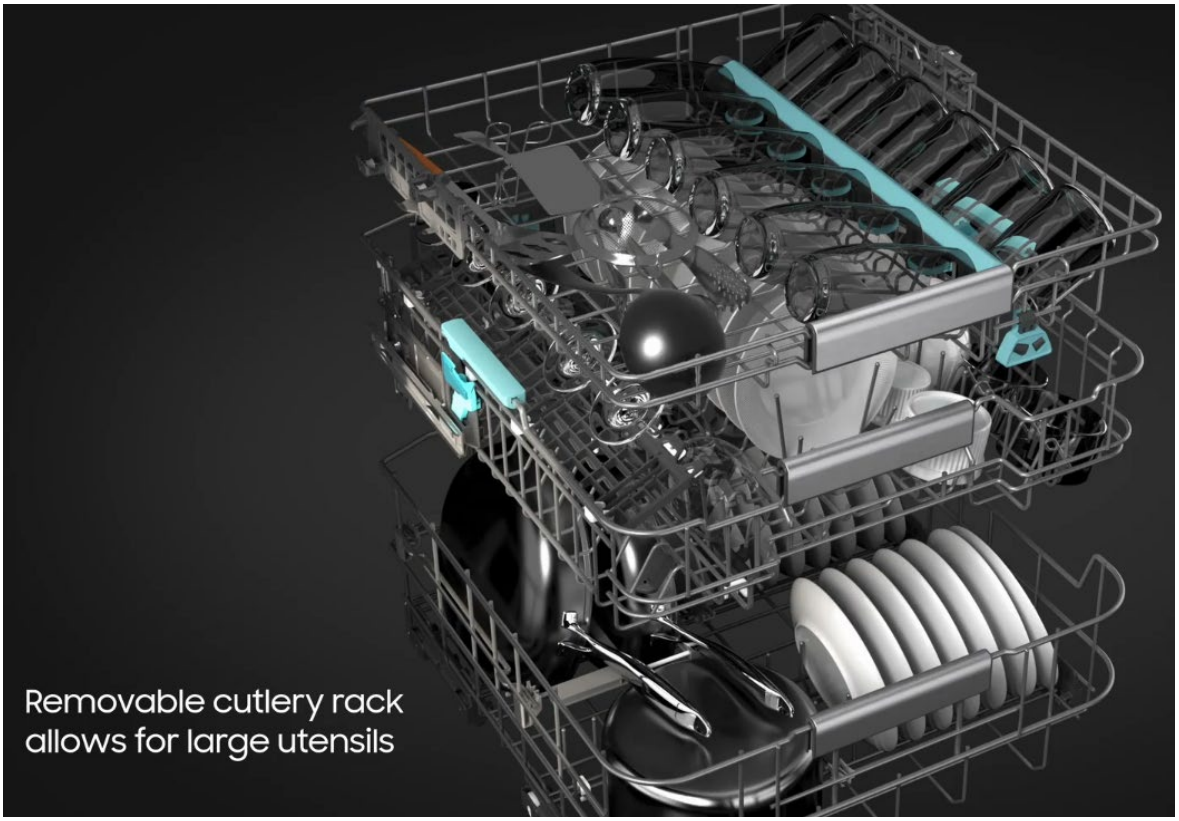
[4] https://www.samsung.com/us/home-appliances/dishwashers/rotary/38-dba-bespoke-auto-open-door-dishwasher-with-3rd-rack-washing-system-in-fingerprint-resistant-stainless-steel-dw90f89p0usraa/ (last visited Oct. 8, 2025).

3rd Rack Washing System
Dedicated area for drinkware, cutlery and utensils


Removable cutlery rack
allows for large utensils

Screenshots from Samsung's advertisement of its Accused Products[5]

28. Just like in Whirlpool's enhanced top-rack products, Samsung's Accused Products also have a sprayer placed strategically along the depression portion of the rack meant to serve as the starting point for inclined cup seats that function to secure drinkware and prevent it from rolling around the rack.

[5] https://www.samsung.com/us/home-appliances/dishwashers/rotary/38-dba-bespoke-auto-open-door-dishwasher-with-3rd-rack-washing-system-in-fingerprint-resistant-stainless-steel-dw90f89p0usraa/ (last visited on Oct. 8, 2025).

Screenshots from Samsung's advertisement of its Accused Products[6]

COUNT ONE
INFRINGEMENT OF U.S. PATENT NO. 12,232,681

29. Whirlpool repeats and incorporates by reference each preceding paragraph as if fully set forth herein and further states:

30. On February 25, 2025, the United States Patent and Trademark Office duly and legally issued the '681 Patent entitled "Dishwasher with a Dish Rack." A true and correct copy of the '681 Patent is attached as Exhibit 1 to this Complaint.

31. Whirlpool is the owner by assignment of the entire right, title, and interest in and to the '681 patent, including the right to sue and recover past, present, and future damages for infringement.

32. Whirlpool manufactures and sells products that practice the '681 patent, including through the KitchenAid brand, and marks such products with the '681 patent.

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[6] https://www.samsung.com/us/home-appliances/dishwashers/rotary/38-dba-bespoke-auto-open-door-dishwasher-with-3rd-rack-washing-system-in-fingerprint-resistant-stainless-steel-dw90f89p0usraa/ (last visited on Oct. 8, 2025).

33. Samsung is not licensed under the ’681 Patent, either expressly or implicitly, nor does it enjoy or benefit from any rights in or to the ’681 Patent whatsoever.

34. In violation of 35 U.S.C. § 271(a), Samsung has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, one or more claims, including at least Claim 14, of the ’681 patent by, inter alia, making, using, selling, importing and/or offering for sale dishwashers that practice the patented technology. These dishwashers include all Samsung dishwashers that have an enhanced top rack, including but not limited to the Samsung 38 dBA Bespoke Auto Open Door Dishwasher with 3rd Rack Washing System.

35. The Accused Products satisfy all claim limitations of one or more of the claims of the ’681 patent, including at least Claim 14. Claim 14 recites “[a]n automatic dishwasher configured to implement an automatic treating cycle of operation, comprising: a tub defining a dish treating chamber; and a dish rack located within the dish treating chamber having a first end spaced from a second end and comprising a bottom wall from which extends a peripheral wall defining side walls of the dish rack, at the first end of the dish rack, the bottom wall has a first portion defined by a first substantially horizontal planar portion extending across a first portion of the bottom wall and at the second end of the dishrack, a second portion is angled with respect to the first portion and defining a depression; the depression extending lower than the first portion relative to the peripheral wall; the first portion supporting a first set of utensil holders for supporting one or more utensils and the second portion defining a cup seat for supporting one of more cups in the depression.”

36. The Accused Products comprise an automatic dishwasher configured to implement an automatic treating cycle of operation, which is evidenced by their title descriptions:[7]

38 dBA Bespoke Auto Open Door Dishwasher with 3rd Rack Washing System in Fingerprint Resistant Stainless Steel $999.00

DW90F89P0USRAA

37. The Accused Products further comprise an automatic dishwasher configured to implement an automatic treating cycle of operation that, in turn, comprises a tub defining a treating chamber. This is demonstrated at least by Samsung's warranty for the Accused Products, which provides protection against leakage for the "Tub."

Warranty (U.S.A)

SAMSUNG DISHWASHER

LIMITED WARRANTY TO ORIGINAL CONSUMER PURCHASER WITH PROOF OF PURCHASE AND/OR PROOF OF DELIVERY

This SAMSUNG brand product, as supplied and distributed by SAMSUNG ELECTRONICS AMERICA, INC. (SAMSUNG) and delivered new, in the original carton to the original consumer purchaser, is warranted by SAMSUNG against manufacturing defects in materials or workmanship for the following limited warranty periods, starting on the date of delivery to the original consumer purchaser:

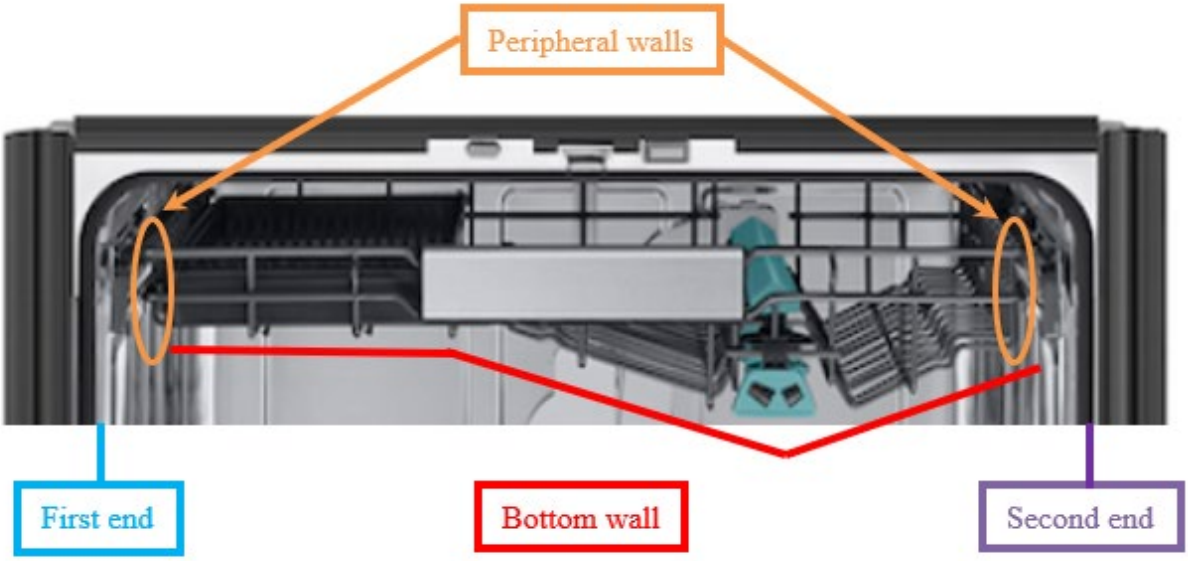
One (1) year parts and labor

Five (5) years, Printed Circuit Board, Racking and Stainless Door Liner & Tub for leakage (Parts Only)

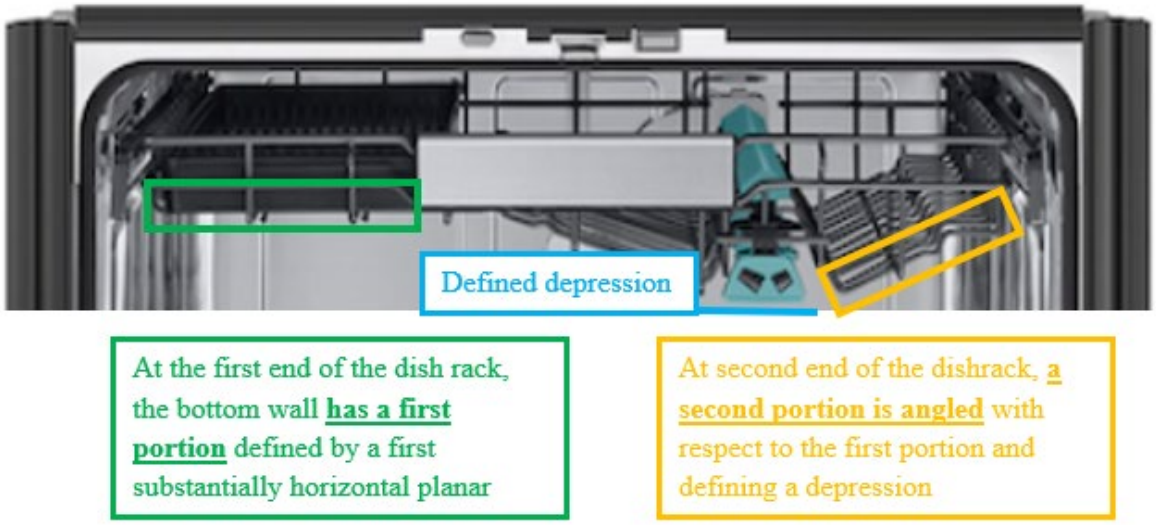
38. The Accused Products comprise a dishwasher that, in turn, also comprises a dish rack located within the dish treating chamber having a first end spaced from a second end and comprising a bottom wall from which extends a peripheral wall defining side walls of the dish

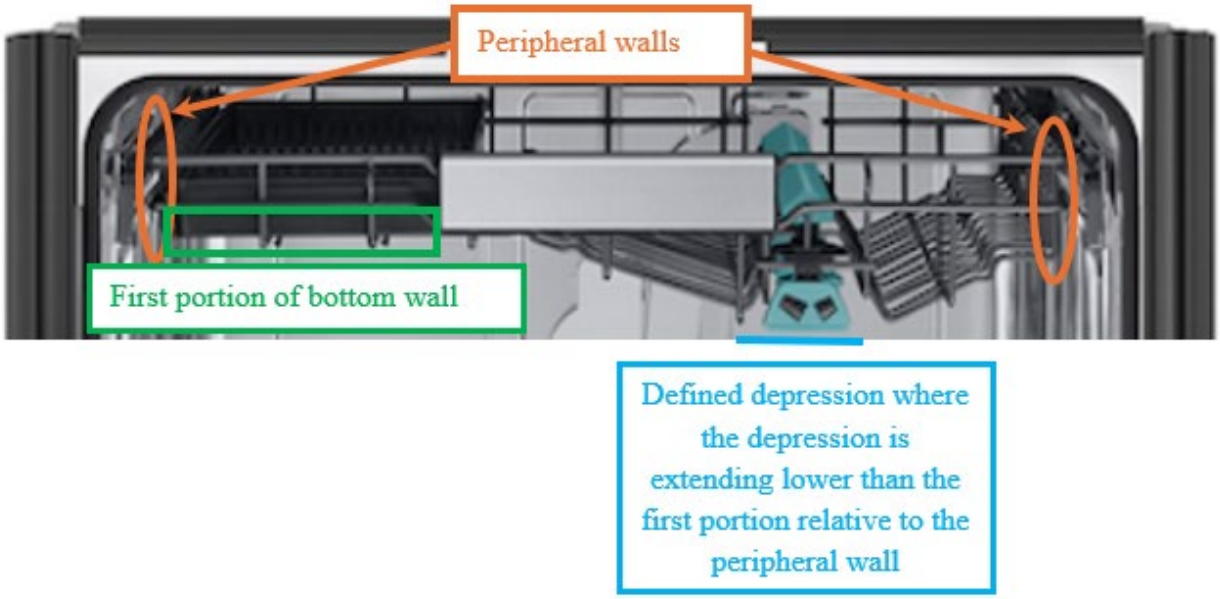
[7] https://www.samsung.com/us/home-appliances/dishwashers/rotary/38-dba-bespoke-auto-open-door-dishwasher-with-3rd-rack-washing-system-in-fingerprint-resistant-stainless-steel-dw90f89p0usraa/.

rack, at the first end of the dish rack, the bottom wall has a first portion defined by a first substantially horizontal planar portion extending across a first portion of the bottom wall and at the second end of the dishrack, a second portion is angled with respect to the first portion and defining a depression; the depression extending lower than the first portion relative to the peripheral wall. This is evidenced at least by the below annotated images of an Accused Product that Samsung offers on its website:[8]



[8] https://www.samsung.com/us/home-appliances/dishwashers/rotary/38-dba-bespoke-auto-open-door-dishwasher-with-3rd-rack-washing-system-in-fingerprint-resistant-stainless-steel-dw90f89p0usraa/.





39. The bottom wall further has the first portion supporting a first set of utensil holders for supporting one or more utensils and the second portion defining a cup seat for supporting one or more cups in the depression, as evidenced at least by the below annotated images of an Accused Product:

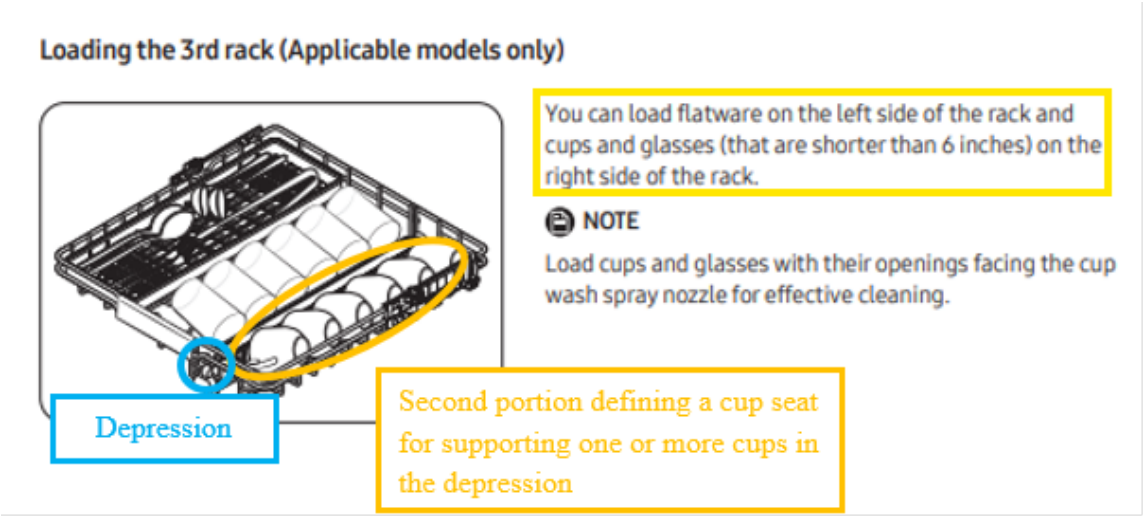


Image on Samsung dishwasher rack showing users how to load cups in the depression

40. Samsung's marketing materials likewise show the first portion of the bottom wall supporting one or more utensils and the second portion defining a cup seat for supporting one of more cups in the depression:

41. Samsung will continue to infringe one or more claims of the ’681 patent unless enjoined by this Court. As a direct and proximate result of Samsung’s direct infringement of the ’681 patent, Whirlpool has been and continues to be damaged.

42. Upon information and belief, Samsung’s infringement of the ’681 Patent is willful and deliberate, entitling Whirlpool to the recovery of enhanced damages under 35 U.S.C. § 284. Samsung has infringed and continues to infringe the ’681 Patent despite the risk of infringement being either known or so obvious that it should have been known to Samsung.

COUNT TWO
INFRINGEMENT OF U.S. PATENT NO. 10,512,385

43. Plaintiff repeats and incorporates by reference each preceding paragraph as if fully set forth herein and further states:

44. On December 24, 2019, the United States Patent and Trademark Office duly and legally issued the ’385 patent entitled “Glasses Rack for Dishwasher.” A true and correct copy of the ’385 patent is attached as Exhibit 2 to this Complaint.

45. Whirlpool is the owner by assignment of the entire right, title, and interest in and to the ’385 patent, including the right to sue and recover past, present, and future damages for infringement.

46. Whirlpool manufactures products that practice the ’385 patent, including through the KitchenAid brand, and marks such products with the ’385 patent.

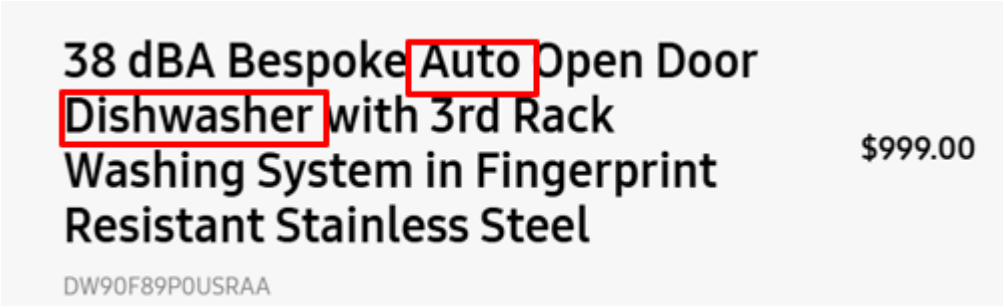
47. Samsung is not licensed under the ’385 Patent, either expressly or implicitly, nor does it enjoy or benefit from any rights in or to the ’385 Patent whatsoever.

48. In violation of 35 U.S.C. § 271(a), Samsung has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, one or more claims, including at least Claim 17, of the ’385 patent by, inter alia, making, using, selling, importing and/or offering for sale dishwashers that practice the patented technology. These dishwashers include all Samsung dishwashers that have an enhanced top rack, including but not limited to the Samsung 38 dBA Bespoke Auto Open Door Dishwasher with 3rd Rack Washing System.

49. The Accused Products satisfy all claim limitations of one or more of the claims of the ’385 patent, including at least Claim 17. Claim 17 recites “[a] dishwasher, comprising: a tub defining a treating chamber receiving dishes for treatment; a spray system providing treating liquid to the treating chamber; and a dish rack located in the tub and selectively moveable into and out of the tub, the dish rack having a bottom wall, a side wall extending upwardly from the bottom wall and terminating in an upper edge, with an upwardly angled portion formed in the bottom wall comprising a plurality of spaced apart inclined portions forming the bottom wall and terminating

at the side wall, wherein two adjacent inclined portions of the plurality of spaced apart inclined portions are configured to cradle a glass at an inclined angle and prevent the glass from rolling and a contoured portion formed in the bottom wall configured to prevent glasses from sliding down the inclined angle; and a spray tube having nozzles emitting spray along the angled portion; wherein the contoured portion is further configured to form a curved mounting portion adjacent which the spray tube is mounted such that the spray tube is carried with the dish rack."

50. The Accused Products comprise a dishwasher, which is evidenced by their title descriptions:[9]



51. The Accused Products further comprise a dishwasher that, in turn, comprises a tub defining a treating chamber receiving dishes for treatment. This is demonstrated at least by Samsung's warranty for the Accused Products, which provides protection against leakage for the "Tub."[10]

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[9] https://www.samsung.com/us/home-appliances/dishwashers/rotary/38-dba-bespoke-auto-open-door-dishwasher-with-3rd-rack-washing-system-in-fingerprint-resistant-stainless-steel-dw90f89p0usraa/.

[10] https://downloadcenter.samsung.com/content/UM/202504/20250409080928151/OID81932_IB_DW9000F_SimpleUX_EN_MES_CFR_250408.pdf.

Warranty (U.S.A)

SAMSUNG DISHWASHER

LIMITED WARRANTY TO ORIGINAL CONSUMER PURCHASER WITH PROOF OF PURCHASE AND/OR PROOF OF DELIVERY

This SAMSUNG brand product, as supplied and distributed by SAMSUNG ELECTRONICS AMERICA, INC. (SAMSUNG) and delivered new, in the original carton to the original consumer purchaser, is warranted by SAMSUNG against manufacturing defects in materials or workmanship for the following limited warranty periods, starting on the date of delivery to the original consumer purchaser:

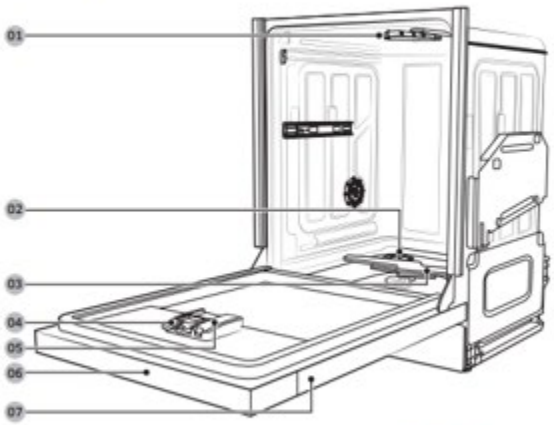
One (1) year parts and labor

Five (5) years, Printed Circuit Board, Racking and Stainless Door Liner & Tub for leakage (Parts Only)

52. The Accused Products comprise a dishwasher that, in turn, also comprises a spray system providing treating liquid to the treating chamber, as evidenced at least by Samsung's user manual for the Accused Products which note the spray arms within the dishwasher:[11]

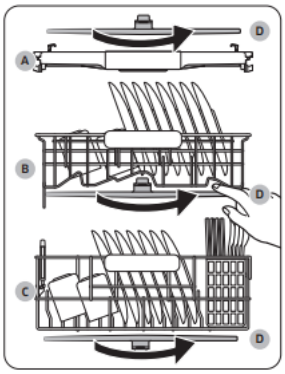
Product overview

Dishwasher at a glance



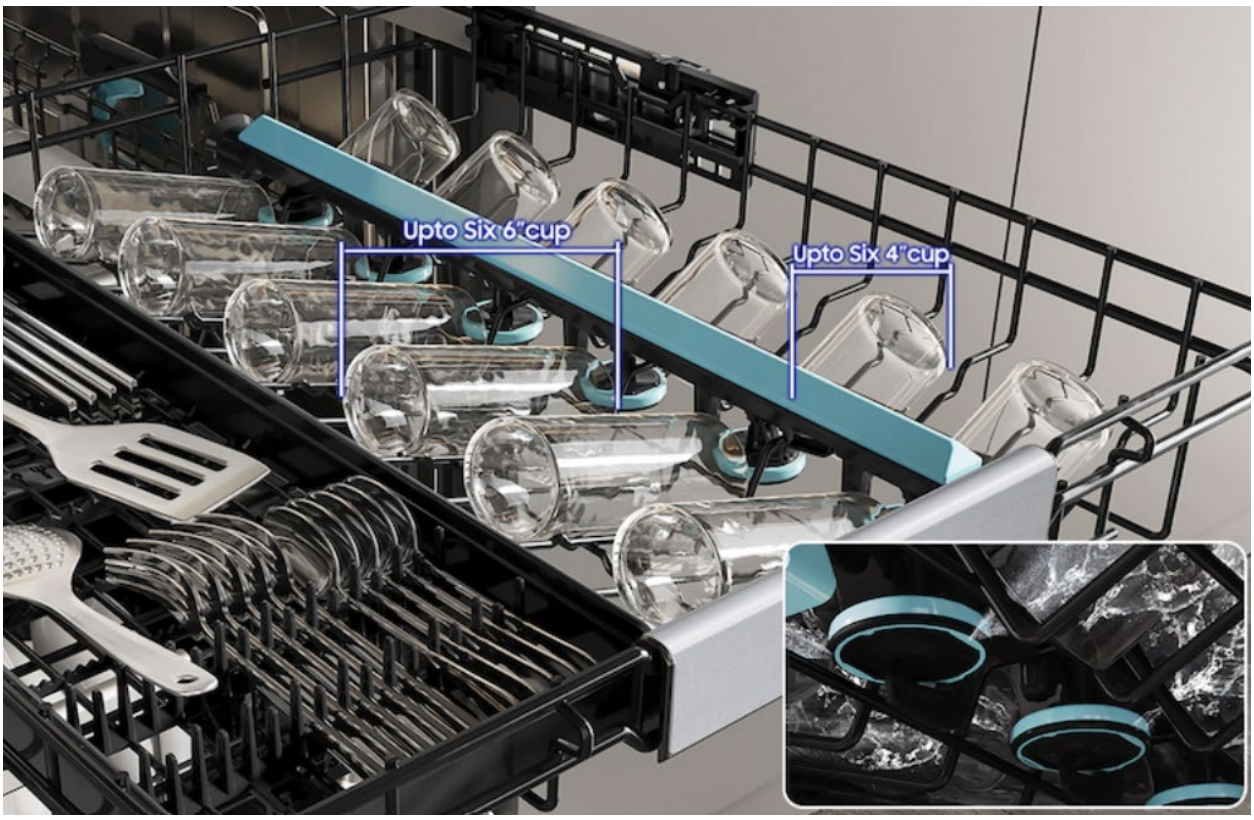
01 Top spray arm
02 Storm Wash+ nozzle
03 Bottom spray arm
04 Detergent compartment
05 Rinse aid compartment
06 Control panel
07 Door

11 https://downloadcenter.samsung.com/content/UM/202504/20250409080928151/OID81932_IB_DW9000F_SimpleUX_EN_MES_CFR_250408.pdf.



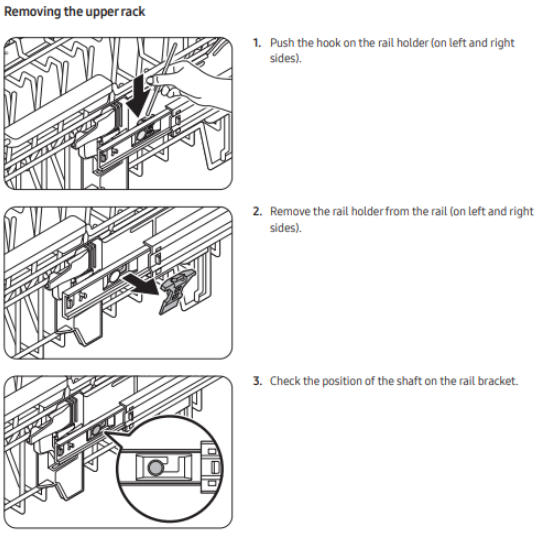
A. 3rd rack
B. Upper rack
C. Lower rack
D. Spray arm

53. The third rack of each Accused Product also comprises its own sprayer dedicated to the third rack as shown in Samsung's marketing material for the Accused Products:[12]

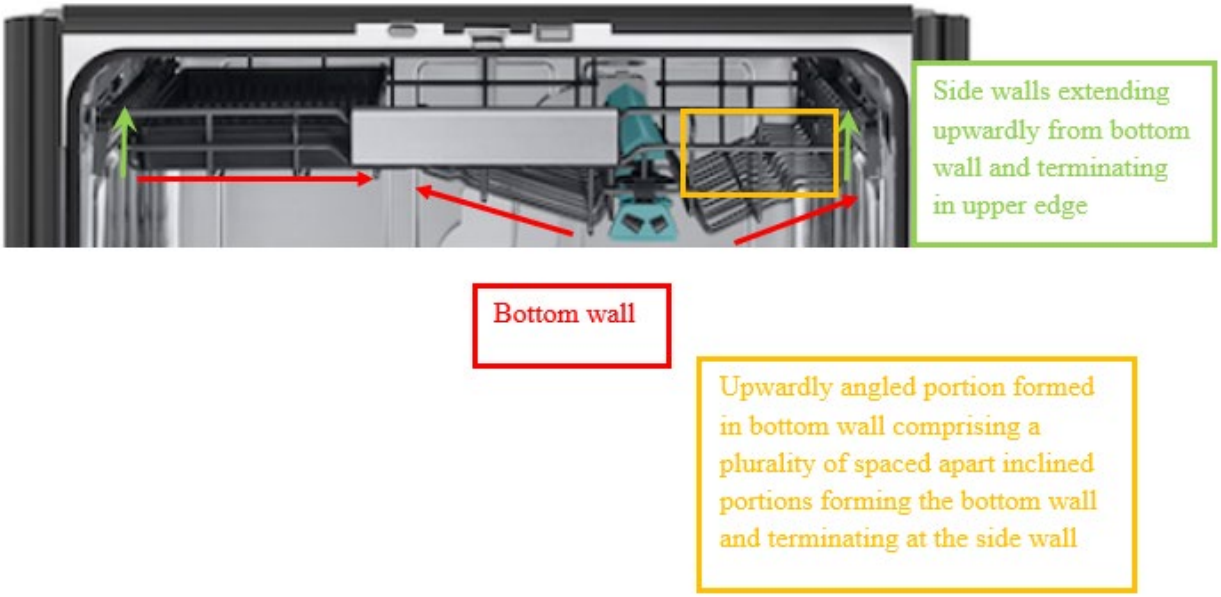


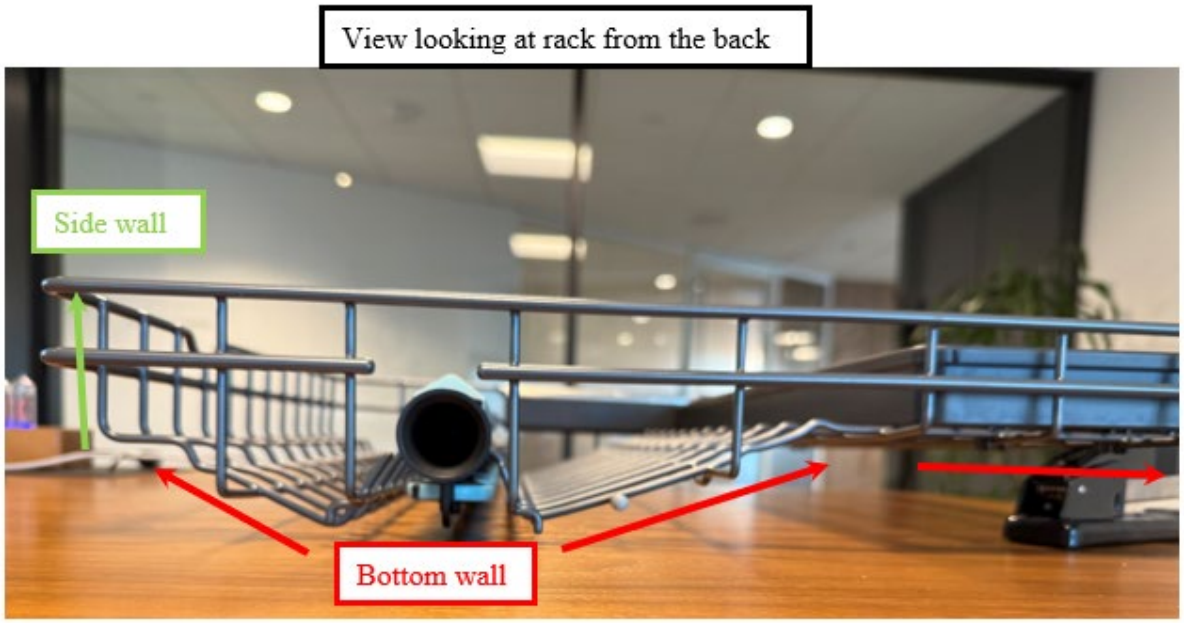
[12] https://www.samsung.com/us/home-appliances/dishwashers/rotary/38-dba-bespoke-auto-open-door-dishwasher-with-3rd-rack-washing-system-in-fingerprint-resistant-stainless-steel-dw90f89p0usraa/.

54. The Accused Products comprise a dishwasher that, in turn, comprise a dish rack located in the tub and selectively moveable into and out of the tub, as evidenced at least by Samsung's user manual that shows users how to remove the upper rack from the dishwasher:

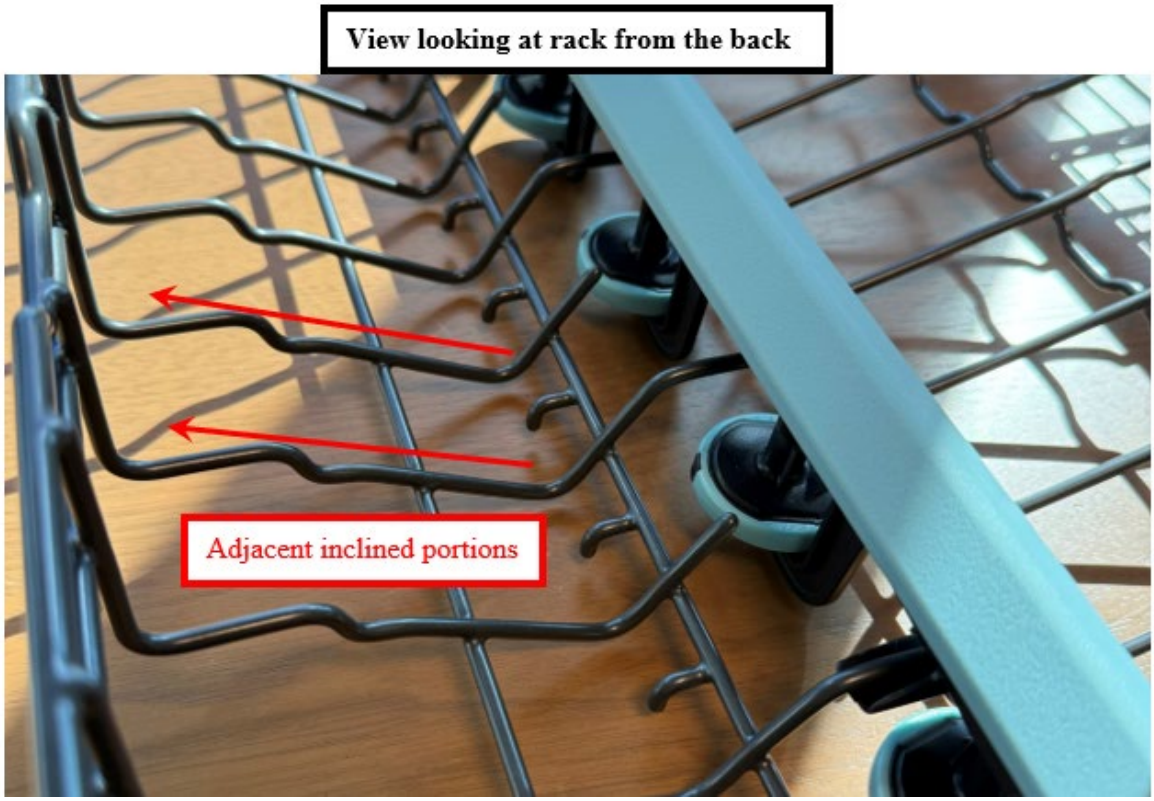


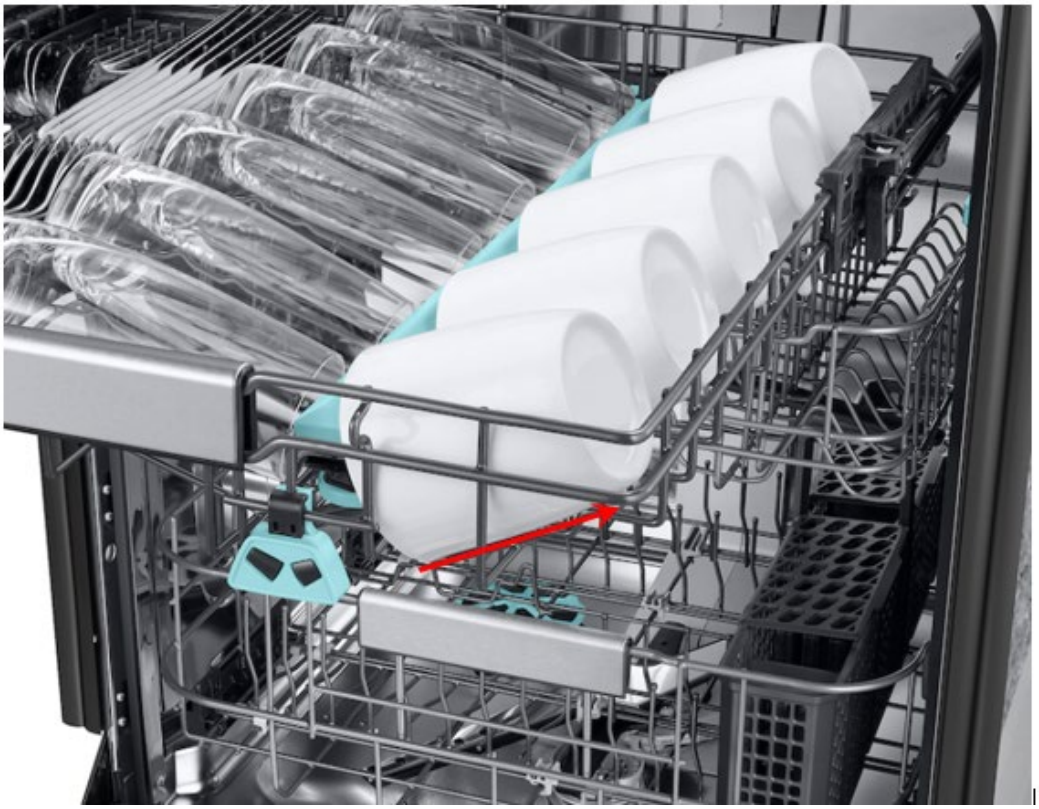
55. The dish rack has a bottom wall, a side wall extending upwardly from the bottom wall and terminating in an upper edge, with an upwardly angled portion formed in the bottom wall comprising a plurality of spaced apart inclined portions forming the bottom wall and terminating at the side wall, as shown in the below annotated images of an Accused Product:

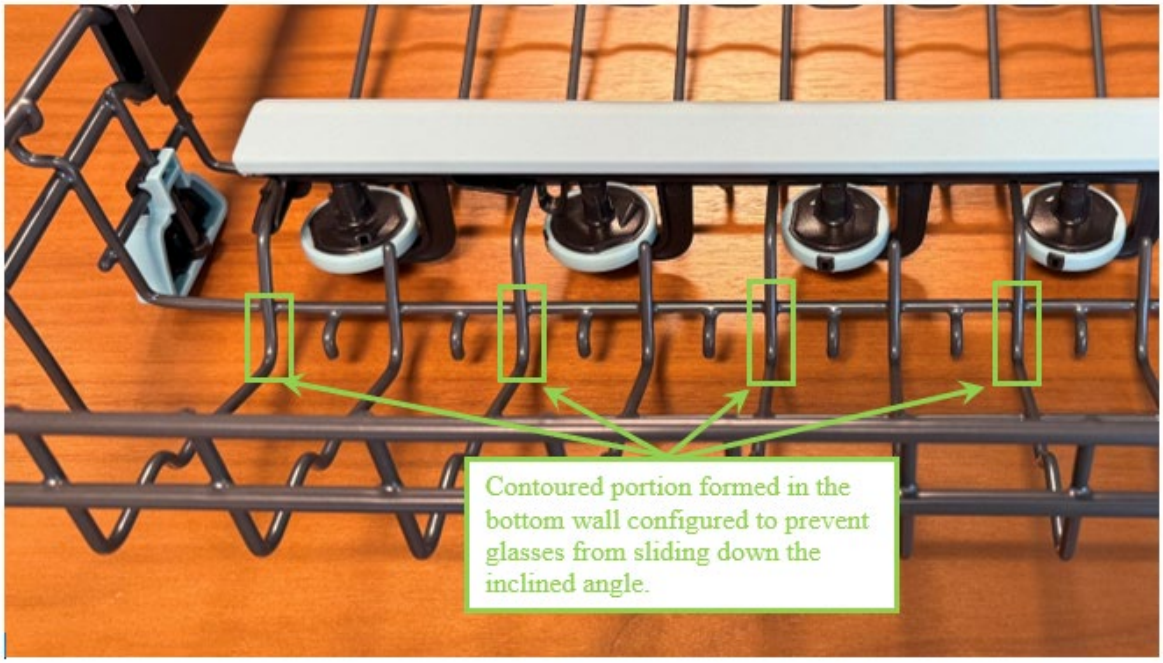


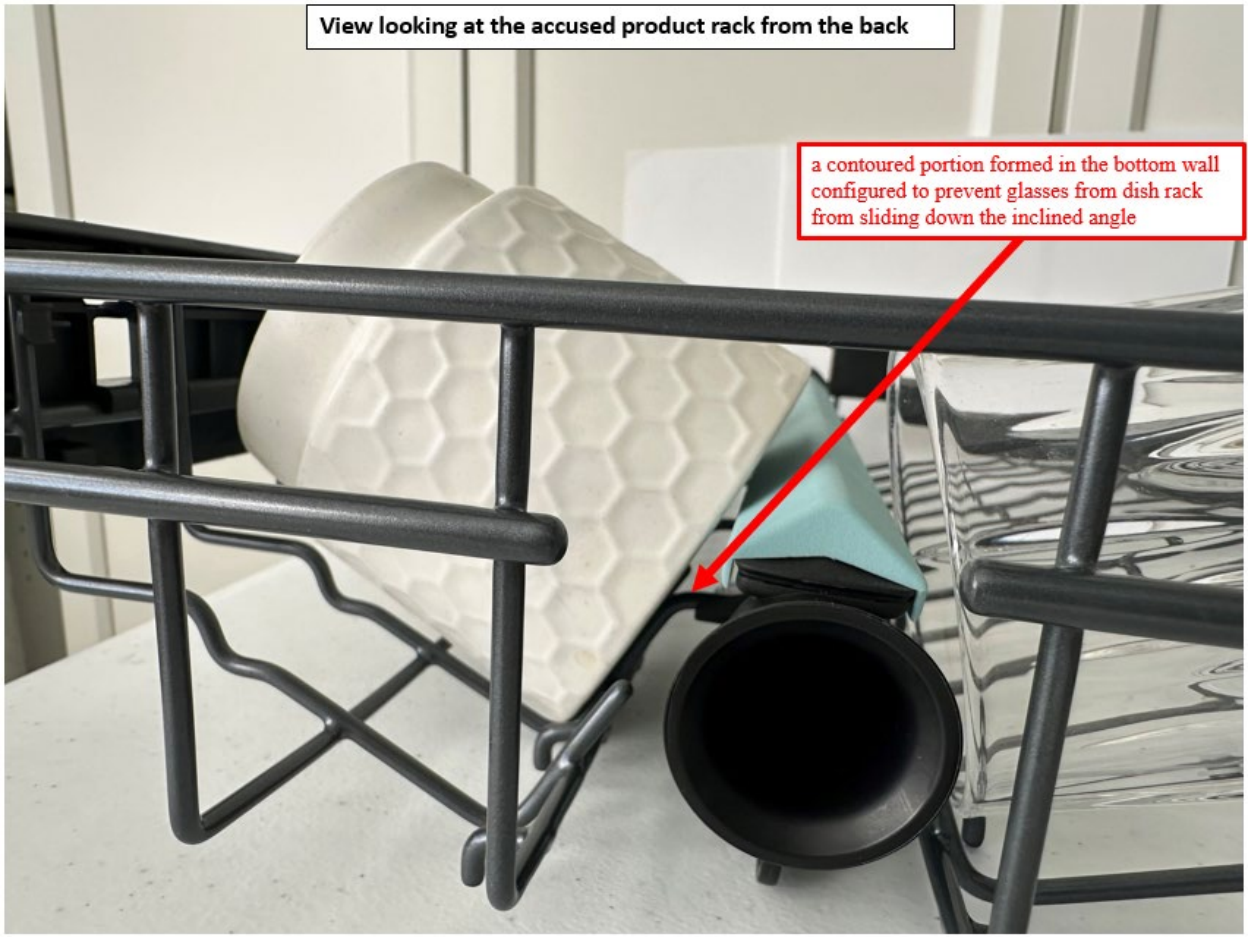


56. The dish rack further has two adjacent inclined portions of the plurality of spaced apart inclined portions are configured to cradle a glass at an inclined angle and prevent the glass from rolling and a contoured portion formed in the bottom wall configured to prevent glasses from sliding down the inclined angle, as shown in the below annotated images of an Accused Product:

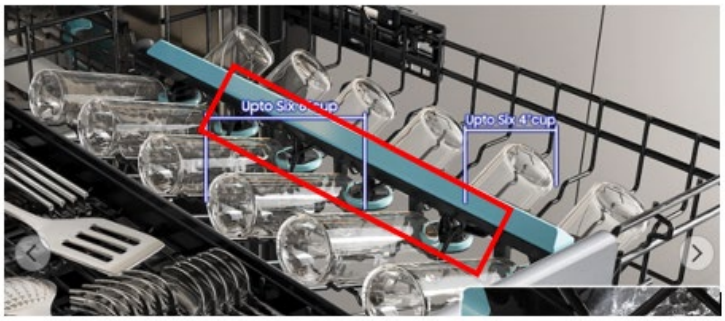

View looking at rack from the back
Adjacent inclined portions



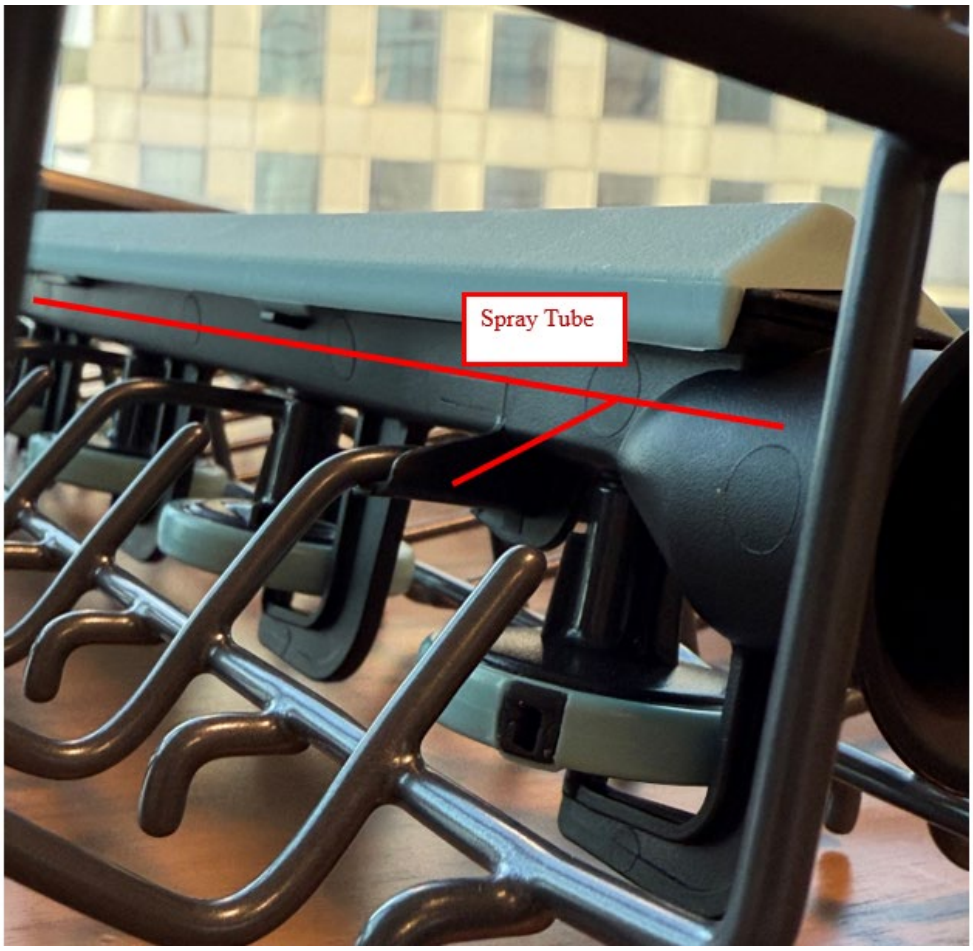

Contoured portion formed in the bottom wall configured to prevent glasses from sliding down the inclined angle.


View looking at the accused product rack from the back
a contoured portion formed in the bottom wall configured to prevent glasses from dish rack from sliding down the inclined angle

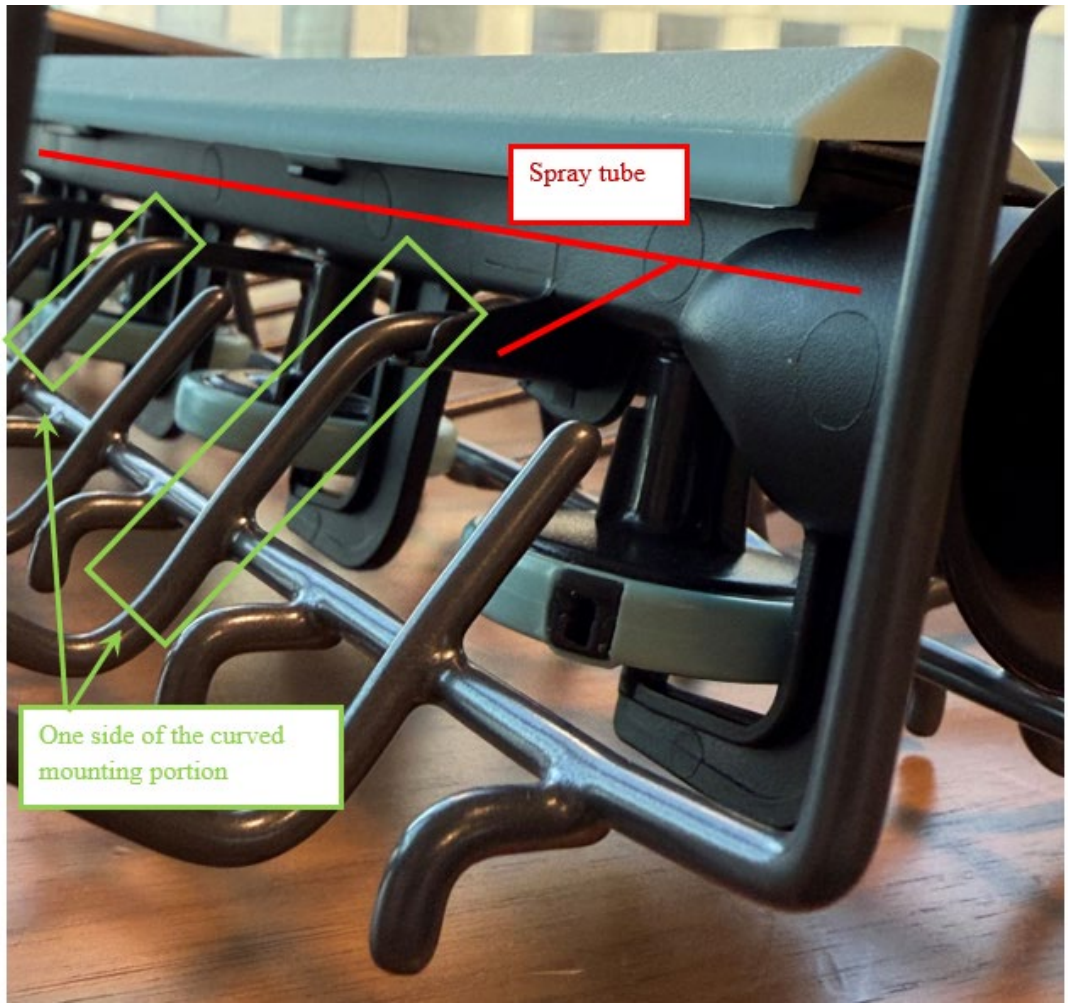
57. The Accused Products comprise a dishwasher that, in turn, comprises a spray tube having nozzles emitting spray along the angled portion, as shown in the below annotated images of an Accused Product:

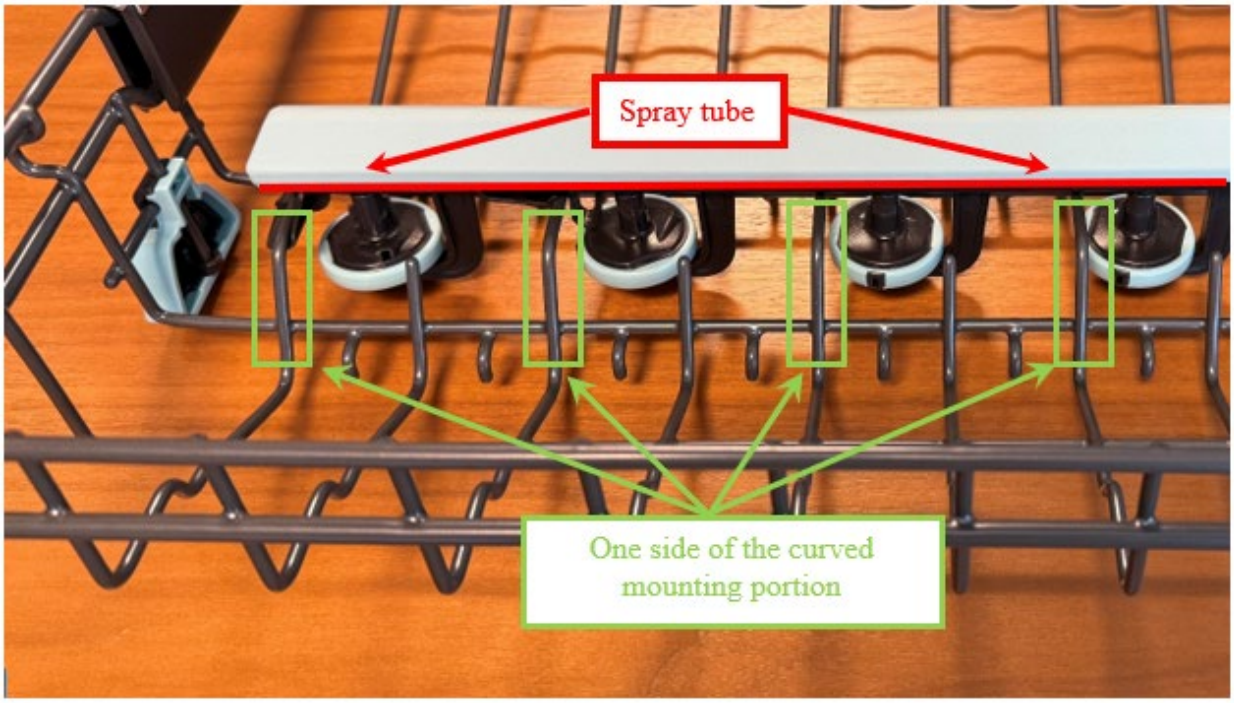


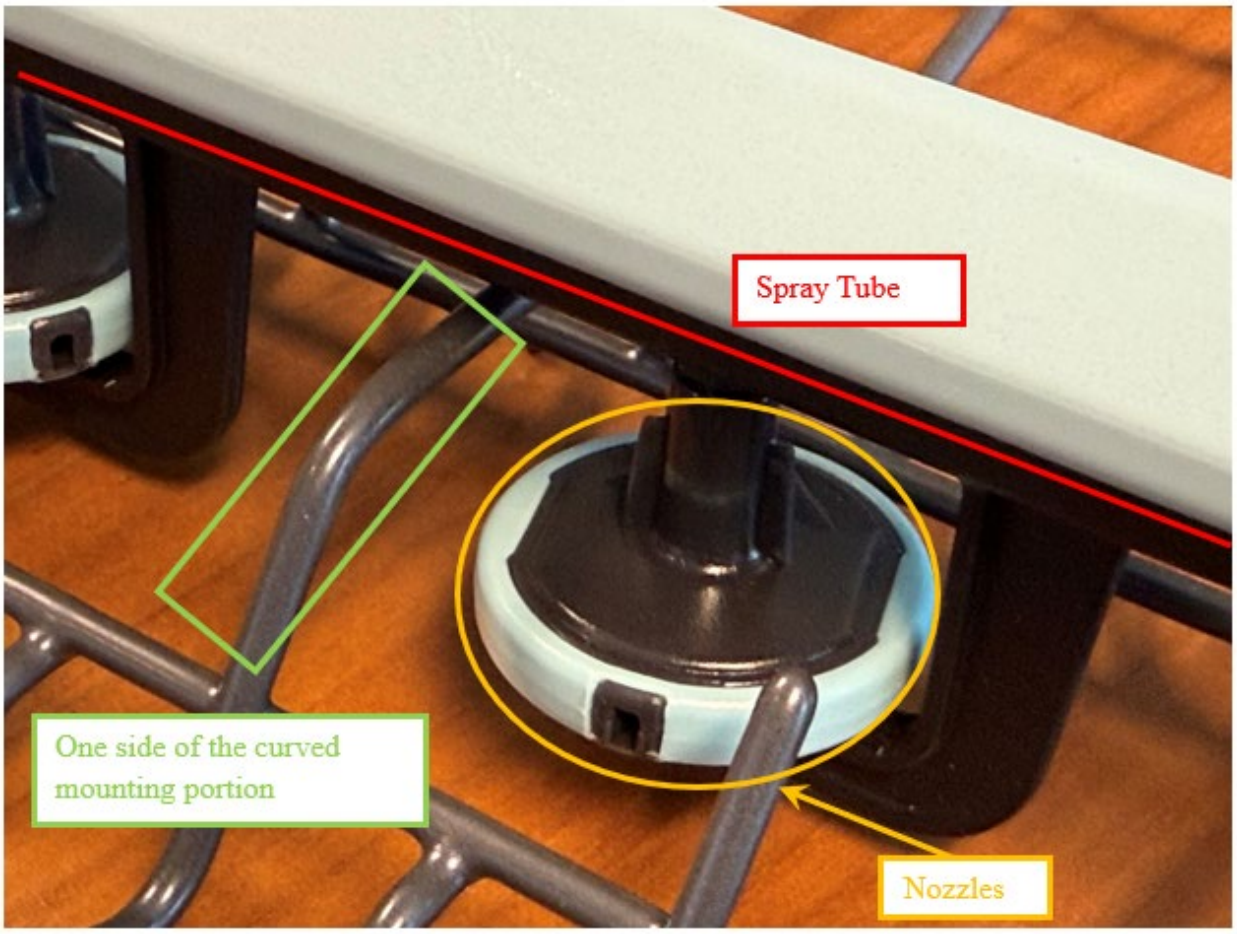
Spray nozzles emitting spray along the angled portion



58. The spray tube's contoured portion is further configured to form a curved mounting portion adjacent which the spray tube is mounted such that the spray tube is carried with the dish rack, as shown in the below annotated images of an Accused Product:


Spray tube
One side of the curved mounting portion


Spray tube
One side of the curved mounting portion


Spray Tube
One side of the curved mounting portion
Nozzles

59. Samsung will continue to infringe one or more claims of the ’385 patent unless enjoined by this Court. As a direct and proximate result of Samsung’s direct infringement of the ’385 patent, Whirlpool has been and continues to be damaged.

60. Upon information and belief, Samsung’s infringement of the ’385 Patent is willful and deliberate, entitling Whirlpool to the recovery of enhanced damages under 35 U.S.C. § 284. Samsung has infringed and continues to infringe the ’385 Patent despite the risk of infringement being either known or so obvious that it should have been known to Samsung.

COUNT THREE
INFRINGEMENT OF U.S. PATENT NO. 12,543,922

61. Whirlpool repeats and incorporates by reference each preceding paragraph as if fully set forth herein and further states:

62. On February 10, 2026, the United States Patent and Trademark Office duly and legally issued the ’922 Patent entitled “Dishwasher with a Dish Rack.” A true and correct copy of the ’922 Patent is attached as Exhibit 3 to this Complaint.

63. Whirlpool is the owner by assignment of the entire right, title, and interest in and to the ’922 patent, including the right to sue and recover past, present, and future damages for infringement.

64. Whirlpool manufactures and sells products that practice the ’922 patent, including through the KitchenAid brand, and marks such products with the ’922 patent.

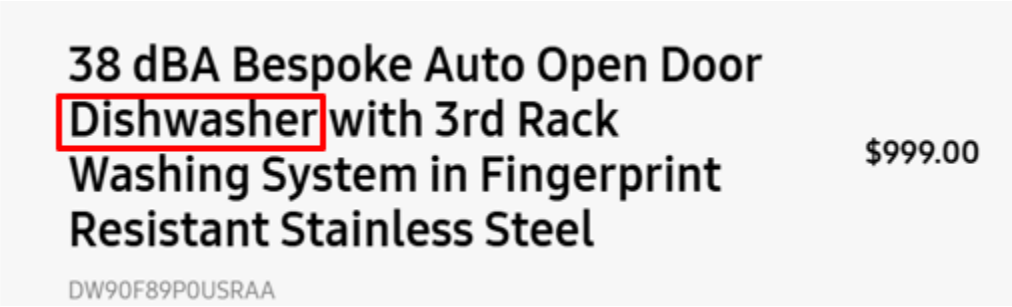
65. Samsung is not licensed under the ’922 Patent, either expressly or implicitly, nor does it enjoy or benefit from any rights in or to the ’922 Patent whatsoever.

66. In violation of 35 U.S.C. § 271(a), Samsung has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, one or more claims, including at least Claim 1, of the ’922 patent by, inter alia, making, using, selling, importing and/or offering

for sale dishwashers that practice the patented technology. These dishwashers include all Samsung dishwashers that have an enhanced top rack, including but not limited to the Samsung 38 dBA Bespoke Auto Open Door Dishwasher with 3rd Rack Washing System.

67. The Accused Products satisfy all claim limitations of one or more of the claims of the '922 patent, including at least Claim 1. Claim 1 recites "A dishwasher, comprising: a tub defining a dish treating chamber; a first lower dish rack and a second lower dish rack located in the dish treating chamber; an upper dish rack located above the first lower dish rack and the second lower dish rack in the dish treating chamber, the upper dish rack defining a planar portion and a depression, wherein the depression includes a first angled wall and a second angled wall that each extend at an acute angle relative to the planar portion, and wherein the first angled wall defines a first set of cup seats, and wherein the second angled wall defines a second set of cup seats; wherein the planar portion includes a plurality of utensil holders configured to horizontally support utensils; and wherein the depression extends entirely below a top of the utensil holders in the planar portion."

68. The Accused Products comprise "[a] dishwasher," as evidenced by their title descriptions:[13]



[13] https://www.samsung.com/us/home-appliances/dishwashers/rotary/38-dba-bespoke-auto-open-door-dishwasher-with-3rd-rack-washing-system-in-fingerprint-resistant-stainless-steel-dw90f89p0usraa/.

69. The Accused Products further comprise a dishwasher that, in turn, comprises a tub defining a dish treating chamber. This is demonstrated at least by Samsung's warranty for the Accused Products, which provides protection against leakage for the "Tub."

Warranty (U.S.A)

SAMSUNG DISHWASHER

LIMITED WARRANTY TO ORIGINAL CONSUMER PURCHASER WITH PROOF OF PURCHASE AND/OR PROOF OF DELIVERY

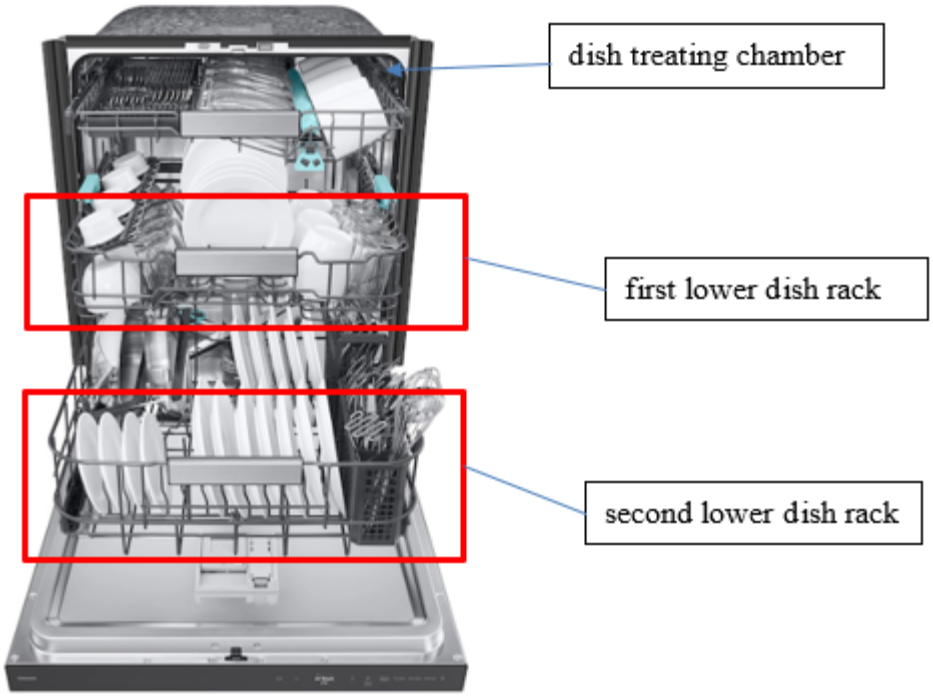
This SAMSUNG brand product, as supplied and distributed by SAMSUNG ELECTRONICS AMERICA, INC. (SAMSUNG) and delivered new, in the original carton to the original consumer purchaser, is warranted by SAMSUNG against manufacturing defects in materials or workmanship for the following limited warranty periods, starting on the date of delivery to the original consumer purchaser:

One (1) year parts and labor

Five (5) years, Printed Circuit Board, Racking and Stainless Door Liner & Tub for leakage (Parts Only)

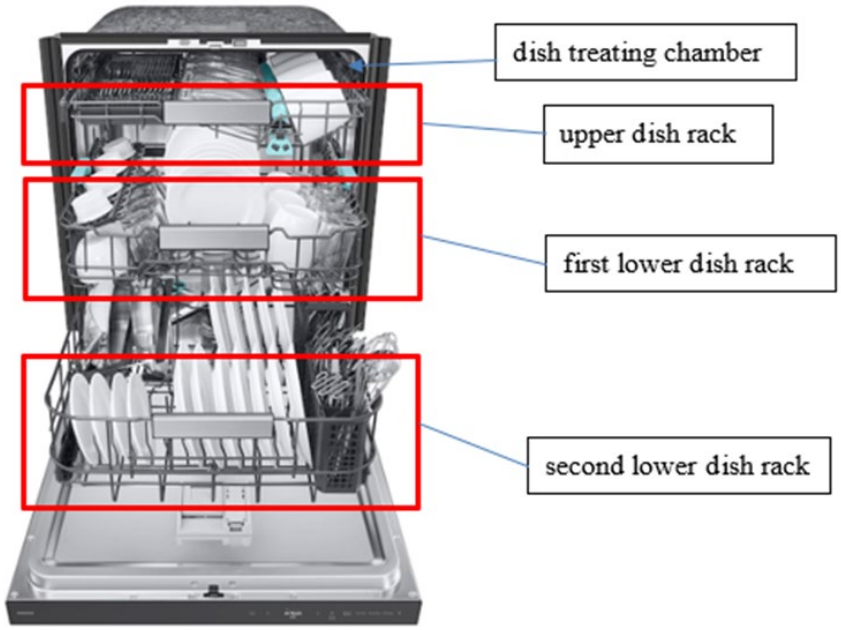
70. The Accused Products further comprise a dishwasher that, in turn, also comprises a first lower dish rack and a second lower dish rack located in the dish treating chamber. This is evidenced at least by the below annotated image of the Accused Products:[14]

[14] https://www.samsung.com/us/home-appliances/dishwashers/rotary/38-dba-bespoke-auto-open-door-dishwasher-with-3rd-rack-washing-system-in-fingerprint-resistant-stainless-steel-dw90f89p0usraa/.



71. The Accused Products further comprise a dishwasher that, in turn, also comprises an upper dish rack located above the first lower dish rack and the second lower dish rack in the dish treating chamber. This is evidenced at least by the below annotated image of the Accused Products:[15]

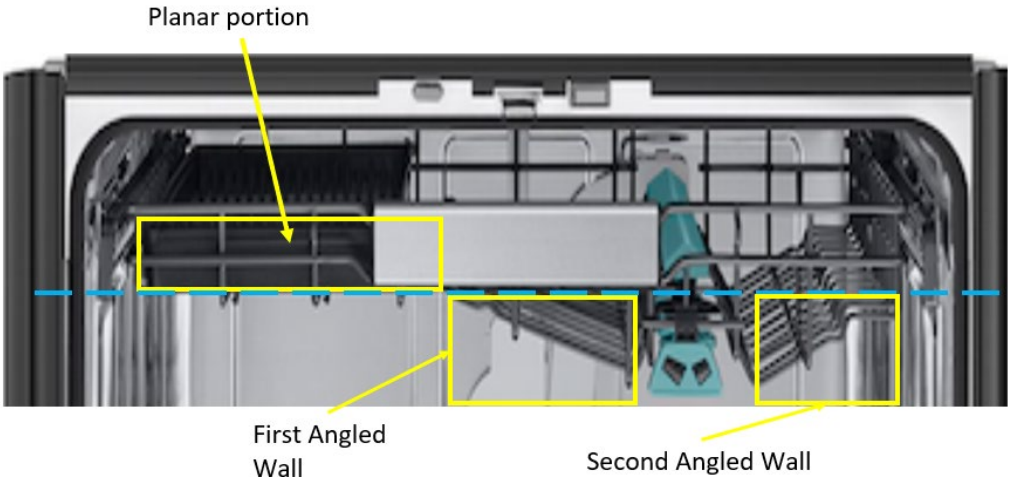
[15] https://www.samsung.com/us/home-appliances/dishwashers/rotary/38-dba-bespoke-auto-open-door-dishwasher-with-3rd-rack-washing-system-in-fingerprint-resistant-stainless-steel-dw90f89p0usraa/.



72. Samsung's marketing materials for the Accused Products likewise depict this upper dish rack:[16]

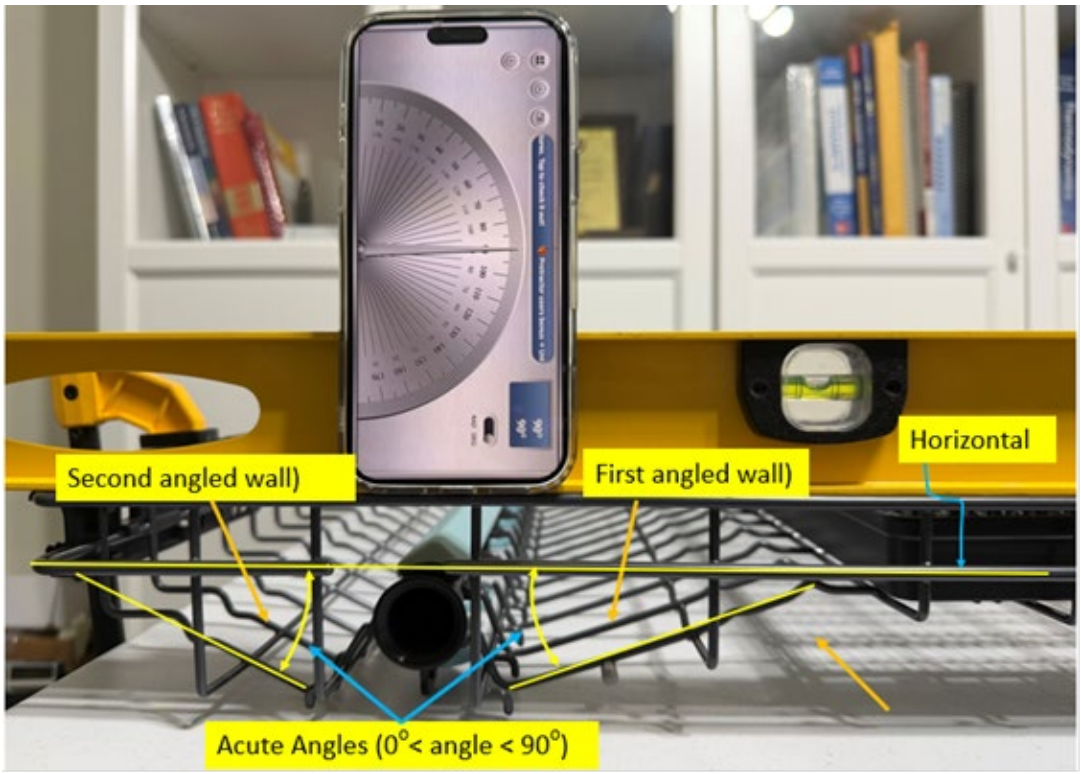
[16] https://www.samsung.com/us/home-appliances/dishwashers/rotary/38-dba-bespoke-auto-open-door-dishwasher-with-3rd-rack-washing-system-in-fingerprint-resistant-stainless-steel-dw90f89p0usraa/

73. The Accused Products further comprise an upper dish rack defining a planar portion and a depression. This is evidenced at least by the below annotated image of the Accused Products:[17]

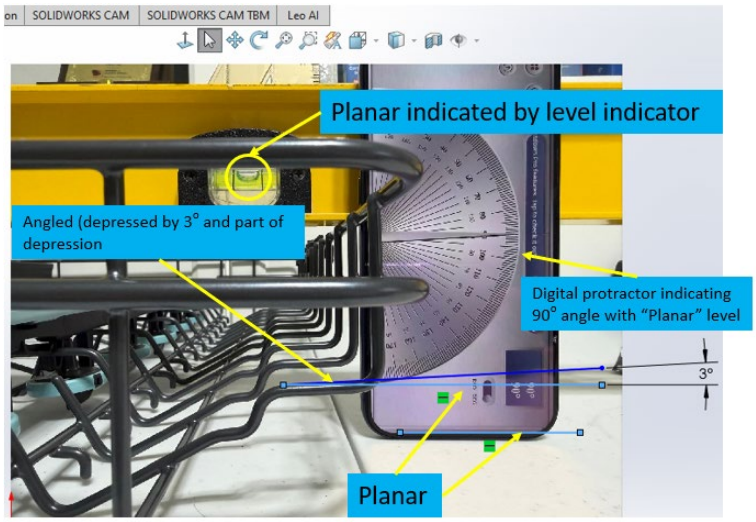


74. The Accused Products further comprise an upper dish rack defining a planar portion and a depression, wherein the depression includes a first angled wall and a second angled wall that each extend at an acute angle relative to the planar portion. A POSITA would understand an "acute angle" to mean an angle that measures between 0 degrees and 90 degrees, such that it is smaller and "sharper" than a right angle. As evidenced at least by the below annotated image of the Accused Products, the first angled wall and the second angled wall each extend at an acute angle relative the planar portion:

[17] https://www.samsung.com/us/home-appliances/dishwashers/rotary/38-dba-bespoke-auto-open-door-dishwasher-with-3rd-rack-washing-system-in-fingerprint-resistant-stainless-steel-dw90f89p0usraa/

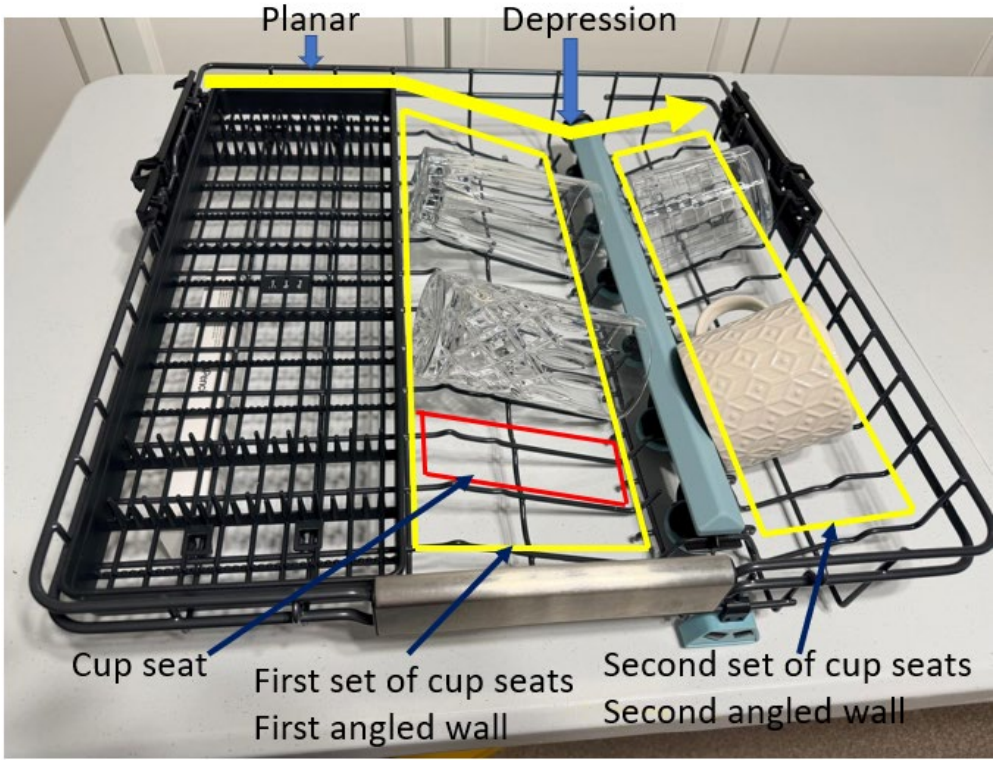


75. By way of example, even the least angled portion of the second angled wall extends at an acute angle of 3 degrees relative to the planar portion:



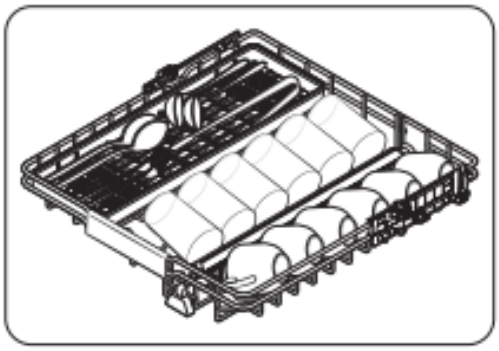
Computer Aided Sketch lines indicating the 3° angled portion in the accused product as part of the "depression"

76. The Accused Products further comprise an upper dish rack defining a planar portion and a depression, wherein the depression includes a first angled wall and a second angled wall that each extend at an acute angle relative to the planar portion and wherein the first angled wall defines a first set of cup seats, and wherein the second angled wall defines a second set of cup seats. This is evidenced at least by the below annotated image of the Accused Products:



77. Samsung's marketing materials for the Accused Products likewise depict two sets of cup seats:

Loading the 3rd rack (Applicable models only)



You can load flatware on the left side of the rack and cups and glasses (that are shorter than 6 inches) on the right side of the rack.

NOTE

Load cups and glasses with their openings facing the cup wash spray nozzle for effective cleaning.

78. This matches the patent embodiment in Figure 3 of the ’922 Patent:

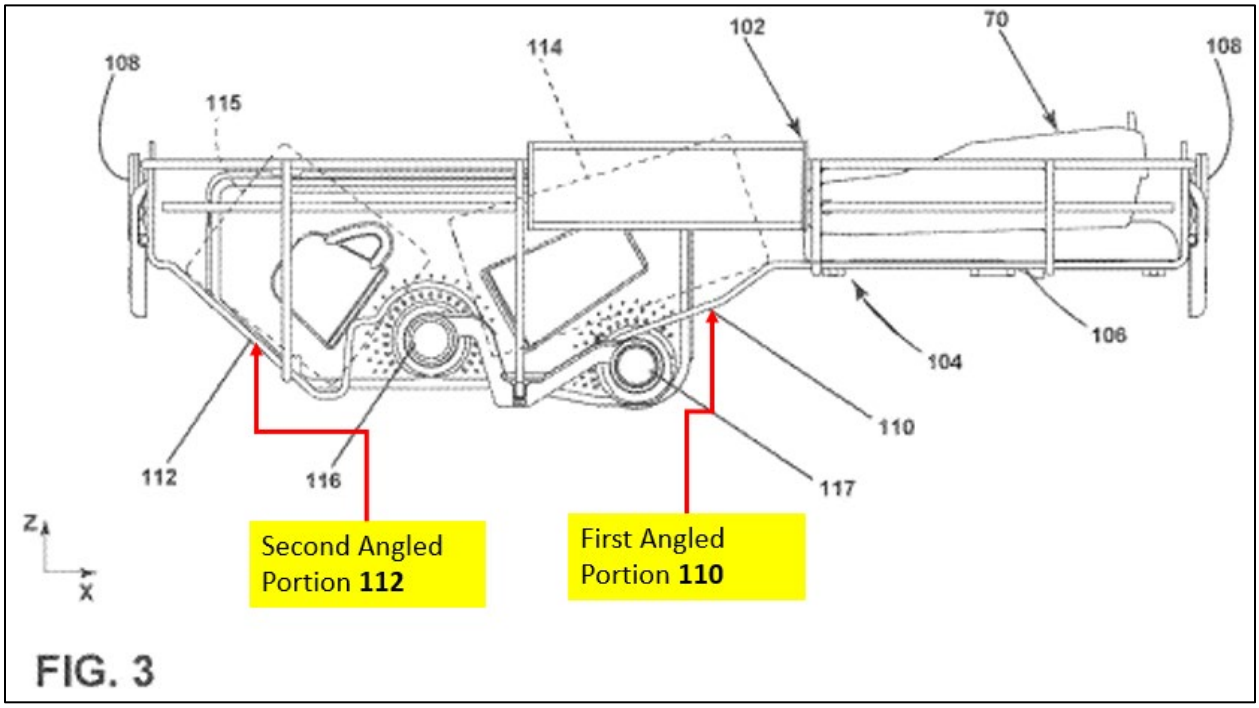
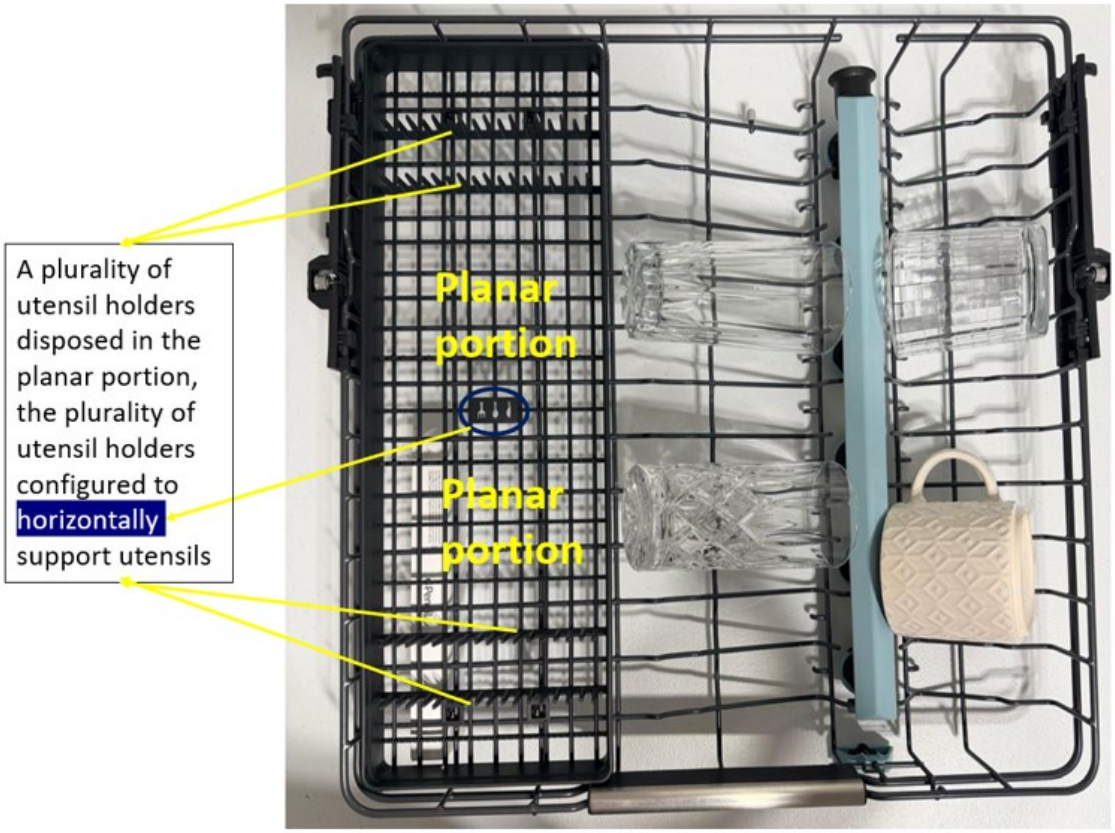


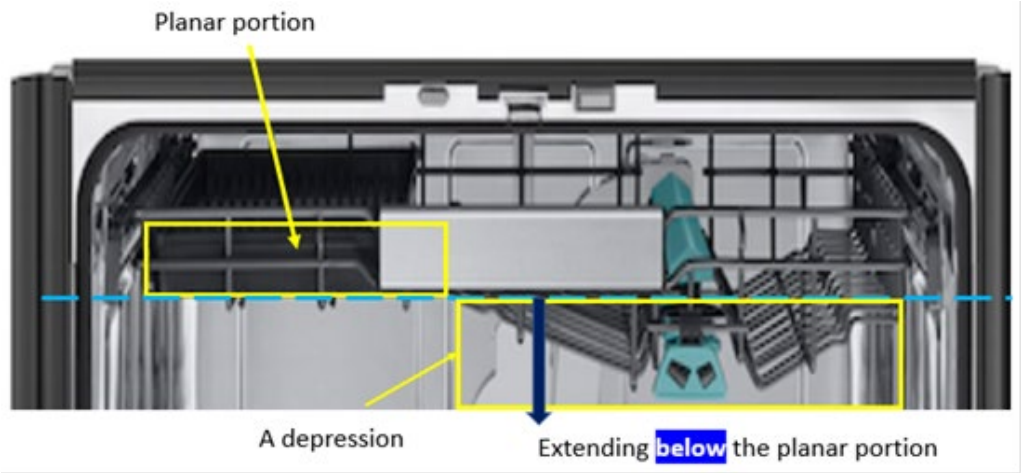
FIG. 3

79. The Accused Products further comprise an upper dish rack defining a planar portion and a depression, wherein a plurality of utensil holders is disposed in the planar portion and the plurality of utensil holders are configured to horizontally support utensils. This is evidenced at least by the below annotated image of the Accused Products:



80. The Accused Products further comprise an upper dish rack defining a planar portion and a depression wherein the depression extends entirely below a top of the utensil holders in the planar portion. This is evidenced at least by the below annotated image of the Accused Products:[18]

[18] https://www.samsung.com/us/home-appliances/dishwashers/rotary/38-dba-bespoke-auto-open-door-dishwasher-with-3rd-rack-washing-system-in-fingerprint-resistant-stainless-steel-dw90f89p0usraa/



81. Samsung will continue to infringe one or more claims of the ’922 patent unless enjoined by this Court. As a direct and proximate result of Samsung’s direct infringement of the ’922 patent, Whirlpool has been and continues to be damaged.

82. Upon information and belief, Samsung’s infringement of the ’922 Patent is willful and deliberate, entitling Whirlpool to the recovery of enhanced damages under 35 U.S.C. § 284. Samsung has infringed and continues to infringe the ’922 Patent despite the risk of infringement being either known or so obvious that it should have been known to Samsung.

DEMAND FOR JURY TRIAL

83. Whirlpool hereby demands a jury trial pursuant to Federal Rule of Civil Procedure 38.

FEES AND COSTS

84. To the extent that Samsung’s willful and deliberate infringement or litigation conduct supports a finding that this is an “exceptional case,” an award of attorneys’ fees and costs to Whirlpool is justified pursuant to 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, Whirlpool prays for relief against Samsung as follows:

a. Declaring that Samsung has directly infringed the Asserted Patents, contributed to the infringement of the Asserted Patents, and/or induced the infringement of the Asserted Patents;

b. Declaring that the Asserted Patents are not invalid;

c. Entering a preliminary and permanent injunction preventing Samsung and its respective officers, directors, agents, servants, employees, attorneys, licensees, successors, and assigns, and those in active concert or participation with any of them, from engaging in infringing activities with respect to the Asserted Patents by making, using, offering to sell, selling, importing into the United States, distributing, shipping, or otherwise disposing of the Accused Products, including but not limited to the Samsung 38 dBA Bespoke Auto Open Door Dishwasher with 3rd Rack Washing System;

d. Entering a preliminary and permanent injunction that requires Samsung and its respective officers, directors, agents, servants, employees, attorneys, licensees, successors, and assigns, and those in active concert or participation with any of them to immediately and permanently discontinue all advertisements, including advertising links on websites, social media, or search engines that direct to any webpage operated by Samsung that reference any Accused Product, including but not limited to the Samsung 38 dBA Bespoke Auto Open Door Dishwasher with 3rd Rack Washing System;

e. Awarding Whirlpool damages arising out of this infringement of the Asserted Patents, including enhanced damages pursuant to 35 U.S.C. § 284 and supplemental damages for any continuing post-verdict infringement through entry of the final judgment, in an amount according to proof;

f. Awarding Whirlpool prejudgment and post-judgment interest, in an amount according to proof;

g. Awarding Whirlpool a compulsory ongoing royalty, in an amount according to proof;

h. Awarding attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;

i. Declaring that Samsung's infringement of the Asserted Patents is willful;

j. Awarding such other relief which may be requested and to which Whirlpool is entitled; and

k. Awarding to Whirlpool such other costs, equitable relief, and any other relief to which Whirlpool is entitled and as the Court deems just and proper.

DATED: February 9, 2026, CT
(February 10, 2026, ET)

Respectfully submitted,

By: *<u>/s/ Joseph S. Grinstein</u>*

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