

CAUSE NO. _____

THE STATE OF TEXAS,
Plaintiff,

§
§

IN THE DISTRICT COURT OF

v.

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§
§

COLLIN COUNTY, TEXAS

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

§
§
§
§

Defendants.

____ JUDICIAL DISTRICT

**TEXAS' ORIGINAL VERIFIED PETITION,
APPLICATION FOR TEMPORARY AND PERMANENT INJUNCTIONS
AND REQUEST FOR AN EX PARTE TEMPORARY INJUNCTION**

Samsung Smart TVs are watching you back. Samsung TVs aren't just entertainment devices—they're a mass surveillance system sitting in millions of American living rooms. What consumers were told would enhance their viewing experience actually tracks, analyzes, and sells intimate details about everything they watch. Through Automatic Content Recognition (ACR) technology, Samsung secretly monitors what consumers watch across streaming apps, cable, and even connected devices like gaming consoles or Blu-ray players. This isn't a glitch or side effect—it's deliberate. Samsung harvests this data, builds profiles of consumers' behavior, and capitalizes it for profit.

Consumers never agreed to Samsung Watchware. When families buy a television, they don't expect it to spy on them. They don't expect their viewing habits packaged and auctioned to advertisers. Yet Samsung deceptively guides consumers to activate ACR and buries any explanation of what that means in dense legal jargon that few will read or understand. The so-called "consent" Samsung obtains is meaningless. Disclosures are hidden, vague, and misleading. The

company collects far more data than necessary to make the TV work. Consumers are stripped of real choice and kept in the dark about what's happening in their own homes on Samsung Smart TVs.

Samsung's mass surveillance of consumers violates Texas law. The Texas Deceptive Trade Practices Act exists to stop exactly this kind of unfair, deceptive conduct. Samsung chose data extraction and advertising dollars over honesty and respect for consumer privacy. That's illegal. This Christmas morning, tens of thousands of Texans will unwrap a disturbing gift: Samsung TVs that immediately begin ACR surveillance without their knowledge or consent, adding to the millions already affected by these DTPA violations. Texas families have the right to watch TV without being secretly surveilled or exploited. This lawsuit exists to protect that right.

Texas Attorney General Ken Paxton holds consumer-abusing corporations like Samsung accountable. Texas Attorney General Ken Paxton, on behalf of the State of Texas, hereby sues Defendants SAMSUNG ELECTRONICS AMERICA, INC. and SAMSUNG ELECTRONICS CO., LTD. (collectively "Samsung") for violating Tex. Bus. & Com. Code § 17.46 (the Texas Deceptive Trade Practices Act or "DTPA").

DEFENDANTS

1. DEFENDANT SAMSUNG ELECTRONICS CO., LTD. ("Samsung Ltd.") is a foreign corporation regularly transacting, soliciting, and conducting business in Texas that is headquartered in Englewood Cliffs, New Jersey, and incorporated under the laws of New York.

2. Samsung Ltd. is a global manufacturer of consumer electronics, information technology and mobile communications and device solutions, including TVs, refrigerators, washers, air conditioners, smartphones and PCs. It is the parent company of two hundred and thirty subsidiaries around the world, including Samsung Inc. Samsung Ltd. transacts business in

Texas but is not registered in Texas and may be served through the Secretary of State, *see* Tex. Bus. Orgs. Code § 5.251(2)(B).

3. DEFENDANT SAMSUNG ELECTRONICS AMERICA, INC. (“Samsung Inc.”) is a foreign public corporation headquartered in Englewood Cliffs, New Jersey, and incorporated under the laws of New York.

4. Samsung, Inc. is the U.S. sales and marketing subsidiary to Samsung Ltd. It specializes in Smart TVs, home theater and audio, security and monitoring, memory and storage, computing, home appliances, home theater and audio. Samsung Inc.’s agent for service of process in Texas is CT Corporation Systems, 1999 Bryan St., Ste 900, Dallas, TX 75201.

JURISDICTION AND VENUE

5. This action is brought by the Texas Attorney General’s Office through its Consumer Protection Division in the name of the State of Texas (“Texas”) and in the public interest, pursuant to the authority granted by Section 17.47 of the DTPA.

6. Venue is proper in Comal County, Texas, because a substantial part of the events or omission giving rise to Texas’s claims occurred in Comal County, because Samsung has done business with retailers and consumers in Comal County, because Samsung unlawfully surveilled consumers who own Smart TVs in Comal County, and because Samsung advertised and sold Smart TVs to consumers at locations in Comal County, including but not limited to those sold at Wal-Mart Supercenter, 1209 I-35, New Braunfels, TX 78130, and at Best Buy, 8210 Agora Pkwy, Selma, TX 78154. *See* Tex. Civ. Prac. & Rem. Code § 15.002(a)(1), Tex. Bus. & Com. Code §§ 17.47.

7. Jurisdiction is proper because Samsung has established minimum contacts in Texas such that maintenance of this suit does not offend traditional notions of fair play and substantial justice, *see Int'l Shoe Co. v. State of Wash., Off. of Unemployment Comp. & Placement*, 326 U.S. 310, 316 (1945), and because Samsung transacts business in Texas and are therefore subject to Texas' long-arm statute, *see Tex. Civ. Prac. & Rem. Code* §§ 17.001–093.

8. The Court has general jurisdiction over Samsung because their contacts and affiliations with Texas are so continuous and systematic as to render them essentially at home in Texas. *BMC Software Belg., N.V. v. Marchand*, 83 S.W.3d 789, 797 (Tex. 2002)

9. Alternatively, the Court has specific jurisdiction over Samsung because they purposefully availed themselves of the privileges of conducting activities in Texas and the causes of action in this suit arise out of or relate to Samsungs contacts in Texas, including the advertising and sale of millions of Smart TVs in Texas and the unlawful ACR surveillance of millions of consumers in Texas. *Luciano v. SprayFoamPolymers.com, LLC*, 625 S.W.3d 1, 9 (Tex. 2021).

10. The Court also has jurisdiction over Samsung, Inc. because it consented to personal jurisdiction by registering and transacting business in Texas. *See Mallory v. Norfolk S. Ry. Co.*, 600 U.S. 122 (2023); *see also Acacia Pipeline Corp. v. Champlin Expl., Inc.*, 769 S.W.2d 719, 720 (Tex. App.—Houston [1st Dist.] 1989, no writ) (“In return for the privilege of doing business in Texas, and enjoying the same rights and privileges as a domestic corporation, Champlin has consented to amenability to jurisdiction for purposes of all lawsuits within the state.”).

DISCOVERY

11. Discovery in this case should be conducted under Level 3 pursuant to Texas Rule of Civil Procedure 190.4. Restrictions concerning expedited discovery under Texas Rule of Civil

Procedure 169 do not apply because Texas seeks non-monetary injunctive relief as part of its claims.

12. Additionally, Texas' claims entitlement to monetary relief in an amount greater than \$1,000,000.00, including civil penalties, reasonable attorney's fees, litigation expenses, and costs.

FACTS

I. SAMSUNG SPYSCREENS ARE PERVASIVE IN TEXAS

13. Samsung was founded in 1938, in Korea by Lee Byung-Chul, as a shop selling vegetables and dried fish that eventually expanded into sugar, finance, chemicals, and electronics.¹

14. "Today, Samsung is a household name, and a bigger smartphone maker than Apple. But its path to the top was strewn with secret deals, price fixing, bribery, tax evasion and more, all of it overseen by an ultra-secretive, ultrarich family ready to use every means at its disposal to stay in command."²

15. Samsung has maintained the number one position in global TV sales for 19 consecutive years, a streak that began in 2006, which they credit to the "trust and support of its customers."³

16. Samsung's penetration into Texas households is vast, giving it expansive access to viewing habits, application usage, and patterns of life across millions of consumers.

¹ Raymond Zhong, *Samsung: The Tech Monster That Conquered the World*, N.Y. Times (Mar. 17, 2020), <https://tinyurl.com/46tx6cr6>.

² *Id.*

³ Samsung, *2025 Interim Business Report* (May 15, 2025), <https://tinyurl.com/2fb5e2j7>.

17. Census records show that Texas has roughly 10.7 million households, and industry reach shows that approximately 68% of U.S. households now own a Smart TV.⁴ Applying that ratio to Texas yields an estimated 7.8 million Texas households with Smart TV.

18. Samsung holds roughly 32% of the U.S. Smart TV installed base, which converts to approximately 2.49 million households across Texas alone.⁵

19. With an average of 2.7 persons per household, nearly 6.7 million Texans, more than every one in five Texans likely live in a home monitored by Samsung Smart TVs.

20. Samsung is monitoring millions of Texans without their knowledge and informed consent through Smart TVs.

21. Samsung Ads was established in 2015 and operates as the “monetization arm of Samsung Electronics”⁶ by enabling advertisers to reach “160 million U.S. consumers by tapping into Samsungs powerful. . . data and unmatched device ecosystem.”⁷

22. As of late 2024, Samsung’s ad-supported streaming service on Samsung TVs reportedly had 88 million monthly active users globally.⁸

23. This scale grants Samsung outsized control of Texas’s connected TV market, allowing the company to harvest data on millions of consumers worth billions of dollars—all without their knowledge or consent.

A. ACR Technology.

⁴ Press Release, *Parks Associates: 68% of US households have a smart TV and 46% have a streaming media player* (Nov. 14, 2024), <https://tinyurl.com/2vpjsprp>.

⁵ Michael Balderston, *Samsung Still Top Smart TV in US, Per Statista*, TV Tech (Sept. 23, 2020), <https://tinyurl.com/432rcfff>.

⁶ *Id.*

⁷ *Expand your reach with the world’s #1 TV brand*, Samsung (accessed Dec. 7, 2025), <https://tinyurl.com/5bf7vwtk>.

⁸ Samsung Newsroom, *Samsung TV Plus Hits 88 Million Monthly Active Users* (Oct. 28, 2024), <https://tinyurl.com/y2uxxwbz>.

24. The corporate desire to monitor consumer viewing habits is not new.
25. Since the 1950s, Nielsen's has *paid consumers* to permit it to track the viewership habits of approximately 42,000 representative households.⁹
26. Consumers tracked by Nielsen Ratings have a "people meter" device installed on their television, that they carry around with them which must be manually activated when they start and stop watching a show.¹⁰
27. ACR is different and consumers are not *paid* for their participation.
28. ACR arose in 2011 when Shazam, a company known for pioneering the software algorithm that can identify a piece of music after sampling a few bars, demonstrated that it could do the same thing with TV clips.¹¹
29. ACR has become a multi-billion-dollar global business.¹²
30. In 2017, ACR gained national attention when the FTC and the New Jersey Attorney General fined Vizio \$2.2 million for collecting ACR data on 11 million consumers without their knowledge or consent.¹³
31. By 2021, Vizio reported that it had earned more profit from the sale of customer data than from TV sales.¹⁴

⁹ Bill Shea, *The Ultimate Nielsen FAQ: How we, and they, know how many of you are watching Sports on TV*, NY Times (Mar. 22, 2022), <https://tinyurl.com/w2ma8ypt>.

¹⁰ *Id.*

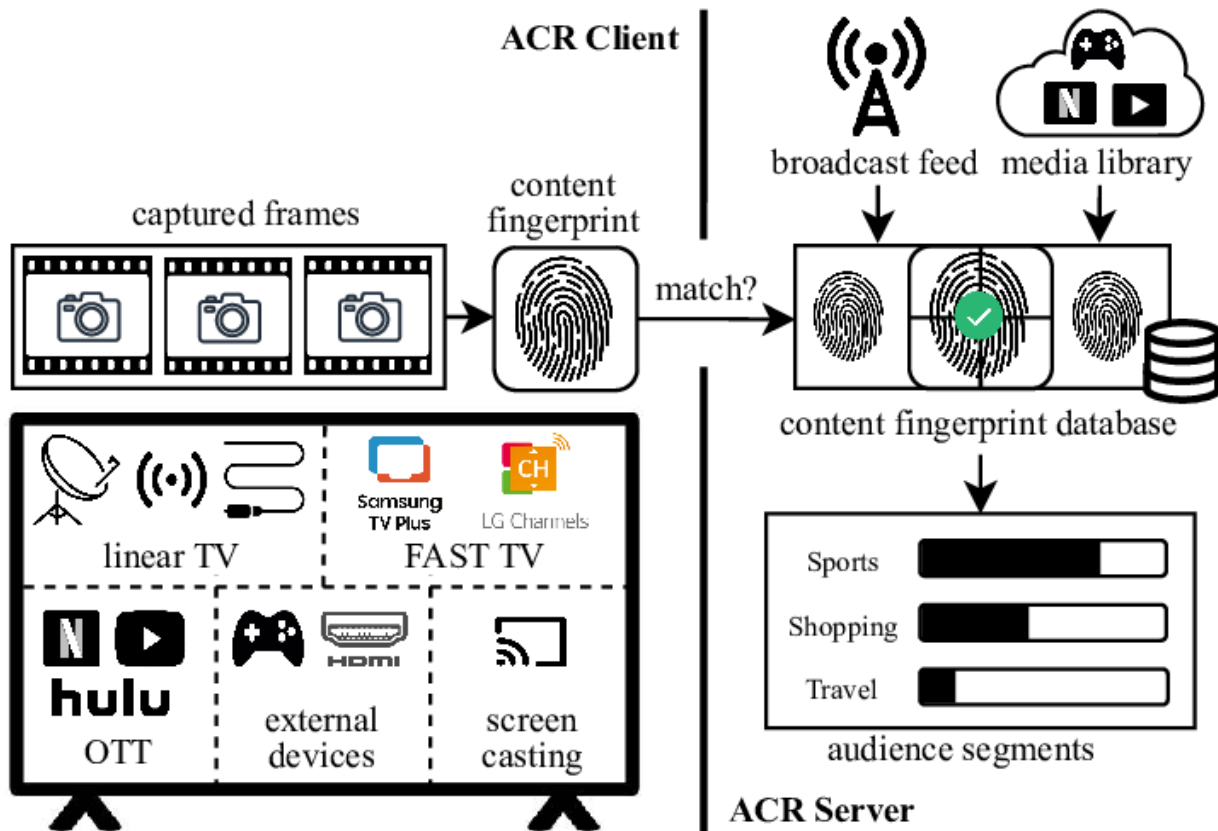
¹¹ Lee Neikirk, *How to Get Your Smart TV to Stop Spying on You*, NY Times (Oct. 6, 2025), <https://tinyurl.com/vvrc7hza>.

¹² *Id.*

¹³ FTC, *VIZIO to Pay \$2.2 Million to FTC, State of New Jersey to Settle Charges It Collected Viewing Histories on 11 Million Smart Televisions without Users' Consent* (Feb. 6, 2017), <https://tinyurl.com/3s6uf63m>.

¹⁴ Adrianna Nine, *Vizio Makes 2x More Selling Ads and Data Than it Does on TVs*, Extreme Tech (Nov. 12, 2021), <https://tinyurl.com/6xnpjy5c>.

32. Generally, ACR works by capturing audio and visual data of what you're watching on TV, captured in hundredths of milliseconds, to build a "fingerprint" of the content and then matches that "fingerprint" with a database of known content. When the fingerprint matches then the ACR server can determine what piece of content is being watched.¹⁵



33. The ACR data collected about consumers is worth as much, or more, than the Smart TVs themselves, which is one reason Smart TVs have become so cheap and ubiquitous over the past decade.¹⁶

¹⁵ Gianluca Anselmi, et al., *Watching TV with the Second-Party: A First Look at Automatic Content Recognition Tracking in Smart TVs* (Sept. 2024), <https://tinyurl.com/3248jcez>.

¹⁶ *Id.*

34. ACR captures everything on your screen, not just TV shows, but also YouTube videos, security or doorbell camera streams, and video or photos you send via Apple AirPlay or Google Cast, and from other devices connected to your TV by HDMI, including personal laptops, video game consoles, and Blu-ray players.¹⁷

35. ACR captures information even when the TV is disconnected from the internet and will share the data collected if the TV ever reconnects to the internet, such as for a firmware updated.¹⁸

36. Nearly three-fourths of U.S. households have a Smart TV with ACR.¹⁹

37. Experts have described ACR as “like someone has installed a camera 24-7 in your living room.”²⁰

II. SAMSUNG’S MASS SURVEILLANCE ACR PROGRAM

38. Samsung began incorporating ACR into their devices in 2013.²¹

39. Initially Samsung outsourced its ACR operations and partnered with providers such as Enswer and Yahoo Broadcasting Interactivity.²²

40. Not long after, Samsung built its own in-house proprietary ACR and began manufacturing Smart TVs equipped with the spyware.²³

¹⁷ *Id.*

¹⁸ Rachel Cericola, et al., *Yes, Your TV Is Probably Spying on You. Your Fridge, Too. Here’s What They Know*, NY Times (June 25, 2025), <https://tinyurl.com/4wh9cvjk>.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *TV ACR – a brief history, state of play and where it’s going*, TVadSync (Feb. 22, 2018), <https://tinyurl.com/5n78x9d8>.

²² Ramon Lobato, *Automated content recognition (ACR), smart TVs, and ad-tech infrastructure*, Convergence: The International Journal of Research into New Media Technologies (July 15, 2025), <https://tinyurl.com/36wkfe3b>.


²³ *Id.*

41. Samsung’s ACR monitors consumers by capturing audio and video from the more than 73 million Samsung Smart TVs in the U.S. every 500 milliseconds.²⁴

42. Samsung employs this tracking across all devices connected to the Samsung Smart TV, capturing raw data about not just the native streaming apps or built-in channels, but also *external inputs* such as cable, satellite, HDMI devices, gaming consoles, even if the Smart TV used simply as a monitor for the laptop.²⁵

43. This creates a detailed log of a household’s media consumption from what content was watched, when, and for how long, across all inputs and apps.²⁶

This tab comprises two sections: a table and a graph.

Table	Graph
<ul style="list-style-type: none">• Daypart: This column indicates the time period from which the viewership activity was recorded.<ul style="list-style-type: none">• <i>Breakfast:</i> Between 6:00am – 10:00am.• <i>Daytime:</i> Between 10:00am – 5:00pm.• <i>National Prime Time:</i> Between 5:00pm – 11:00pm.• <i>Late Night:</i> Between 11:00pm – 2:00am.• <i>Overnight:</i> Between 2:00am – 6:00am.• % of Target Audience: This column indicates the audience percentage that was watching during a specific daypart.• Avg Time Spent: This column indicates the average time (in hours) the audience spent in relation to a specific daypart over the course of the study period.• % Time Spent: This column indicates the total time spent in relation to a specific daypart.• Time Spent Index: This column indicates how this audience’s daypart proportion compares to the total universe’s daypart proportion.	 <p>This graph is generated by combining the data from the <i>% of Target Audience</i> and <i>Avg Time Spent</i> columns for each daypart. Click on the eye icon to display or hide the corresponding data.</p>

²⁴ *Id.*

²⁵ *Connect external video devices and switch input sources on a Samsung Smart TV*, Samsung (Dec. 23, 2024), <https://tinyurl.com/32pvkyfz>.

²⁶ *Samsung Ads Europe—Holding Statement and FAQ*, Samsung Ads (Mar. 25, 2020), <https://tinyurl.com/52j39wkj>.

44. Samsung has a special focus on gamers and how they engage with their game consoles.²⁷

45. Furthermore, because ACR, metadata, and identifiers combine, the collected data becomes more than just “what show a consumer watched.”²⁸

46. ACR captures or infers highly personal attributes pertaining to consumers’ race, sex, or religious and political beliefs. Samsung builds profiles on consumers based on what genre²⁹, when, how often, and what ads Consumers see³⁰. This yields “household-level content viewership” that is used for advertising.³¹

Glossary

Term	Definition
Study period	The window of time to analyze the delivery of a campaign
Device	The device used to measure Reach/Impressions. Samsung TVs count Samsung TV IDs only. All

Samsung Ads DSP - FAQ

	non-Samsung households. If the device ID is not available, then the IP address is used.
Reach	The number of devices that were served at least one impression
Impression	The number of ads delivered
Frequency	The number of times an impression was delivered to a device
Week	The period of time from Monday to Sunday
Exposure type	The media type on which the advertising campaign ran. Possible values: Native : Samsung owned & operated inventory, CTV : Connected TV inventory that includes TV Plus, SCN and 3P supply, Cross Device : non-CTV inventory acquired through exchanges
Format	The creative format of ads delivered. Possible values: VIDEO, DISPLAY
Device type	The type of device that delivered ads. Possible values: COMPUTER, CONNECTED_TV, GAME_CONSOLE, MOBILE, TABLET, UNKNOWN

Samsung Ads DSP - FAQ

²⁷ Jeff Chester & Kathryn Montgomery, *How TV Watches Us Commercial Surveillance in the Streaming Era*, Center for Digital Democracy (Oct. 2024), <https://tinyurl.com/uj2k8jh2>.

²⁸ *Campaign Exposure*, Samsung DSP Help Center (Nov. 30, 2025), <https://tinyurl.com/h8983smv>.

²⁹ *App Launch*, Samsung DSP Help Center (July 1, 2024), <https://tinyurl.com/3ztzcfac>.

³⁰ *Linear Ads*, Samsung DSP Help Center (Sept. 28, 2023), <https://tinyurl.com/e7sx5b85>.

³¹ *Id.*

47. Samsung’s consumer profiles include cross-device or cross-screen linkage, meaning that data collected from Smart TVs is correlated with other online activity and smart devices to facilitate cross-device ad targeting and tracking.

48. Samsung ACR data collection, when combined with identifiers, metadata, and network information, becomes a powerful tool for profiling, targeting, and behavioral tracking, often without informed consent.

49. Samsung’s profiles on consumers includes intimate details like political leanings, sexual orientation, health interests, marital status, family composition and age, and religion.

Political 2024

Updated on 25 Sep 2024 • 1 Minute to read

Share Dark

June 17, 2024

What's new?

At Samsung DSP, we are continuously working to enhance our platform and build new features to make you smarter and more effective in meeting your campaign goals this election season.

We have take this opportunity to enhance targeting based on voters location. Our enhanced zip code targeting experience is now faster and more efficient. You can add an unlimited number of zip codes, allowing you to focus on specific areas with greater accuracy.

Benefits

U.S. Congressional District Targeting

Advertisers can now supercharge their campaigns with precise targeting at the U.S. congressional district level. Utilizing the latest mapping data, which includes zip codes corresponding to each district, you can include or exclude specific districts to effectively reach your desired voters. This targeting capability is available for display, mobile and video ads.

Auto-fingerprinting for Political Ads

Leveraging Samsung’s ACR technology, we have enabled political ad fingerprinting through Audience Builder for advertisers. This allows you to identify households exposed to political ads on broadcast networks and retarget them in near real-time via our DSP across channels like TV Plus, Online Video, and other supported inventory channels. Additionally, you can build audiences based on political ad exposures using high level attributes such as state, race (e.g. presidential), U.S. Senate, U.S. House, and more.

Availability

Samsung Ads DSP - FAQ

50. Samsung Smart TVs are not a passive mode of entertainment, but a relentless surveillance device when ACR is activated.

III. SAMSUNG'S ACR DATA COLLECTION PROGRAM IS UNLAWFUL³²

51. From January 1, 2013, through the present, Samsungs has operated an unlawful ACR data collection system, because consent from consumers is not informed, privacy choices are not meaningful, users cannot reasonably understand the surveillance model, and the system defaults towards maximal data extraction.

52. From January 1, 2013, through the present, Samsung engaged in false, deceptive, or misleading business practices relating to the collection and use of ACR data without adequate disclosure to consumers and by obtaining consent from consumers in a deceptive or misleading manner.

53. Samsung's unlawful conduct was calculated to acquire or deprive money or other property from consumers who were 65 years of age or older.

A. Consent is Not Informed.

54. Samsung's user interface ("UI") reveals a surveillance-by-default design philosophy that is intended to manipulate consumer consent to align with its business interests. This scheme is illustrated in the following three ways.

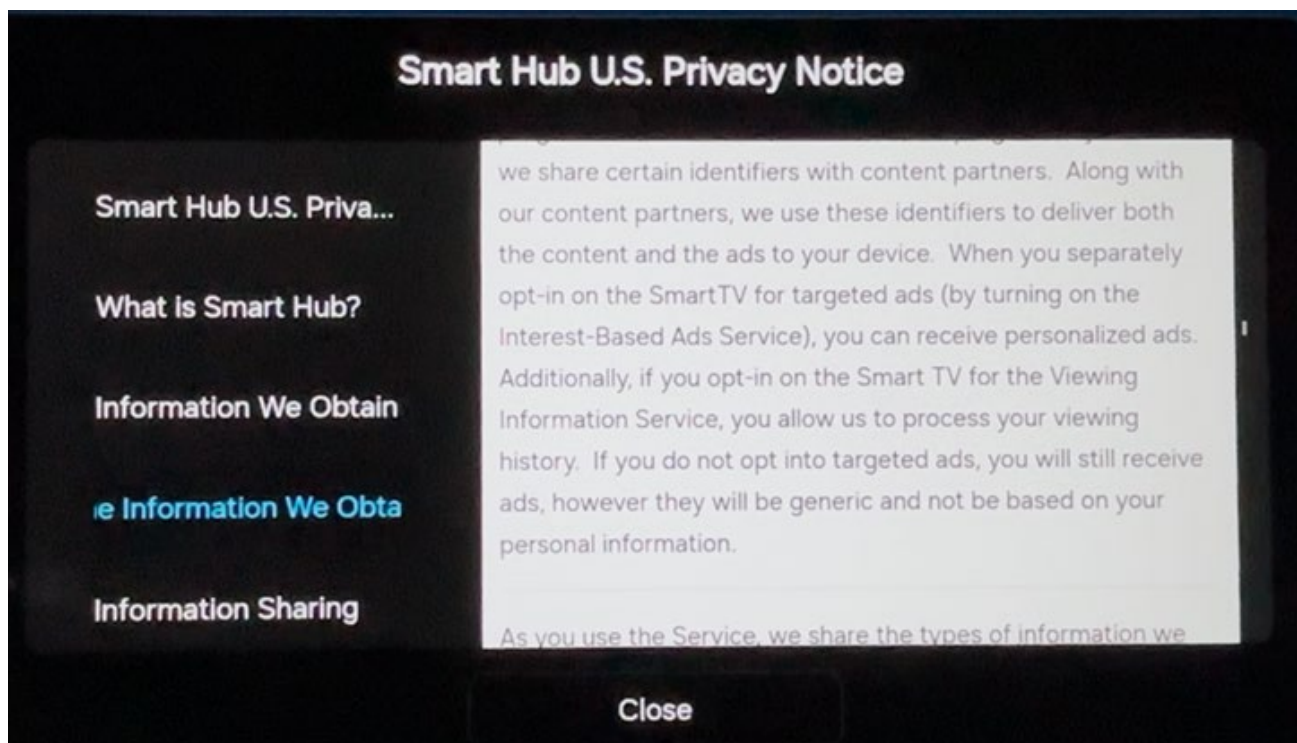
55. *First*, consent is not informed because Samsung relies on non-intuitive nomenclature—deceptively and misleadingly naming their ACR data collection program *Viewing Information Services*.

³² **The allegations in this suit hereby serve as notice under Tex. Bus. & Com. Code § 541.154. Should Samsung fail to cure the violations of Tex. Bus. & Com. Code § 541.101-102 described herein within 30 days, Texas will amend to add claims for violations of the Texas Data Privacy and Security Act.**

56. The mislabeling of ACR on the consent screens presented to consumers does not put them on notice, let alone give rise to any reasonable inference, about what activity they are enabling and certainly does not inform them that *Viewing Information Services* permits continuous real-time capturing of **every sound and image on their Smart TV every 500 milliseconds**.

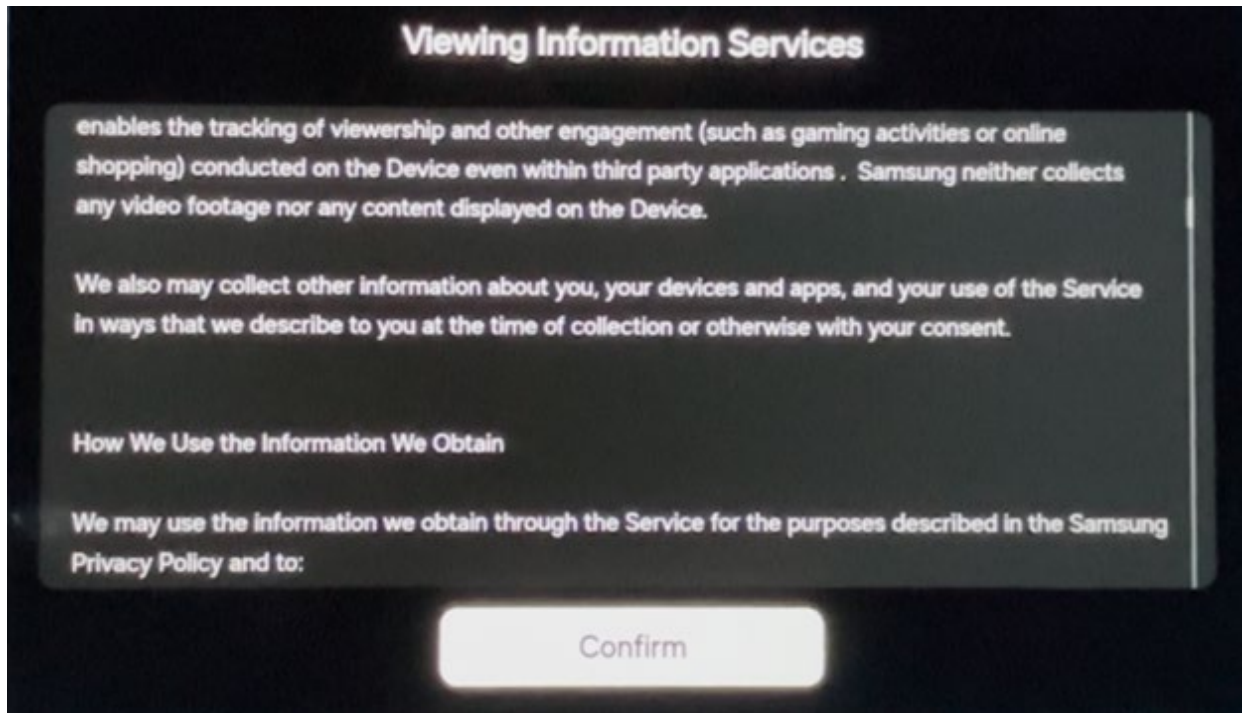
57. *Second*, the *Smart Hub U.S. Privacy Notice* accessible on Samsung Smart TVs use opaque and non-intuitive disclosures to present ACR to consumers in a manner that is deceptive and misleading.

58. For example, Samsung tells consumers that “if [they] opt-in on the Smart TV for Viewing Information Services, [they] allow [Samsung] to *process* [their] viewing history.”



Smart Hub U.S. Privacy Notice displayed on Samsung’s Smart TV

59. Samsung’s disclosures violate principles of informed consent because consumers are not given a sufficient or clear understanding of what data categories, recipients, or purposes are actually involved by opting in to *Viewing Information Services*.



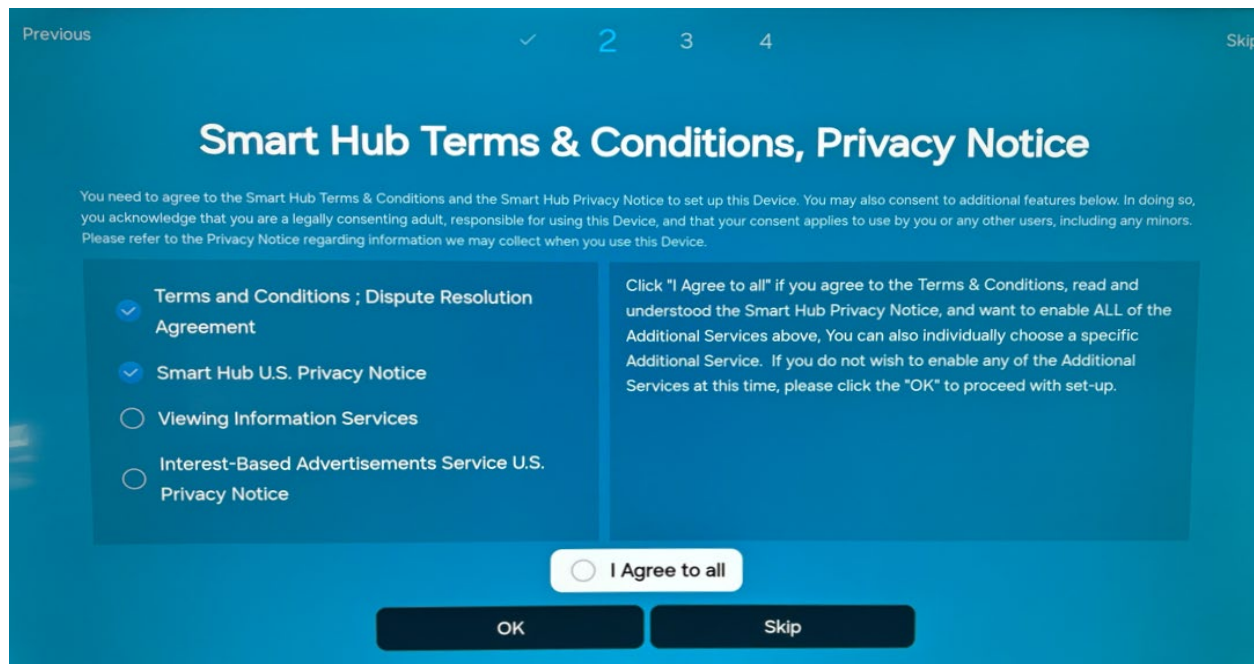
notice and consent screen of *Viewing Information Services*

60. Further exacerbating the consumer confusion, Samsung’s *Viewing Information Services* Notice is a **bald-faced lie**—falsely representing to consumers that “Samsung neither collects any video footage *nor any content displayed on the Device.*”

61. *Third*, consent is not informed because consent is requested during forced initial set up.

62. When Samsung Smart TVs are turned on, consumers must click through a multi-page onboarding flow before landing on a consent screen, titled *Smart Hub Terms & Conditions*.

63. Upon finally reaching the consent screen, consumers are presented with four notices: *Terms & Conditions: Dispute Resolution Agreement*, *Smart Hub U.S. Policy Notice*, *Viewing Information Services*, and *Interest-Based Advertisements Service U.S. Privacy Notice*, with **only one button** prominently displayed: *I Agree to all*.



consent screen of Samsung Smart TV with “I Agree to all” highlighted

64. While the *Viewing Information Services*, *Interest-Based Advertisements Service U.S. Privacy Notice* muted boxes are unchecked, consumers are told that they “need to agree to the *Terms & Conditions: Dispute Resolution Agreement* and *Smart Hub US Privacy Notice* to proceed further.

65. Nearly all consumers click *I Agree to all* to simply finish the initial set up.

66. Samsung intentionally created this deceptive consent architecture to present the consents and notices when consumers are least likely to read and carefully consider them in their eagerness to start watching their new Smart TV.

A. Privacy Choices Are Not Meaningful.

67. Samsung’s opt-out/opt-in architecture undermines the adequacy of meaningful choice in two ways.

68. *First*, Samsung buries consumers ability to exercise their privacy choices behind multi-step menus.

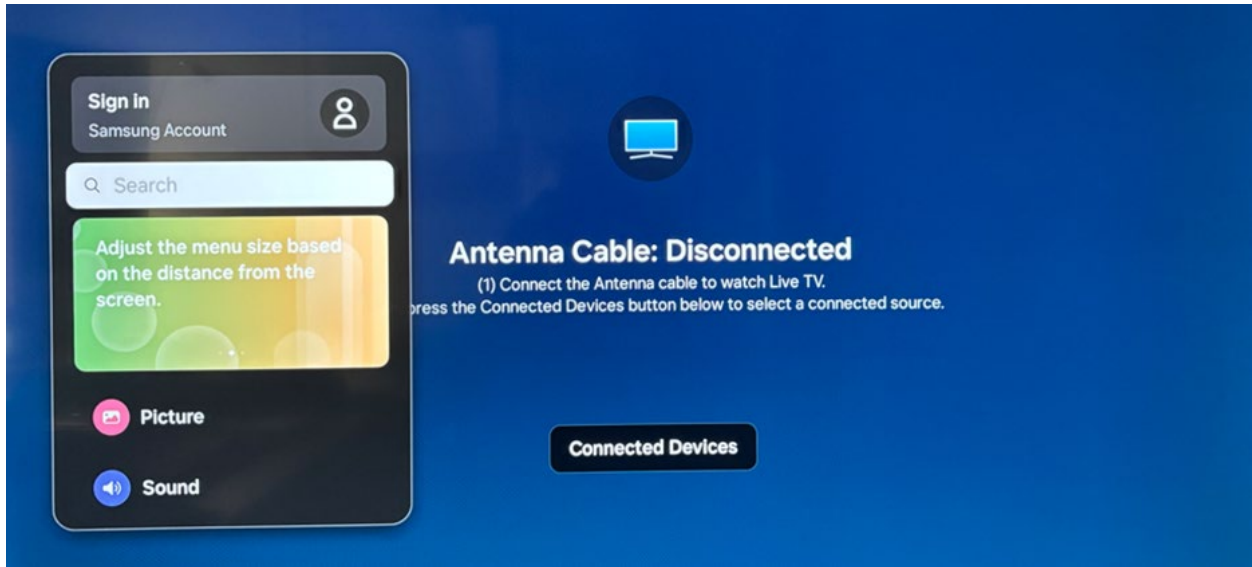
69. For example, Consumers must circumnavigate a long, non-intuitive path to exercise their right to **opt-out** (Settings → Additional Settings → General Privacy → Terms & Privacy → Viewing Information Services → Disable). With additional toggles for Interest-Based Ads, Ad Personalization, and Privacy Choices.



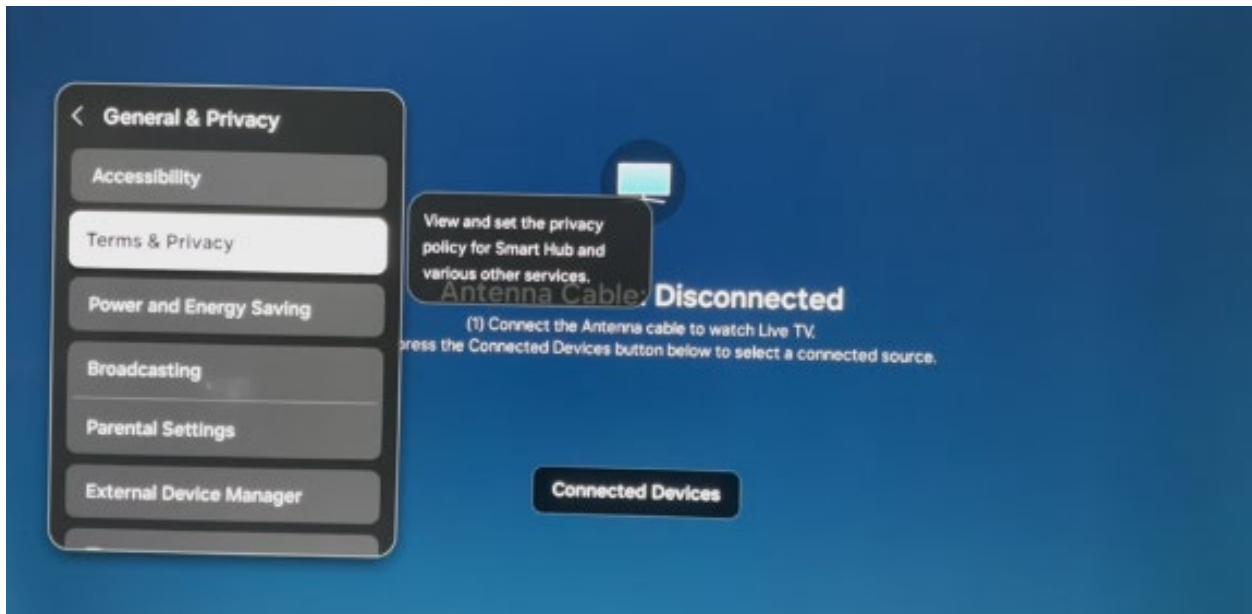
homepage screen of Samsung Smart TV



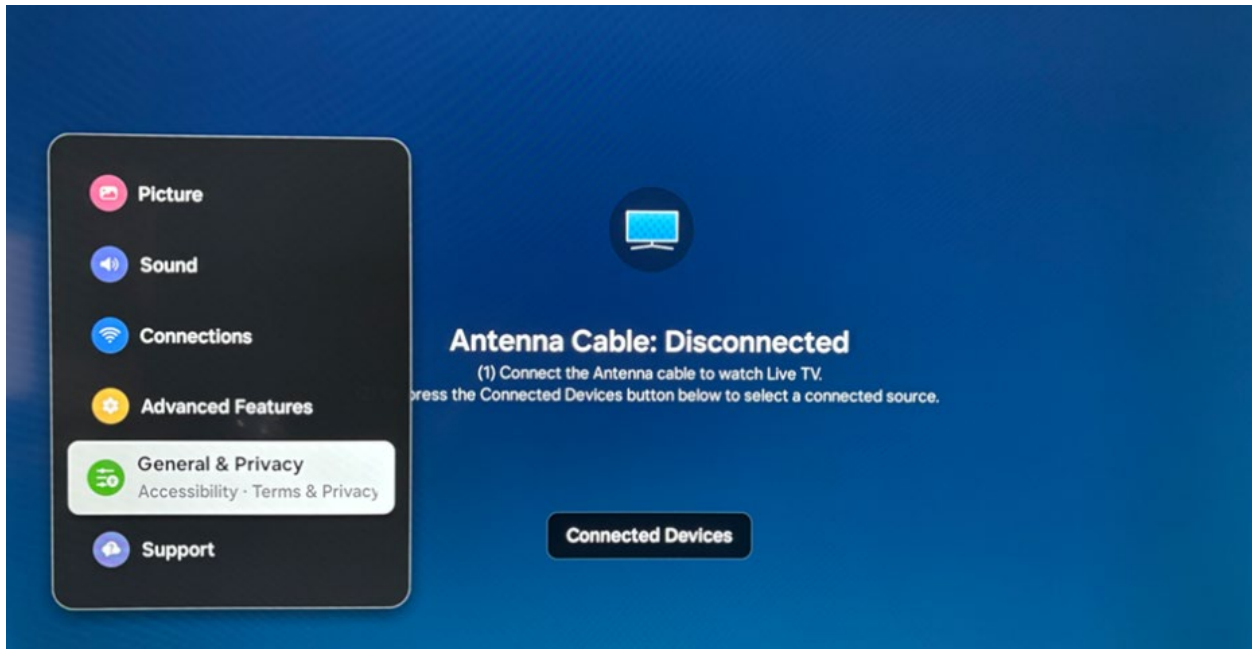
"All Settings" selected



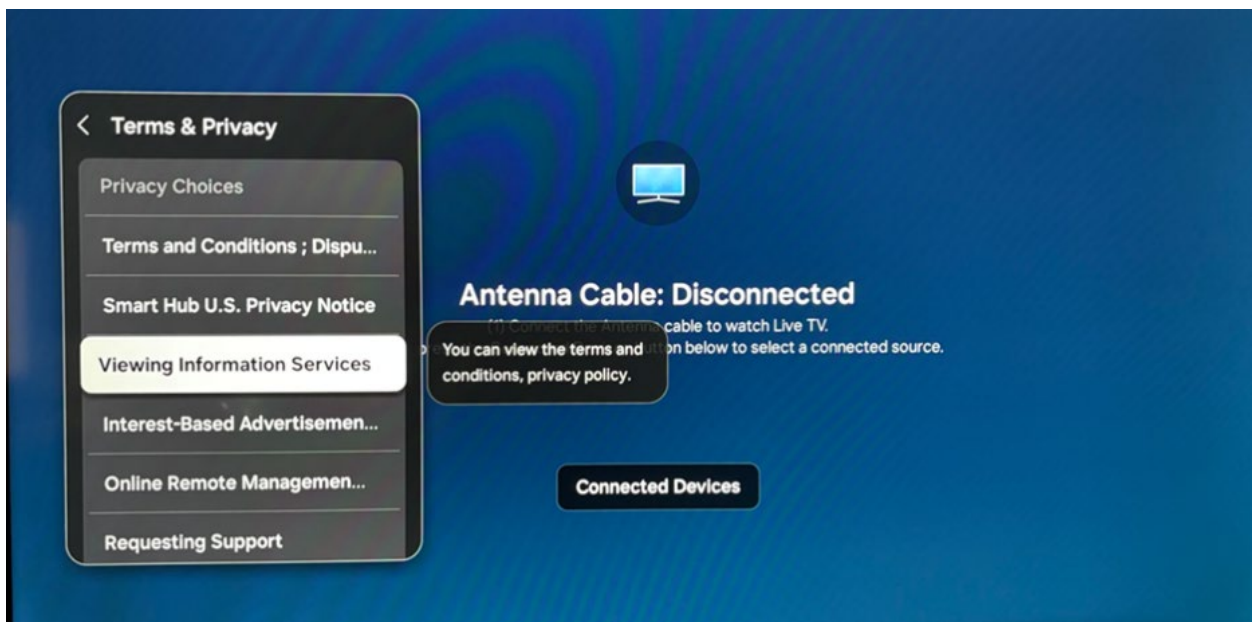
User Account Home Screen



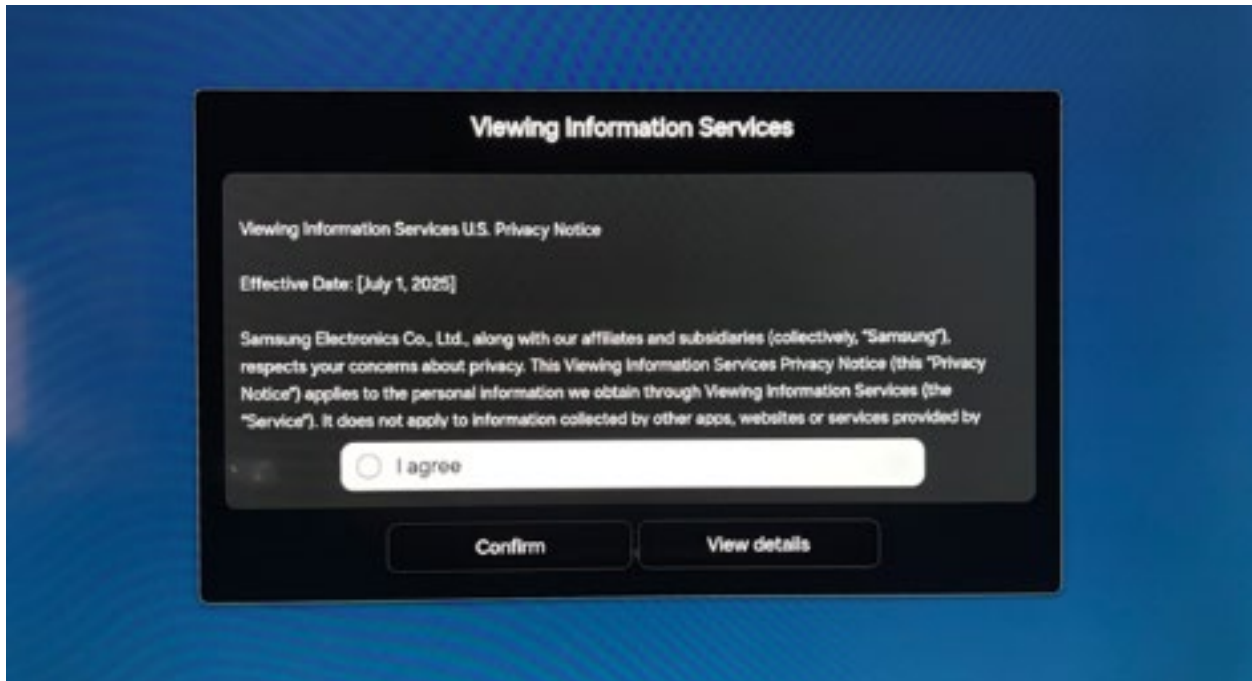
"Terms & Privacy" selected



"General & Privacy" selected



"Viewing Information Services" selected



"Viewing Information Services consent screen with only "I Agree" option

70. *Second*, privacy choices are not meaningful because opt-out rights are scattered across four or more separate menus which requires approximately 15+ clicks.

71. To fully opt-out of ACR and related ad tracking on Samsung Smart TVs, consumers must disable at least two settings: (1) Viewing Information Services, and (2) Interest-Based Ads. Each of which appear in different parts of the setting UI.

72. Conversely, Samsung provides consumers with a one-click enrollment option to **opt-in** during the initial start-up process.

73. The juxtaposition between Samsung's one-click **opt-in** enrollment and the 15+ clicks spread across multiple menus to **opt-out** are quintessential examples of unlawful dark patterns, including "Privacy Zuckering," tricking consumers into sharing more private

"Viewing Information Services" with only "I agree" option

information than they intended or would have knowingly agreed to, and “Roach Motel,” tricking consumers with easy opt-ins while making it extremely difficult to later opt-out.³³

B. Consumers Cannot Reasonably Be Expected to Understand Samsung Smart TVs Come Equipped with Surveillance Capabilities.

74. Samsung’s disclosures are false, deceptive, and misleading.

75. Most consumers do not know, nor have any reason to suspect, that Samsung Smart TVs are capturing in real-time the audio and visuals displayed on the screen and using the information to profile them for advertisers.

76. A survey of 36,000 U.S. consumers found almost half (49%) were unsure if their connected TV was being monitored, despite 62% of them having a connected TV.³⁴

77. Samsung takes advantage of consumers’ naivety when it comes to the technical possibilities within a Smart TV.

78. Samsung’s UI does not provide any visual indication to consumers that ACR is actively capturing the audio and visual from their Smart TV, such as a red-light or a message advising that the TV is “recording.”

79. Consumers cannot reasonably infer surveillance is happening on their Smart TVs in the absence of any visual cue.

80. Consumers, moreover, cannot reasonably understand or infer how Samsung collects viewing data because it is not clearly stated to them.

³³ Kaveh Waddell, *Your Smart Devices Are Trying to Manipulate You With ‘Deceptive Design,’* Consumer Reports (Apr. 17, 2023), <https://tinyurl.com/5e3kuab4>; Staff Report, *Bringing Dark Patterns to Light*, FTC (Sept. 2022), <https://tinyurl.com/5n7z4m9v>.

³⁴ Katie McQuater, *US consumers lack awareness of consent around smart TVs, finds study*, Research Live (July 9, 2018), <https://tinyurl.com/3zk2m2te>.

81. Samsung’s consumer disclosures rarely disclose ACR as the way it collects consumer data, let alone that ACR can collect viewing data from HDMI ports, cable/satellite boxes, DVDs/Blu-rays, gaming consoles, and laptops connected as monitors³⁵.

82. Samsung often uses vague euphemisms for behavioral advertising and personalized advertising, which typically relies on viewing data (ACR), app usage, device identifiers, household inferences, and location-related meta data.

83. For example, Samsung’s *Privacy Policy* mentions customized content, personalized communications, and recommended services which do not provide consumers with a clear understanding of how data is collected about them and used.³⁶

IV. Samsung’s Insatiable Appetite for Consumer Data Far Exceeds What Is Reasonably Necessary

84. Samsung’s collection of viewing data is excessive, disproportionate, and unnecessary for the specific purposes disclosed to consumers in violation of the DTPA.

A. Personalized Content.

85. “Personalized content” is not a legitimate purpose for collecting ACR data about consumers.

86. Providing consumers with personalized content does not require the capture of ACR fingerprints every 500 milliseconds.

87. To personalize a homepage or recommend shows, Samsung needs simple, high-level indicators, such as which apps were opened, what genres are preferred, what shows were recently watched within the streaming apps that already collect this data.

³⁵ *Audience Profiling*, Samsung DSP Help Center (Oct. 20, 2025), <https://tinyurl.com/2wcdhu46>.

³⁶ Samsung Privacy Policy (July 20, 2025), <https://tinyurl.com/mtth5v5r>.

88. The data Samsung collects about consumers is, in reality, for target advertising—not to provide consumers with “personalized content.”

89. Personalized content does not *require* tracking content on external devices.

90. ACR monitors anything that appears on the screen, including game consoles like PlayStation and Xbox; Apple TV, Roku, Fire Stick; cable/satellite boxes; and laptops via HDMI.

91. None of which contributes to Samsung providing consumers with “personalized content.”

92. Personalized content improves recommendations, helps identify content consumers are likely to enjoy, and can be done with minimal signals that do not require sharing with third-party advertising partners.³⁷

B. Targeted Advertising

93. “Targeted advertising” is not a legitimate purpose for collecting ACR data about consumers.

94. The intrusiveness, granularity, continuity, and cross-device nature of Samsung’s ACR tracking far exceeds what is reasonably necessary to provide consumers with “targeted advertising.”

95. While detailed or behavioral data may enhance the relevance of advertisements, this type of data is not strictly necessary to deliver targeted advertisements.³⁸

96. At minimum, advertisers can rely on significantly less data, such as contextual information to deliver relevant advertisements.³⁹

³⁷ CookieHub, *Privacy is personal, but doesn’t erase potential for personalization* (accessed Dec. 6, 2025), <https://tinyurl.com/4ve3vwn4>.

³⁸ *Contextual Advertising 2025*, Viasat (accessed Dec. 11, 2025), <https://tinyurl.com/2kfmmedsb>.

³⁹ *Id.*

97. Since ACR derived viewing data elements are not essential to show consumers targeted and precise behavioral advertisements, this method of tracking can only be described as extreme, granular, and continuous surveillance.

98. This kind of invasive data harvesting is only needed to increase advertisement revenue, which does not satisfy a consumer-necessity standard.

99. Minimal ad-supported systems could show non-targeted ads. This alternative is both functional and privacy preserving.⁴⁰

100. Samsung chooses precision behavioral targeting which requires unnecessary data harvesting.

101. The existence of an alternative demonstrates Samsung's data collection practices are excessive and not limited to what is reasonably necessary.

102. Lastly, to run targeted advertisements, Samsung shares consumers' viewing data with demand-side platforms, ad networks, measurement companies, data brokers, and cross-device graphing companies.⁴¹

103. Sharing data with third parties is not, and never was, necessary for Samsung's core delivery service which provides consumers with access to streaming services.

V. SAMSUNG'S MISCONDUCT WARRANTS THE MAXIMUM IMPOSITION OF CIVIL PENALTIES

104. Texas is entitled to recover up to \$10,000 for each violation of the DTPA, and up to \$250,000 for each violation of the DTPA that was calculated to acquire or deprive money or

⁴⁰ Newor Media, *How To Serve Non-Targeted Ads On Your Website* (Apr. 7, 2021), <https://tinyurl.com/5n6zm4sk>.

⁴¹ *Buyer*, Samsung Demand-Side Platforms Help Center (Mar. 14, 2024), <https://tinyurl.com/5n7hnxz9>.

other property from a consumer who was 65 years of age or older. Tex. Bus. & Com. Code § 17.47(c)(1).

105. Texas Bus. & Com. Code § 17.47(g) describes the six factors the trier of fact “shall consider” when determining the amount of civil penalties to impose: “(1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of any prohibited act or practice; (2) the history of previous violations; (3) the amount necessary to deter future violations; (4) the economic effect on the person against whom the penalty is to be assessed; (5) knowledge of the illegality of the act or practice; and (6) any other matter that justice may require.”

106. Texas is not required to allege injuries to bring claims seeking civil penalties under the DTPA. Tex. Bus. & Com. Code § 17.47(a) (creating a cause of action “[w]henever the consumer protection division has reason to believe that any person is engaging in, has engaged in, or is about to engage in any act or practice declared to be unlawful by [the DTPA]....”

107. The facts described above shall be considered by the jury when determining the civil penalties to impose. *See* Tex. Bus. & Com. Code § 17.47(g)(1)-(6).

108. Samsung’s current financial situation must also be considered by the jury when determining civil penalties to impose. *See* Tex. Bus. & Com. Code § 17.47(g)(3)-(4), (6).

109. Samsungs history of anticompetitive, bribery, antitrust, stock manipulation, and anti-consumer practices must be considered by the jury when determining the civil penalties to impose. *See* Tex. Bus. & Com. Code § 17.47(g)(2), (5)-(6).

CAUSES OF ACTION

Count I

Violations of the Texas Deceptive Trade Practices Act, Tex. Bus. & Com. Code §§ 17.46 *et seq.* (“DTPA”)

110. Texas incorporates the forgoing allegations as set forth fully herein.

111. The Texas Deceptive Trade Practices Act prohibits false, misleading, or deceptive acts or practices in the conduct of trade and commerce. As alleged herein and detailed above, Samsung has in the course and conduct of trade and commerce engaged in false, misleading, or deceptive acts or practices declared unlawful by and in violation of Section 17.46(a) and (b) of the DTPA.

112. At all times described below, Samsung and their agents have engaged or continue to engage in conduct that constitutes “trade” and “commerce” as defined in Section 17.45(6) of the Texas Deceptive Trade Practices Act.

Violation 1: Misrepresentations Regarding the Collection of Personal Information

113. Texas Bus. & Com. Code § 17.46(a) prohibits “false, misleading, or deceptive acts or practices in the conduct of any trade or commerce.”

114. Samsung falsely, expressly or by implication, misrepresents to Texas consumers that its *Viewing Information* feature is designed to provide consumers with a tailored viewing experience, while knowing the ACR embedded feature on its Smart TVs collects granular data to deliver hyper-focused consumer behavior insights to benefit itself and its advertising partners.

115. Through their misrepresentations, Samsung violated Sections 17.46(a) of the DTPA.

Violation 2: Failure to Disclose Presence of Automated Content Recognition Technology

116. Texas Bus. & Com. Code § 17.46(b)(24) provides that “false, misleading, or deceptive acts or practices” includes “failing to disclose information concerning goods or services which was known at the time of the transaction if such failure to disclose such information was intended to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed.”

117. Samsung engaged or continues to engage in false, misleading and deceptive acts when they fail to disclose to Texas consumers that they embed proprietary ACR technology into their Smart TVs. By withholding this information, Samsung intend to induce Texas consumers into transactions they would not have entered had Samsung disclosed this information.

118. In doing so, Samsung violated Section 17.46(b)(24) of the DTPA.

TEMPORARY RESTRAINING ORDER AND TEMPORARY INJUNCTION

119. Texas incorporates the forgoing allegations as set forth fully herein.

120. Generally, an applicant for a temporary restraining order or temporary injunction must plead and prove (1) a cause of action against the defendant; (2) a probable right to the relief sought; and (3) a probable, imminent, and irreparable injury in the interim.⁴²

121. However, the Texas Supreme Court has held that “when it is determined that [a] statute is being violated, it is within the province of the district court to restrain it” so “[t]he doctrine of balancing the equities has no application to this statutorily authorized injunctive relief.”⁴³

⁴² *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002); *Polston v. State*, No. 03-20-00130-CV, 2022 WL 91974, at *3 (Tex. App.—Austin Jan. 6, 2022, no pet.); *Trove v. Scott*, No. 03-99-00118-CV, 1999 WL 546997, at *1 (Tex. App.—Austin July 29, 1999, no pet.) (not designated for publication); Tex. R. Civ. P. 680.

⁴³ *State v. Texas Pet Foods, Inc.*, 591 S.W.2d 800, 805 (Tex. 1979).

122. And “when an applicant relies upon a statutory source for injunctive relief . . . the statute’s express language supersedes the common law injunctive relief elements such as imminent harm or irreparable injury and lack of an adequate remedy at law.”⁴⁴

123. Even so, the State’s inability to enforce its “duly enacted [laws] clearly inflicts irreparable harm on the State.”⁴⁵

124. This Court may issue a temporary restraining order with or without notice to the opposing party, while a temporary injunction requires notice.⁴⁶

125. Whether to grant a temporary restraining order or temporary injunction rests with a trial court’s sound discretion.⁴⁷

126. The purpose of a TRO is to maintain the status quo pending a full hearing on the merits, not to order the complete relief sought.⁴⁸ The same is true of a temporary injunction.⁴⁹

127. The Attorney General is charged with pursuing an action for a temporary restraining order, temporary injunction, or permanent injunction to prevent and restrain any violations of DTPA section 17.46(a)–(b).

128. Under the DTPA Texas need only prove the following to obtain a temporary restraining order and temporary injunction against Samsung: (1) that the Attorney General has

⁴⁴ *West v. State*, 212 S.W.3d 513, 519 (Tex. App.—Austin 2006, no pet.); see *White Lion Holdings, L.L.C. v. State*, No. 01-14-00104-CV, 2015 WL 5626564, at *9 (Tex. App.—Houston [1st Dist.] Sept. 24, 2015, pet. denied) (mem. op.).

⁴⁵ *Texas Ass’n of Bus. v. City of Austin*, 565 S.W.3d 425, 441 (Tex. App.—Austin 2018, pet. denied) (quoting *Abbott v. Perez*, 585 U.S. 579, 602 (2018)); see *Washington v. Associated Builders & Contractors of S. Tex. Inc.*, 621 S.W.3d 305, 319 (Tex. App.—San Antonio 2021, no pet.) (“Like the trial court, our sister court, and the Supreme Court, we agree that the ‘inability [of a state] to enforce its duly enacted [laws] clearly inflicts irreparable harm on the State.’” (quoting *Abbott*, 585 U.S. at 602 n.17, and *Texas Ass’n of Bus.*, 565 S.W.3d at 441)).

⁴⁶ See Tex. R. Civ. P. 680–81.

⁴⁷ *In re MetroPCS Communications, Inc.*, 391 S.W.3d 329, 336 (Tex. App.—Dallas 2013, no pet.); *Butnaru*, 84 S.W.3d at 204.

⁴⁸ *In re Triantaphyllis*, 68 S.W.3d 861, 869 n.7 (Tex. App.—Houston [14th Dist.] 2002, no pet.) (citation omitted).

⁴⁹ *Intercont’l Terminals Co., LLC v. Vopak N. Am., Inc.*, 354 S.W.3d 887, 891 (Tex. App.—Houston [1st Dist.] 2011, no pet.).

reason to believe it is engaging in, has engaged in, or is about to engage in any act or practice declared to be unlawful by the DTPA, and (2) that proceedings would be in the public interest.⁵⁰

129. The list of deceptive acts in section 17.46(b) is non-exhaustive and a restraining order is appropriate if Defendants engaged in any “[f]alse, misleading, or deceptive act[] or practice[.]”⁵¹

130. The fact that an entity has, or may, cease its unlawful conduct does not affect the State’s entitlement to injunctive relief.⁵²

131. The DTPA itself creates a conclusive presumption that potentially violative conduct coupled with a public need presents a sufficient risk of harm.

132. The Attorney General has reason to believe that Samsung is engaging in, has engaged in, or is about to engage in any act or practice declared to be unlawful by the DTPA and that a temporary restraining order and a temporary injunction would be in the public interest; consequently, this Court should immediately enter a temporary restraining order enjoining Samsung and its officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, from collecting, sharing, selling, disclosing, using, or disclosing the ACR data it collects from Samsung Smart TVs about Texas consumers during the pendency of this suit.

TRIAL BY JURY

133. Texas demands a jury trial and tenders the appropriate fee with this petition.

PRAYER FOR RELIEF

⁵⁰ *West*, 212 S.W.3d at 518–19; *see also* Tex. Bus. & Com. Code § 17.47(a).

⁵¹ Tex. Bus. & Com. Code § 17.46(a).

⁵² *West*, 212 S.W.3d at 518–19.

134. Texas respectfully requests that this Honorable Court enter a judgment awarding the following for Samsung's violations of the DTPA:

- (a) Imposing civil penalties of:
 - (1) not more than \$10,000 per violation of the DTPA; and
 - (2) if the act or practice that is subject of the proceeding was calculated to acquire or deprive money or other property from a consumer who was 65 years of age or older when the act or practice occurred, an additional amount of not more than \$250,000.
- (b) Declaring Samsung's conduct as described herein to be in violation of the DTPA;
- (c) Temporarily and permanently enjoining Samsung, their agents, employees, and all other persons acting on their behalf, directly or indirectly, from violating the DTPA, including by: (1) incorporating, employing, or otherwise using, directly or indirectly, any pattern or design that relates in any way to consumers' viewing data, which causes, or is intended to cause, a consumer to act in a way that they would not absent the pattern or design, including mechanisms to obtain consent from consumers; and (2) collecting, sharing, selling, using, or disclosing consumers' viewing data without providing customers with a clear and conspicuous notice of Samsung's practices and obtaining customers' express, informed consent.
- (d) Awarding the State attorney's fees and costs of court pursuant to Texas Government Code Section 402.006(c); and
- (e) Granting any other general, equitable, and/or further relief this Court deems just and proper.

Dated: December 15, 2025

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

RALPH MOLINA
Deputy First Assistant Attorney General

AUSTIN KINGHORN
Deputy Attorney General for Civil Litigation

Respectfully submitted,

/s/Johnathan Stone

JOHNATHAN STONE
Chief, Consumer Protection Division
Texas State Bar No. 24071779

JERRY BERGMAN
Deputy Chief, Consumer Protection Division
Texas State Bar No. 24081694

JOHN C. HERNANDEZ
Assistant Attorney General
Texas State Bar No. 24095819

RICHARD R. MCCUTCHEON
Assistant Attorney General
Texas State Bar No. 24139547

OFFICE OF THE ATTORNEY GENERAL OF TEXAS

Consumer Protection Division
P.O. Box 12548

Austin, Texas 78711-2548

Tel: (512) 463-2185

Fax: (512) 473-8301

Johnathan.Stone@oag.texas.gov

Jerry.Bergman@oag.texas.gov

JC.Hernandez@oag.texas.gov

Richard.McCutcheon@oag.texas.gov

HINA HALEPOTA

Assistant Attorney General
Texas State Bar No. 24150152

TISHA JAMES

Assistant Attorney General
Texas State Bar No. 24123131

JAKE A. EVINGER

Assistant Attorney General
Texas State Bar No. 24149563

OFFICE OF THE ATTORNEY GENERAL OF TEXAS

Consumer Protection Division
808 Travis Street, Suite 1520

Houston, Texas 77002

Tel: (713) 223-5886

Fax: (713) 223-5821

Hina.Halepota@oag.texas.gov

Tisha.James@oag.texas.gov

Jake.Evinger@oag.texas.gov

**ATTORNEYS FOR THE STATE OF
TEXAS**

VERIFICATION

Pursuant to Tex. Civ. Rem. & Prac. Code § 132.001(f), Johnathan Stone submits this unsworn declaration in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by Texas Rule of Civil Procedure 682. I am an employee of the following governmental agency: Texas Office of the Attorney General. I am executing this declaration as part of my assigned duties and responsibilities.

I declare under penalty of perjury that the factual allegations in this motion are true and correct.

Executed in Travis County, State of Texas, on the 15th day of December 2025.

/s/Johnathan Stone
Johnathan Stone

VERIFICATION

Pursuant to Tex. Civ. Rem. & Prac. Code § 132.001(f), Ryan Hanlan submits this unsworn declaration in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by Texas Rule of Civil Procedure 682. I am an employee of the following governmental agency: Texas Office of the Attorney General. I am executing this declaration as part of my assigned duties and responsibilities.

On December 3rd, 2025, I purchased a Samsung - 50" Class U7900 Series UHD 4K Smart Tizen TV (2025) from Best Buy located at 4970 W Highway 290 Austin, TX 78735. I returned to the office where I assembled the TV and setup the TV using the on-screen interface for initial configuration provided to all new users. After setting up the TV I continued to explore, interact and review the various settings and features available. I also reviewed defendant's various privacy policies available on the TV and on defendant's various websites.

I declare under penalty of perjury that based on my personal experience navigating and utilizing the TV's setup interface and user settings, review of privacy statements, agency records, and my personal knowledge, the facts pertaining to that TV stated in paragraphs 54-73, in the Petition are true and correct.

Executed in Travis County, State of Texas, on the 15th day of December 2025.

/s/ Ryan Hanlan
Ryan Hanlan