

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

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC,**

Plaintiff,

v.

ACER INC. and

ACER AMERICA CORPORATION,

Defendants.

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C.A. No. ____

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT

Plaintiff Innovative Display Technologies LLC by and through its undersigned counsel, files this Complaint against Acer Inc. and Acer America Corporation (collectively, "Acer").

THE PARTIES

1. Innovative Display Technologies LLC is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, TX 75093.
2. Upon information and belief, Acer Inc. is publicly held Taiwanese company located at 8F, 88, Sec. 1, Xintai 5th Rd. Xizhi, New Taipei City 221, Taiwan.
3. Upon information and belief, Acer America Corporation ("Acer America") is a private company incorporated in California with its offices at 333 West San Carlos Street, Suite 1500, San Jose, CA 95110 and 900 Venture Dr., Allen, TX 75013. Upon information and belief, Acer America is a wholly-owned subsidiary of Acer Inc. Upon information and belief, Acer America may be served with process by serving its registered agent, C T Corporation System, 818 W. Seventh St., Los Angeles, CA 90017.

4. Upon information and belief Acer, directly or through subsidiaries or alter egos, maintains offices in Temple, TX at 1394 Eberhardt Rd.

5. Upon information and belief, Acer has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

6. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

7. As further detailed herein, this Court has personal jurisdiction over Acer Inc. Acer Inc. is amenable to service of summons for this action. Furthermore, personal jurisdiction over Acer Inc. in this action comports with due process. Acer Inc. has conducted and regularly conducts business within the United States and this District. Acer Inc. has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. Acer Inc. has sought protection and benefit from the laws of the State of Texas by maintaining offices of its United States subsidiary in this District and/or by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

8. Acer Inc. – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Acer Inc. has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. Acer Inc. knowingly and purposefully ships infringing products into and within this District through an

established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, Acer Inc. has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from Acer Inc.'s activities in this District.

9. As further detailed herein, this Court has personal jurisdiction over Acer America. Acer America is amenable to service of summons for this action. Furthermore, personal jurisdiction over Acer America in this action comports with due process. Acer America maintains offices at 900 Venture Dr., Allen, TX 75013. Acer America has conducted and regularly conducts business within the United States and this District. Acer America has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. Acer America has sought protection and benefit from the laws of the State of Texas by maintaining offices in this District and/or by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

10. Acer America – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Acer America has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. Acer America knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities,

Acer America has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from Acer America's activities in this District.

11. Venue is proper in this Court according to the venue provisions set forth by 28 U.S.C. §§ 1391(b)-(d) and 1400(b). Acer is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue. Upon information and belief, Acer has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website, available to persons in this District that advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

12. U.S. Patent No. 6,755,547 titled "Light Emitting Panel Assemblies" ("the '547 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '547 patent. The '547 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '547 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '547 patent is attached as **Exhibit A** and made a part hereof.

13. U.S. Patent No. 7,300,194 titled "Light Emitting Panel Assemblies" ("the '194 patent") was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '194 patent. The '194 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in

the '194 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '194 patent is attached as **Exhibit B** and made a part hereof.

14. U.S. Patent No. 7,384,177 titled "Light Emitting Panel Assemblies" ("the '177 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '177 patent. The '177 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '177 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '177 patent is attached as **Exhibit C** and made a part hereof.

15. U.S. Patent No. 7,404,660 titled "Light Emitting Panel Assemblies" ("the '660 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '660 patent. The '660 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '660 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '660 patent is attached as **Exhibit D** and made a part hereof.

16. U.S. Patent No. 7,434,974 titled "Light Emitting Panel Assemblies" ("the '974 patent") was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '974 patent. The '974 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '974 patent, including the right to collect and receive damages for past, present and future

infringements. A true and correct copy of the '974 patent is attached as **Exhibit E** and made a part hereof.

17. U.S. Patent No. 7,537,370 titled "Light Emitting Panel Assemblies" ("the '370 patent") was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '370 patent. The '370 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '370 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '370 patent is attached as **Exhibit F** and made a part hereof.

18. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '816 patent. The '816 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '816 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '816 patent is attached as **Exhibit G** and made a part hereof.

19. Jeffery R. Parker is an inventor of the '547 patent, the '194 patent, the '177 patent, the '660 patent, the '974 patent, the '370 patent, and the '816 patent (collectively, the "patents-in-suit"). In total, he is a named inventor on over eighty-five (85) U.S. patents.

B. Acer's Infringing Conduct.

20. Upon information and belief, Acer makes, uses, offers to sell, and/or sells within, and/or imports into the United States display products that incorporate the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display

products include, but are not limited to, laptops, desktops, tablets, and monitors, (*e.g.*, the Acer V5-571P-6866 laptop).

21. By incorporating the fundamental inventions covered by the patents-in-suit, Acer can make improved products, including but not limited to, longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, and/or a lower power requirement.

22. Upon information and belief, third-party distributors purchase and have purchased Acer's infringing display products for sale or importation into the United States, including this District. Upon information and belief, third-party consumers use and have used Acer's infringing display products in the United States, including this District.

23. Upon information and belief, Acer has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including this District by third party manufacturers, distributors, and/or importers.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

24. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-23 as though fully set forth herein.

25. The '547 patent is valid and enforceable.

26. Acer has never been licensed, either expressly or impliedly, under the '547 patent.

27. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Acer of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered

for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

28. Upon information and belief, Acer has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to, laptops, desktops, tablets, and monitors (*e.g.*, the Acer V5-571P-6866 laptop), their display components, and/or other products made, used, sold, offered for sale, or imported by Acer that include all of the limitations of one or more claims of the '547 patent.

29. Upon information and belief, distributors and consumers that purchase Acer's products that include all of the limitations of one or more claims of the '547 patent, including but not limited to, laptops, desktops, tablets, and monitors (*e.g.*, the Acer V5-571P-6866 laptop), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

30. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Acer that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling infringing products

in this District and elsewhere within the United States and/or importing infringing products into the United States.

31. Upon information and belief, Acer had knowledge of the '547 patent and its infringing conduct at least since August 22, 2012, when Acer was formally placed on notice of its infringement.

32. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Acer on notice of its infringement, Acer has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, Acer does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent. Upon information and belief, Acer intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Acer has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

33. Upon information and belief, Acer's acts of infringement of the '547 patent have been willful and intentional. Since at least the above-mentioned date of notice, Acer has acted with an objectively high likelihood that its actions constituted infringement of the '547 patent by refusing to take a license and continuing to make and sell its display products, including but not

limited to, laptops, desktops, tablets, and monitors (*e.g.*, the Acer V5-571P-6866 laptop), and the objectively-defined risk was either known or so obvious that it should have been known.

34. As a direct and proximate result of these acts of patent infringement, Acer has encroached on the exclusive rights of Plaintiff and its licensees to practice the '547 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

35. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-34 as though fully set forth herein.

36. The '194 patent is valid and enforceable.

37. Acer has never been licensed, either expressly or impliedly, under the '194 patent.

38. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Acer of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

39. Upon information and belief, Acer has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that

include all of the limitations of one or more claims of the '194 patent, including but not limited to, laptops, desktops, tablets, and monitors (*e.g.*, the Acer V5-571P-6866 laptop), their display components, and/or other products made, used, sold, offered for sale, or imported by Acer that include all of the limitations of one or more claims of the '194 patent.

40. Upon information and belief, distributors and consumers that purchase Acer's products that include all of the limitations of one or more claims of the '194 patent, including but not limited to, laptops, desktops, tablets, and monitors (*e.g.*, the Acer V5-571P-6866 laptop), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

41. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Acer that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

42. Upon information and belief, Acer had knowledge of the '194 patent and its infringing conduct at least since August 22, 2012, when Acer was formally placed on notice of its infringement.

43. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Acer on notice of its infringement, Acer has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date,

Acer does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent. Upon information and belief, Acer intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Acer has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

44. Upon information and belief, Acer's acts of infringement of the '194 patent have been willful and intentional. Since at least the above-mentioned date of notice, Acer has acted with an objectively high likelihood that its actions constituted infringement of the '194 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to, laptops, desktops, tablets, and monitors (*e.g.*, the Acer V5-571P-6866 laptop), and the objectively-defined risk was either known or so obvious that it should have been known.

45. As a direct and proximate result of these acts of patent infringement, Acer has encroached on the exclusive rights of Plaintiff and its licensees to practice the '194 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

46. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-45 as though fully set forth herein.

47. The '177 patent is valid and enforceable.

48. Acer has never been licensed, either expressly or impliedly, under the '177 patent.

49. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Acer of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

50. Upon information and belief, Acer has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to, laptops, desktops, tablets, and monitors (*e.g.*, the Acer V5-571P-6866 laptop), their display components, and/or other products made, used, sold, offered for sale, or imported by Acer that include all of the limitations of one or more claims of the '177 patent.

51. Upon information and belief, distributors and consumers that purchase Acer's products that include all of the limitations of one or more claims of the '177 patent, including but not limited to, laptops, desktops, tablets, and monitors (*e.g.*, the Acer V5-571P-6866 laptop), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

52. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Acer that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

53. Upon information and belief, Acer had knowledge of the '177 patent and its infringing conduct at least since August 22, 2012, when Acer was formally placed on notice of its infringement.

54. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Acer on notice of its infringement, Acer has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date, Acer does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent. Upon information and belief, Acer intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Acer has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

55. Upon information and belief, Acer's acts of infringement of the '177 patent have been willful and intentional. Since at least the above-mentioned date of notice, Acer has acted with an objectively high likelihood that its actions constituted infringement of the '177 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to, laptops, desktops, tablets, and monitors (*e.g.*, the Acer V5-571P-6866 laptop), and the objectively-defined risk was either known or so obvious that it should have been known.

56. As a direct and proximate result of these acts of patent infringement, Acer has encroached on the exclusive rights of Plaintiff and its licensees to practice the '177 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

57. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-56 as though fully set forth herein.

58. The '660 patent is valid and enforceable.

59. Acer has never been licensed, either expressly or impliedly, under the '660 patent.

60. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Acer of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

61. Upon information and belief, Acer has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to, laptops, desktops, tablets, and monitors (*e.g.*, the Acer V5-571P-6866 laptop), their display components, and/or other products made, used, sold, offered for sale, or imported by Acer that include all of the limitations of one or more claims of the '660 patent.

62. Upon information and belief, distributors and consumers that purchase Acer's products that include all of the limitations of one or more claims of the '660 patent, including but not limited to, laptops, desktops, tablets, and monitors (*e.g.*, the Acer V5-571P-6866 laptop), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

63. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Acer that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

64. Upon information and belief, Acer had knowledge of the '660 patent and its infringing conduct at least since August 22, 2012, when Acer was formally placed on notice of its infringement.

65. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Acer on notice of its infringement, Acer has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, Acer does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent. Upon information and belief, Acer intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Acer has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

66. Upon information and belief, Acer's acts of infringement of the '660 patent have been willful and intentional. Since at least the above-mentioned date of notice, Acer has acted with an objectively high likelihood that its actions constituted infringement of the '660 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to, laptops, desktops, tablets, and monitors (*e.g.*, the Acer V5-571P-6866 laptop), and the objectively-defined risk was either known or so obvious that it should have been known.

67. As a direct and proximate result of these acts of patent infringement, Acer has encroached on the exclusive rights of Plaintiff and its licensees to practice the '660 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

68. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-67 as though fully set forth herein.

69. The '974 patent is valid and enforceable.

70. Acer has never been licensed, either expressly or impliedly, under the '974 patent.

71. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Acer of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

72. Upon information and belief, Acer has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to, laptops, desktops, tablets, and monitors (*e.g.*, the Acer V5-571P-6866 laptop), their display

components, and/or other products made, used, sold, offered for sale, or imported by Acer that include all of the limitations of one or more claims of the '974 patent.

73. Upon information and belief, distributors and consumers that purchase Acer's products that include all of the limitations of one or more claims of the '974 patent, including but not limited to, laptops, desktops, tablets, and monitors (*e.g.*, the Acer V5-571P-6866 laptop), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

74. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Acer that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

75. Upon information and belief, Acer had knowledge of the '974 patent and its infringing conduct at least since August 22, 2012, when Acer was formally placed on notice of its infringement.

76. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Acer on notice of its infringement, Acer has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '974 patent. Since at least the notice provided on the above-mentioned date, Acer does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent. Upon information and belief, Acer intends to cause infringement

by these third-party manufacturers, distributors, importers, and/or consumers. Acer has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

77. Upon information and belief, Acer's acts of infringement of the '974 patent have been willful and intentional. Since at least the above-mentioned date of notice, Acer has acted with an objectively high likelihood that its actions constituted infringement of the '974 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to, laptops, desktops, tablets, and monitors (*e.g.*, the Acer V5-571P-6866 laptop), and the objectively-defined risk was either known or so obvious that it should have been known.

78. As a direct and proximate result of these acts of patent infringement, Acer has encroached on the exclusive rights of Plaintiff and its licensees to practice the '974 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,537,370

79. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-78 as though fully set forth herein.

80. The '370 patent is valid and enforceable.

81. Acer has never been licensed, either expressly or impliedly, under the '370 patent.

82. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Acer of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

83. Upon information and belief, Acer has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to, laptops, desktops, tablets, and monitors (*e.g.*, the Acer V5-571P-6866 laptop), their display components, and/or other products made, used, sold, offered for sale, or imported by Acer that include all of the limitations of one or more claims of the '370 patent.

84. Upon information and belief, distributors and consumers that purchase Acer's products that include all of the limitations of one or more claims of the '370 patent, including but not limited to, laptops, desktops, tablets, and monitors (*e.g.*, the Acer V5-571P-6866 laptop), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

85. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Acer that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

86. Upon information and belief, Acer had knowledge of the '370 patent and its infringing conduct at least since August 22, 2012, when Acer was formally placed on notice of its infringement.

87. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Acer on notice of its infringement, Acer has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '370 patent. Since at least the notice provided on the above-mentioned date, Acer does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent. Upon information and belief, Acer intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Acer has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

88. Upon information and belief, Acer's acts of infringement of the '370 patent have been willful and intentional. Since at least the above-mentioned date of notice, Acer has acted with an objectively high likelihood that its actions constituted infringement of the '370 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to, laptops, desktops, tablets, and monitors (*e.g.*, the Acer V5-571P-6866 laptop), and the objectively-defined risk was either known or so obvious that it should have been known.

89. As a direct and proximate result of these acts of patent infringement, Acer has encroached on the exclusive rights of Plaintiff and its licensees to practice the '370 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 8,215,816

90. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-89 as though fully set forth herein.

91. The '816 patent is valid and enforceable.

92. Acer has never been licensed, either expressly or impliedly, under the '816 patent.

93. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Acer of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

94. Upon information and belief, Acer has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to, laptops, desktops, tablets, and monitors (*e.g.*, the Acer V5-571P-6866 laptop), their display components, and/or other products made, used, sold, offered for sale, or imported by Acer that include all of the limitations of one or more claims of the '816 patent.

95. Upon information and belief, distributors and consumers that purchase Acer's products that include all of the limitations of one or more claims of the '816 patent, including but not limited to, laptops, desktops, tablets, and monitors (*e.g.*, the Acer V5-571P-6866 laptop), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

96. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Acer that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

97. Upon information and belief, Acer had knowledge of the '816 patent and its infringing conduct at least since August 22, 2012, when Acer was formally placed on notice of its infringement.

98. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Acer on notice of its infringement, Acer has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, Acer does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent. Upon information and belief, Acer intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Acer has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

99. Upon information and belief, Acer's acts of infringement of the '816 patent have been willful and intentional. Since at least the above-mentioned date of notice, Acer has acted with an objectively high likelihood that its actions constituted infringement of the '816 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to, laptops, desktops, tablets, and monitors (*e.g.*, the Acer V5-571P-6866 laptop), and the objectively-defined risk was either known or so obvious that it should have been known.

100. As a direct and proximate result of these acts of patent infringement, Acer has encroached on the exclusive rights of Plaintiff and its licensees to practice the '816 patent, for which Plaintiff is entitled to at least a reasonable royalty.

CONCLUSION

101. Plaintiff is entitled to recover from Acer the damages sustained by Plaintiff as a result of Acer's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

102. Plaintiffs have incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

103. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

104. Plaintiff respectfully request that the Court find in its favor and against Acer, and that the Court grant Plaintiff the following relief:

- A. A judgment that Acer has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Acer;

- C. A judgment and order requiring Acer to pay Plaintiff damages under 35 U.S.C. § 284, including up to treble damages for willful infringement as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Acer and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Acer to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring Acer to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: June 28, 2013

Respectfully submitted,

/s/ Jeffrey R. Bragalone

Jeffrey R. Bragalone (lead attorney)

Texas Bar No. 02855775

Patrick J. Conroy

Texas Bar No. 24012448

Justin B. Kimble

Texas Bar No. 24036909

T. William Kennedy, Jr.

Texas Bar No. 24055771

Daniel F. Olejko

Pennsylvania Bar No. 205512

Bragalone Conroy PC

2200 Ross Avenue

Suite 4500W

Dallas, TX 75201

Tel: (214) 785-6671

Fax: (214) 785-6680

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

bkennedy@bcpc-law.com

dolejko@bcpc-law.com

T. John Ward Jr.

Texas Bar No. 00794818

Claire Abernathy Henry

Ward & Smith Law Firm

1127 Judson Road, Suite 220

Longview, TX 75601

Tel: (903) 757-6400

Fax: (903) 757.2323

jw@wsfirm.com

claire@wsfirm.com

Attorneys for Plaintiff

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

INNOVATIVE DISPLAY TECHNOLOGIES LLC

(b) County of Residence of First Listed Plaintiff Collin
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Jeffrey R. Bragalone, Bragalone Conroy PC
2200 Ross Avenue, Suite 4500W
Dallas, TX 75201 214-785-6670

DEFENDANTS

ACER INC., and ACER AMERICA CORPORATION

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. § 1, et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285

Brief description of cause:

Infringement of U.S. Patent Nos. 6,755,547, 7,300,194, 7,384,177, et al

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/28/2013

SIGNATURE OF ATTORNEY OF RECORD

/s/ Jeffrey R. Bragalone

FOR OFFICE USE ONLY

RECEIPT #

MBI_000203

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

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

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC,**

Plaintiff,

V.

AMERICAN HONDA MOTOR CO., INC.;
HONDA OF AMERICA MFG., INC.;
HONDA MANUFACTURING
OF ALABAMA, LLC; and
HONDA MANUFACTURING
OF INDIANA, LLC;

Defendants.

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C.A. No. 2:14-cv-00222

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT

Plaintiff Innovative Display Technologies LLC, by and through its undersigned counsel,
files this Original Complaint for patent infringement against the following Defendants:

American Honda Motor Co., Inc.;
Honda of America Mfg., Inc.;
Honda Manufacturing of Alabama, LLC; and
Honda Manufacturing of Indiana, LLC

(collectively “Honda”).

THE PARTIES

1. Plaintiff Innovative Display Technologies LLC (“IDT”) is a Texas limited liability company with its principal place of business at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

2. Defendant American Honda Motor Co., Inc. (“AHM”) is a California corporation with a place of business at 1919 Torrance Blvd., Torrance, California 90501. AHM is a wholly owned subsidiary of Honda Motor Co., Ltd., a Japanese corporation. On information and belief, AHM is responsible for distribution, marketing and sales of Honda and Acura brand automobiles in the United States.

3. Defendant Honda of America Mfg., Inc. (“HAM”) is an Ohio corporation with a place of business at 24000 Honda Pkwy, Marysville, Ohio 43040. Its parent companies are Honda Motor Co., Ltd. and American Honda Motor Co., Inc.

4. On information and belief, Defendant Honda Manufacturing of Alabama, LLC (“HMA”) is an Alabama limited liability company with a place of business at 1800 Honda Drive, Lincoln, Alabama 35096.

5. On information and belief, Defendant Honda Manufacturing of Indiana, LLC (“HMIN”) is an Indiana limited liability company with a place of business at 2755 N. Michigan Ave., Greensburg, Indiana 47240.

JURISDICTION AND VENUE

6. This action arises under the Patent Laws of the United States, 35 U.S.C. § 271 *et seq.*

7. This Court has subject matter jurisdiction over this case for Patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has personal jurisdiction over Honda. On information and belief, Honda, either directly or through intermediaries, regularly sells products and services into this judicial district and manufactures products intended to be sold and in fact sold into and within this judicial district. Additionally, on information and belief, this Court has personal jurisdiction over Honda because Honda has committed, aided, abetted, contributed to, induced, and/or participated in the commission of acts within this judicial district giving rise to this action.

9. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400 (b).

PATENTS IN SUIT

10. U.S. Patent No. 6,755,547 titled “Light Emitting Panel Assemblies” (“the ’547 Patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the named inventor of the ’547 Patent. IDT owns the ’547 Patent and holds the right to sue and recover damages for infringement thereof.

11. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 Patent”) was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the named inventor of the ’194 Patent. IDT owns the ’194 Patent and holds the right to sue and recover damages for infringement thereof.

12. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 Patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the ’177 Patent. IDT owns the ’177 Patent and holds the right to sue and recover damages for infringement thereof.

13. U.S. Patent No. 8,215,816 titled “Light Emitting Panel Assemblies” (“the ’816 Patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the named inventor of the ’816 Patent. IDT owns the ’816 Patent and holds the right to sue and recover damages for infringement thereof.

14. U.S. Patent No. 6,508,563 titled “Light Emitting Panel Assemblies for Use in Automotive Applications and the Like” (“the ’563 Patent”) was duly and legally issued by the U.S. Patent and Trademark Office on January 21, 2003, after full and fair examination. Jeffery R. Parker, Mark D. Miller and Thomas A. Hough are the named inventors of the ’563 Patent. IDT owns the ’563 Patent and holds the right to sue and recover damages for infringement thereof.

15. U.S. Patent No. 6,886,956 titled “Light Emitting Panel Assemblies for Use in Automotive Applications and the Like” (“the ’956 Patent”) was duly and legally issued by the U.S. Patent and Trademark Office on May 3, 2005, after full and fair examination. Jeffery R. Parker, Mark D. Miller and Thomas A. Hough are the named inventors of the ’956 Patent. IDT owns the ’956 Patent and holds the right to sue and recover damages for infringement thereof.

COUNT 1: Infringement of U.S. Patent No. 6,755,547

16. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-15 as though fully set forth herein.

17. On information and belief, Honda has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '547 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Honda's Civic Si model) having displays, (including but not limited to the 39541-TS8-A61 navigation/entertainment display) that infringe one or more claims of the '547 Patent, all to the injury of IDT. Honda is thus liable for infringement of the '547 Patent pursuant to 35 U.S.C. § 271.

18. As a result of Honda's infringement of the '547 Patent, Honda has damaged IDT. Honda is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

19. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '547 Patent.

20. As a result of Honda's infringement of the '547 Patent, IDT has suffered and will continue to suffer loss and injury unless Honda is enjoined by this Court.

21. At least as early as its receipt of this Complaint, Honda has had knowledge of the '547 Patent and written notice of the infringement.

COUNT 2: Infringement of U.S. Patent No. 7,300,194

22. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-21 as though fully set forth herein.

23. On information and belief, Honda has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '194 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Honda's Civic Si model) having displays, (including but not limited to the 39541-TS8-A61 navigation/entertainment display) that infringe one or more claims of the '194 Patent, all to the injury of IDT. Honda is thus liable for infringement of the '194 Patent pursuant to 35 U.S.C. § 271.

24. As a result of Honda's infringement of the '194 Patent, Honda has damaged IDT. Honda is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

25. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '194 Patent.

26. As a result of Honda's infringement of the '194 Patent, IDT has suffered and will continue to suffer loss and injury unless Honda is enjoined by this Court.

27. At least as early as its receipt of this Complaint, Honda has had knowledge of the '194 Patent and written notice of the infringement.

COUNT 3: Infringement of U.S. Patent No. 7,384,177

28. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-27 as though fully set forth herein.

29. On information and belief, Honda has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '177 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Honda's Civic Si model) having displays, (including but not limited to the 39541-TS8-A61 navigation/entertainment display) that infringe one or more claims of the '177 Patent, all to the injury of IDT. Honda is thus liable for infringement of the '177 Patent pursuant to 35 U.S.C. § 271.

30. As a result of Honda's infringement of the '177 Patent, Honda has damaged IDT. Honda is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

31. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '177 Patent.

32. As a result of Honda's infringement of the '177 Patent, IDT has suffered and will continue to suffer loss and injury unless Honda is enjoined by this Court.

33. At least as early as its receipt of this Complaint, Honda has had knowledge of the '177 Patent and written notice of the infringement.

COUNT 4: Infringement of U.S. Patent No. 8,215,816

34. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-33 as though fully set forth herein.

35. On information and belief, Honda has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '816 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Honda's Civic Si model) having displays, (including but not limited to the 39541-TS8-A61 navigation unit display) that infringe one or more claims of the '816 Patent, all to the injury of IDT. Honda is thus liable for infringement of the '816 Patent pursuant to 35 U.S.C. § 271.

36. As a result of Honda's infringement of the '816 Patent, Honda has damaged IDT. Honda is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

37. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '816 Patent.

38. As a result of Honda's infringement of the '816 Patent, IDT has suffered and will continue to suffer loss and injury unless Honda is enjoined by this Court.

39. At least as early as its receipt of this Complaint, Honda has had knowledge of the '816 Patent and written notice of the infringement.

COUNT 5: Infringement of U.S. Patent No. 6,508,563

40. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-39 as though fully set forth herein.

41. On information and belief, Honda has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '563 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Honda's Odyssey LX model) having lights (including but not limited to the 33550-TK8-A11, 33500-TK8-A11, 34155-TK8-A11 and 34150-TK8-A11 rear light assemblies) that infringe one or more claims of the '563 Patent, all to the injury of IDT. Honda is thus liable for infringement of the '563 Patent pursuant to 35 U.S.C. § 271.

42. As a result of Honda's infringement of the '563 Patent, Honda has damaged IDT. Honda is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

43. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '563 Patent.

44. As a result of Honda's infringement of the '563 Patent, IDT has suffered and will continue to suffer loss and injury unless Honda is enjoined by this Court.

45. At least as early as its receipt of this Complaint, Honda has had knowledge of the '563 Patent and written notice of the infringement.

COUNT 6: Infringement of U.S. Patent No. 6,886,956

46. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-45 as though fully set forth herein.

47. On information and belief, Honda has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '956 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Honda's Odyssey LX model) having lights (including but not limited to the 33550-TK8-A11, 33500-TK8-A11, 34155-TK8-A11 and 34150-TK8-A11 rear light assemblies) that infringe one or more claims of the '956 Patent, all to the injury of IDT. Honda is thus liable for infringement of the '956 Patent pursuant to 35 U.S.C. § 271.

48. As a result of Honda's infringement of the '956 Patent, Honda has damaged IDT. Honda is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

49. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '956 Patent.

50. As a result of Honda's infringement of the '956 Patent, IDT has suffered and will continue to suffer loss and injury unless Honda is enjoined by this Court.

51. At least as early as its receipt of this Complaint, Honda has had knowledge of the '956 Patent and written notice of the infringement.

JURY DEMAND

52. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

53. Plaintiff respectfully requests that the Court find in its favor and against Honda, and that the Court grant Plaintiff the following relief:

- A. A judgment that Honda has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Honda;
- C. A judgment and order requiring Honda to pay Plaintiff damages under 35 U.S.C. § 284, including up to treble damages for willful infringement as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Honda and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Honda to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- F. Such other and further relief as the Court deems just and equitable.

Dated: March 13, 2014

Respectfully submitted,

/s/ Demetrios Anaipakos

Demetrios Anaipakos
Texas Bar No. 00793258
danaipakos@azalaw.com

Amir Alavi
Texas Bar No. 00793239
aalavi@azalaw.com

Brian E. Simmons
Texas Bar No. 24004922
bsimmons@azalaw.com

George W. Webb III
Texas Bar No. 24003146
gwebb@azalaw.com

AHMAD, ZAVITSANOS, ANAIPAKOS,
ALAVI & MENSING P.C.
1221 McKinney Street, Suite 3460
Houston, TX 77010
Telephone: 713-655-1101
Facsimile: 713-655-0062

**Attorneys for Plaintiff
INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Innovative Display Technologies LLC

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Demetrios Anaipakos, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing,
P.C., 1221 McKinney St., Suite 3460, Houston, TX 77010
713-655-1101

DEFENDANTS

American Honda Motor Co., Inc.; Honda of America Mfg., Inc.;
Honda Manufacturing of Alabama, LLC;
Honda Manufacturing of Indiana, LLC

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

35 U.S.C. Section 271

Brief description of cause:

Patent Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Rodney Gilstrap

DOCKET NUMBER JRG

2:14-cv-00106-JRG; 2:14-cv-00200-

DATE
03/13/2014

SIGNATURE OF ATTORNEY OF RECORD
/s/ Demetrios Anaipakos

FOR OFFICE USE ONLY

RECEIPT # AMOUNT

APPLYING IFP

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JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

5. As further detailed herein, this Court has personal jurisdiction over Apple. Apple is amenable to service of summons for this action. Furthermore, personal jurisdiction over Apple in this action comports with due process. Apple has conducted and regularly conducts business within the United States and this District. Apple has purposefully availed itself of the privileges of conducting business in the United States and, more specifically, in this District. Apple has sought protection and benefit from the laws of the State of Texas by maintaining offices in Texas and/or by placing infringing products into the stream of commerce through an established distribution channel with the expectation and/or knowledge that they will be purchased by consumers in this District. IDT's causes of action arise directly from Apple's business contacts and other activities in this District.

6. Apple – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Apple has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the expectation and/or knowledge that they will be purchased by consumers in this District. Apple knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, Apple has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District.

7. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b). One or more of IDT's witnesses reside in this District. Apple is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue, and, upon information and belief, Apple has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website that is available to persons in this District, which website advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

8. U.S. Patent No. 6,755,547 titled "Light Emitting Panel Assemblies" ("the '547 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '547 patent. A true and correct copy of the '547 patent is attached as **Exhibit A** and made a part hereof.

9. U.S. Patent No. 7,300,194 titled "Light Emitting Panel Assemblies" ("the '194 patent") was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '194 patent. A true and correct copy of the '194 patent is attached as **Exhibit B** and made a part hereof.

10. U.S. Patent No. 7,384,177 titled "Light Emitting Panel Assemblies" ("the '177 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '177 patent. A true and correct copy of the '177 patent is attached as **Exhibit C** and made a part hereof.

11. U.S. Patent No. 7,404,660 titled "Light Emitting Panel Assemblies" ("the '660 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008,

after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '660 patent. A true and correct copy of the '660 patent is attached as **Exhibit D** and made a part hereof.

12. U.S. Patent No. 7,434,974 titled "Light Emitting Panel Assemblies" ("the '974 patent") was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '974 patent. A true and correct copy of the '974 patent is attached as **Exhibit E** and made a part hereof.

13. U.S. Patent No. 7,537,370 titled "Light Emitting Panel Assemblies" ("the '370 patent") was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '370 patent. A true and correct copy of the '370 patent is attached as **Exhibit F** and made a part hereof.

14. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '816 patent. A true and correct copy of the '816 patent is attached as **Exhibit G** and made a part hereof.

15. The '547 patent, the '194 patent, the '177 patent, the '660 patent, the '974 patent, the '370 patent, and the '816 patent are collectively referred to as the "IDT patents" or the "patents-in-suit."

16. On June 26, 2013, IDT was assigned all of the right, title, and interest in the IDT patents, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the IDT patents.

17. The patents-in-suit all share the same ultimate parent patent, U.S. Patent No. 5,613,751. The patents-in-suit share inventors, subject matter, and claim terms. The accused

products infringe the patents-in-suit based on the use of the same technology, *e.g.*, backlights for LCDs.

B. Apple's Infringing Conduct.

18. Upon information and belief, Apple makes, uses, offers to sell, and/or sells within, and/or imports into the United States display products that use the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display products include, but are not limited to, desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD.

19. By incorporating the fundamental inventions covered by the patents-in-suit, Apple can make improved products, including but not limited to, products with longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, a lower power requirement, and/or a longer battery life.

20. Upon information and belief, third-party distributors purchase and have purchased Apple's infringing display products for sale or importation into the United States, including in this District. Upon information and belief, third-party consumers use and have used Apple's infringing display products in the United States, including in this District.

21. Upon information and belief, Apple has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including in this District by third party manufacturers, distributors, and/or importers.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

22. IDT repeats and re-alleges each and every allegation of paragraphs 1-21 as though fully set forth herein.

23. The '547 patent is valid and enforceable.

24. Apple has never been licensed, either expressly or impliedly, under the '547 patent.

25. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Apple of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

26. Upon information and belief, Apple has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), their display components, and/or other products made, used, sold, offered for sale, or imported by Apple that include all of the limitations of one or more claims of the '547 patent.

27. Upon information and belief, distributors and consumers that purchase Apple's display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), also directly infringe,

either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

28. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Apple that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

29. Upon information and belief, Apple had knowledge of the '547 patent and its infringing conduct prior to April 5, 2013. Prior to that date, Apple had knowledge of the '547 patent and its infringing conduct at least as a result of its interaction with companies affiliated with the '547 patent's inventor, Jeffery Parker.

30. Upon information and belief, since at least the above-mentioned date when IDT formally placed Apple on notice of its infringement, Apple has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, Apple does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent.

31. Upon information and belief, Apple intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

32. Upon information and belief, Apple's acts of infringement of the '547 patent have been willful and intentional. Since at least the above-mentioned date of notice, Apple has acted with an objectively high likelihood that its actions constituted infringement of the '547 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), and the objectively-defined risk was either known or so obvious that it should have been known.

33. As a direct and proximate result of these acts of patent infringement, Apple has encroached on the exclusive rights of IDT and its licensees to practice the '547 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

34. IDT repeats and re-alleges each and every allegation of paragraphs 1-33 as though fully set forth herein

35. The '194 patent is valid and enforceable.

36. Apple has never been licensed, either expressly or impliedly, under the '194 patent.

37. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Apple of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

38. Upon information and belief, Apple has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), their display components, and/or other products made, used, sold, offered for sale, or imported by Apple that include all of the limitations of one or more claims of the '194 patent.

39. Upon information and belief, distributors and consumers that purchase Apple's display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by

using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

40. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Apple that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

41. Upon information and belief, Apple had knowledge of the '194 patent and its infringing conduct prior to April 5, 2013. Prior to that date, Apple had knowledge of the '194 patent and its infringing conduct at least as a result of its interaction with companies affiliated with the '194 patent's inventor, Jeffery Parker.

42. Upon information and belief, since at least the above-mentioned date when IDT formally placed Apple on notice of its infringement, Apple has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date, Apple does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent.

43. Upon information and belief, Apple intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

44. Upon information and belief, Apple's acts of infringement of the '194 patent have been willful and intentional. Since at least the above-mentioned date of notice, Apple has acted with an objectively high likelihood that its actions constituted infringement of the '194 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), and the objectively-defined risk was either known or so obvious that it should have been known.

45. As a direct and proximate result of these acts of patent infringement, Apple has encroached on the exclusive rights of IDT and its licensees to practice the '194 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

46. IDT repeats and re-alleges each and every allegation of paragraphs 1-45 as though fully set forth herein.

47. The '177 patent is valid and enforceable.

48. Apple has never been licensed, either expressly or impliedly, under the '177 patent.

49. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Apple of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

50. Upon information and belief, Apple has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), their display components, and/or other products made, used, sold, offered for sale, or imported by Apple that include all of the limitations of one or more claims of the '177 patent.

51. Upon information and belief, distributors and consumers that purchase Apple's display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by

using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

52. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Apple that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

53. Upon information and belief, Apple had knowledge of the '177 patent and its infringing conduct prior to April 5, 2013. Prior to that date, Apple had knowledge of the '177 patent and its infringing conduct at least as a result of its interaction with companies affiliated with the '177 patent's inventor, Jeffery Parker.

54. Upon information and belief, since at least the above-mentioned date when IDT formally placed Apple on notice of its infringement, Apple has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date, Apple does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent.

55. Upon information and belief, Apple intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

56. Upon information and belief, Apple's acts of infringement of the '177 patent have been willful and intentional. Since at least the above-mentioned date of notice, Apple has acted with an objectively high likelihood that its actions constituted infringement of the '177 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), and the objectively-defined risk was either known or so obvious that it should have been known.

57. As a direct and proximate result of these acts of patent infringement, Apple has encroached on the exclusive rights of IDT and its licensees to practice the '177 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

58. IDT repeats and re-alleges each and every allegation of paragraphs 1-57 as though fully set forth herein.

59. The '660 patent is valid and enforceable.

60. Apple has never been licensed, either expressly or impliedly, under the '660 patent.

61. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Apple of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

62. Upon information and belief, Apple has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), their display components, and/or other products made, used, sold, offered for sale, or imported by Apple that include all of the limitations of one or more claims of the '660 patent.

63. Upon information and belief, distributors and consumers that purchase Apple's display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by

using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

64. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Apple that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

65. Upon information and belief, Apple had knowledge of the '660 patent and its infringing conduct prior to April 5, 2013. Prior to that date, Apple had knowledge of the '660 patent and its infringing conduct at least as a result of its interaction with companies affiliated with the '660 patent's inventor, Jeffery Parker.

66. Upon information and belief, since at least the above-mentioned date when IDT formally placed Apple on notice of its infringement, Apple has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, Apple does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent.

67. Upon information and belief, Apple intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

68. Upon information and belief, Apple's acts of infringement of the '660 patent have been willful and intentional. Since at least the above-mentioned date of notice, Apple has acted with an objectively high likelihood that its actions constituted infringement of the '660 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), and the objectively-defined risk was either known or so obvious that it should have been known.

69. As a direct and proximate result of these acts of patent infringement, Apple has encroached on the exclusive rights of IDT and its licensees to practice the '660 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

70. IDT repeats and re-alleges each and every allegation of paragraphs 1-69 as though fully set forth herein.

71. The '974 patent is valid and enforceable.

72. Apple has never been licensed, either expressly or impliedly, under the '974 patent.

73. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Apple of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

74. Upon information and belief, Apple has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), their display components, and/or other products made, used, sold, offered for sale, or imported by Apple that include all of the limitations of one or more claims of the '974 patent.

75. Upon information and belief, distributors and consumers that purchase Apple's display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by

using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

76. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Apple that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

77. Upon information and belief, Apple had knowledge of the '974 patent and its infringing conduct prior to April 5, 2013. Prior to that date, Apple had knowledge of the '974 patent and its infringing conduct at least as a result of its interaction with companies affiliated with the '974 patent's inventor, Jeffery Parker.

78. Upon information and belief, since at least the above-mentioned date when IDT formally placed Apple on notice of its infringement, Apple has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), to directly infringe one or more claims of the '974 patent. Since at least the notice provided on the above-mentioned date, Apple does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent.

79. Upon information and belief, Apple intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

80. Upon information and belief, Apple's acts of infringement of the '974 patent have been willful and intentional. Since at least the above-mentioned date of notice, Apple has acted with an objectively high likelihood that its actions constituted infringement of the '974 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), and the objectively-defined risk was either known or so obvious that it should have been known.

81. As a direct and proximate result of these acts of patent infringement, Apple has encroached on the exclusive rights of IDT and its licensees to practice the '974 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,537,370

82. IDT repeats and re-alleges each and every allegation of paragraphs 1-81 as though fully set forth herein.

83. The '370 patent is valid and enforceable.

84. Apple has never been licensed, either expressly or impliedly, under the '370 patent.

85. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Apple of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

86. Upon information and belief, Apple has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, iPhone 4 and iPhone 5) their display components, and/or other products made, used, sold, offered for sale, or imported by Apple that include all of the limitations of one or more claims of the '370 patent.

87. Upon information and belief, distributors and consumers that purchase Apple's display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with LCD (*e.g.*, iPhone 4 and iPhone 5), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in

this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

88. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Apple that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

89. Upon information and belief, Apple had knowledge of the '370 patent and its infringing conduct prior to April 5, 2013. Prior to that date, Apple had knowledge of the '370 patent and its infringing conduct at least as a result of its interaction with companies affiliated with the '370 patent's inventor, Jeffery Parker.

90. Upon information and belief, since at least the above-mentioned date when IDT formally placed Apple on notice of its infringement, Apple has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, iPhone 4 and iPhone 5), to directly infringe one or more claims of the '370 patent. Since at least the notice provided on the above-mentioned date, Apple does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent.

91. Upon information and belief, Apple intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or

consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

92. Upon information and belief, Apple's acts of infringement of the '370 patent have been willful and intentional. Since at least the above-mentioned date of notice, Apple has acted with an objectively high likelihood that its actions constituted infringement of the '370 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPhone 4 and iPhone 5), and the objectively-defined risk was either known or so obvious that it should have been known.

93. As a direct and proximate result of these acts of patent infringement, Apple has encroached on the exclusive rights of IDT and its licensees to practice the '370 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 8,215,816

94. IDT repeats and re-alleges each and every allegation of paragraphs 1-93 as though fully set forth herein.

95. The '816 patent is valid and enforceable.

96. Apple has never been licensed, either expressly or impliedly, under the '816 patent.

97. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or

constructive notice to Apple of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

98. Upon information and belief, Apple has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), their display components, and/or other products made, used, sold, offered for sale, or imported by Apple that include all of the limitations of one or more claims of the '816 patent.

99. Upon information and belief, distributors and consumers that purchase Apple's display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through

intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

100. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Apple that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

101. Upon information and belief, Apple had knowledge of the '816 patent and its infringing conduct prior to April 5, 2013. Prior to that date, Apple had knowledge of the '816 patent and its infringing conduct at least as a result of its interaction with companies affiliated with the '816 patent's inventor, Jeffery Parker.

102. Upon information and belief, since at least the above-mentioned date when IDT formally placed Apple on notice of its infringement, Apple has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, Apple does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent.

103. Upon information and belief, Apple intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or

consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

104. Upon information and belief, Apple's acts of infringement of the '816 patent have been willful and intentional. Since at least the above-mentioned date of notice, Apple has acted with an objectively high likelihood that its actions constituted infringement of the '816 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), and the objectively-defined risk was either known or so obvious that it should have been known.

105. As a direct and proximate result of these acts of patent infringement, Apple has encroached on the exclusive rights of IDT and its licensees to practice the '816 patent, for which IDT is entitled to at least a reasonable royalty.

CONCLUSION

106. IDT is entitled to recover from Apple the damages sustained by IDT as a result of Apple's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

107. IDT has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the

meaning of 35 U.S.C. § 285, and IDT is entitled to recover their reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

108. IDT hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

109. IDT respectfully requests that the Court find in its favor and against Apple, and that the Court grant IDT the following relief:

- A. A judgment that Apple has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by IDT as a result of the acts of infringement by Apple;
- C. A judgment and order requiring Apple to pay IDT damages under 35 U.S.C. § 284, including up to treble damages for willful infringement as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Apple and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Apple to pay IDT pre-judgment and post-judgment interest on the damages awarded;

- F. A judgment and order finding this to be an exceptional case and requiring Apple to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: January 17, 2014

Respectfully submitted,

/s/ Jeffrey R. Bragalone

Jeffrey R. Bragalone (lead attorney)

Texas Bar No. 02855775

Patrick J. Conroy

Texas Bar No. 24012448

Justin B. Kimble

Texas Bar No. 24036909

T. William Kennedy, Jr.

Texas Bar No. 24055771

Daniel F. Olejko

Pennsylvania Bar No. 205512

Bragalone Conroy PC

2200 Ross Avenue

Suite 4500W

Dallas, TX 75201

Tel: (214) 785-6671

Fax: (214) 785-6680

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

bkennedy@bcpc-law.com

dolejko@bcpc-law.com

T. John Ward Jr.

Texas Bar No. 00794818

Claire Abernathy Henry

Ward & Smith Law Firm

1127 Judson Road, Suite 220

Longview, TX 75601

Tel: (903) 757-6400

Fax: (903) 757.2323

jw@wsfirm.com

claire@wsfirm.com

Attorneys for Plaintiff

INNOVATIVE DISPLAY

TECHNOLOGIES LLC

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

INNOVATIVE DISPLAY TECHNOLOGIES LLC

(b) County of Residence of First Listed Plaintiff Collin
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Jeffrey R. Bragalone, Bragalone Conroy PC
2200 Ross Avenue, Suite 4500W
Dallas, TX 75201 214-785-6670

DEFENDANTS

APPLE INC.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. § 1, et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285

Brief description of cause:

Infringement of U.S. Patent Nos. 6,755,547, 7,300,194, 7,384,177, et al

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Rodney Gilstrap, Richard Andrews DOCKET NUMBER SEE ATTACHED

DATE

01/17/2014

SIGNATURE OF ATTORNEY OF RECORD

/s/ Jeffrey R. Bragalone

FOR OFFICE USE ONLY

RECEIPT #

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APPLYING IFP

JUDGE

MAG. JUDGE

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INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

RELATED PENDING CASES

Pending before Judge Rodney Gilstrap in the Eastern District of Texas, Marshall Division:

2:13-CV-522

2:13-CV-523

2:13-CV-524

2:13-CV-525

2:13-CV-526

2:13-CV-527

2:13-CV-783

2:13-CV-784

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

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC AND
DELAWARE DISPLAY GROUP LLC**

Plaintiffs,

V.

APPLE INC.,

Defendant.

C.A. No. _____

JURY TRIAL DEMANDED

PLAINTIFFS' COMPLAINT

Innovative Display Technologies LLC and Delaware Display Group LLC (collectively, “Plaintiffs”) by and through their undersigned counsel, file this Complaint against Apple, Inc. (“Apple”).

THE PARTIES

1. Innovative Display Technologies LLC (“IDT”) is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.
2. Delaware Display Group LLC (“DDG”) is a Delaware limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.
3. Upon information and belief, Apple, Inc., is a California corporation with offices at 1 Infinite Loop, Cupertino, California 95014 and at 12545 Riata Vista Circle, Austin, Texas 78727. Upon information and belief, Apple may be served with process by serving its registered agent, C T Corp. System, 1999 Bryan St., Ste. 900, Dallas, TX 75201.

4. Upon information and belief, Apple has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

5. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. As further detailed herein, this Court has personal jurisdiction over Apple. Apple is amenable to service of summons for this action. Furthermore, personal jurisdiction over Apple in this action comports with due process. Apple has conducted and regularly conducts business within the United States and this District. Apple has purposefully availed itself of the privileges of conducting business in the United States and, more specifically, in this District. Apple has sought protection and benefit from the laws of the State of Texas by maintaining offices in Texas and/or by placing infringing products into the stream of commerce through an established distribution channel with the expectation and/or knowledge that they will be purchased by consumers in this District. IDT's causes of action arise directly from Apple's business contacts and other activities in this District.

7. Apple – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Apple has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the expectation and/or knowledge that they will be purchased by consumers in this District. Apple knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased

by consumers in this District. Upon information and belief, Apple has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District.

8. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b). One or more of IDT's witnesses reside in this District. Apple is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue, and, upon information and belief, Apple has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website that is available to persons in this District, which website advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

9. U.S. Patent No. 6,755,547 titled "Light Emitting Panel Assemblies" ("the '547 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '547 patent. A true and correct copy of the '547 patent is attached as **Exhibit A** and made a part hereof.

10. U.S. Patent No. 7,300,194 titled "Light Emitting Panel Assemblies" ("the '194 patent") was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '194 patent. A true and correct copy of the '194 patent is attached as **Exhibit B** and made a part hereof.

11. U.S. Patent No. 7,384,177 titled "Light Emitting Panel Assemblies" ("the '177 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008,

after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '177 patent. A true and correct copy of the '177 patent is attached as **Exhibit C** and made a part hereof.

12. U.S. Patent No. 7,404,660 titled "Light Emitting Panel Assemblies" ("the '660 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '660 patent. A true and correct copy of the '660 patent is attached as **Exhibit D** and made a part hereof.

13. U.S. Patent No. 7,434,974 titled "Light Emitting Panel Assemblies" ("the '974 patent") was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '974 patent. A true and correct copy of the '974 patent is attached as **Exhibit E** and made a part hereof.

14. U.S. Patent No. 7,537,370 titled "Light Emitting Panel Assemblies" ("the '370 patent") was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '370 patent. A true and correct copy of the '370 patent is attached as **Exhibit F** and made a part hereof.

15. U.S. Patent No. 7,914,196 titled "Light Redirecting Film Systems Having Pattern of Variable Optical Elements" ("the '196 patent") was duly and legally issued by the U.S. Patent and Trademark Office on March 29, 2011, after full and fair examination. Jeffery R. Parker, Timothy A. McCollum, and Robert M. Ezell are the inventors listed on the '196 patent. A true and correct copy of the '196 patent is attached as **Exhibit G** and made a part hereof.

16. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '816 patent. A true and correct copy of the '816 patent is attached as **Exhibit H** and made a part hereof.

17. The '196 patent is referred to as the "DDG patent."

18. The '547 patent, the '194 patent, the '177 patent, the '660 patent, the '974 patent, the '370 patent, and the '816 patent are collectively referred to as the "IDT patents." Together, the "DDG patent" and the "IDT patents" are the "patents-in-suit."

19. On June 26, 2013, IDT was assigned all of the right, title, and interest in the IDT patents, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the IDT patents.

20. On December 20, 2013, DDG was assigned all of the right, title, and interest in the DDG patent, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the DDG patent.

21. The patents-in-suit all share the same ultimate parent patent, U.S. Patent No. 5,613,751. The patents-in-suit share inventors, subject matter, and claim terms. The accused products infringe the patents-in-suit based on the use of the same technology, *e.g.*, backlights for LCDs. And IDT and DDG share a common corporate parent.

B. Apple's Infringing Conduct.

22. Upon information and belief, Apple makes, uses, offers to sell, and/or sells within, and/or imports into the United States display products that use the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display products include, but are not limited to, desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD.

23. By incorporating the fundamental inventions covered by the patents-in-suit, Apple can make improved products, including but not limited to, products with longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, a lower power requirement, and/or a longer battery life.

24. Upon information and belief, third-party distributors purchase and have purchased Apple's infringing display products for sale or importation into the United States, including in this District. Upon information and belief, third-party consumers use and have used Apple's infringing display products in the United States, including in this District.

25. Upon information and belief, Apple has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including in this District by third party manufacturers, distributors, and/or importers.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

26. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-25 as though fully set forth herein.

27. The '547 patent is valid and enforceable.

28. Apple has never been licensed, either expressly or impliedly, under the '547 patent.

29. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Apple of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

30. Upon information and belief, Apple has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or

through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), their display components, and/or other products made, used, sold, offered for sale, or imported by Apple that include all of the limitations of one or more claims of the '547 patent.

31. Upon information and belief, distributors and consumers that purchase Apple's display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

32. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Apple that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

33. Upon information and belief, Apple had knowledge of the '547 patent and its infringing conduct prior to April 5, 2013. Prior to that date, Apple had knowledge of the '547

patent and its infringing conduct at least as a result of its interaction with companies affiliated with the '547 patent's inventor, Jeffery Parker.

34. Upon information and belief, since at least the above-mentioned date of notice, Apple has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, Apple does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent.

35. Upon information and belief, Apple intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

36. Upon information and belief, Apple's acts of infringement of the '547 patent have been willful and intentional. Since at least the above-mentioned date of notice, Apple has acted with an objectively high likelihood that its actions constituted infringement of the '547 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD

(e.g., the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), and the objectively-defined risk was either known or so obvious that it should have been known.

37. As a direct and proximate result of these acts of patent infringement, Apple has encroached on the exclusive rights of IDT and its licensees to practice the '547 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

38. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-37 as though fully set forth herein

39. The '194 patent is valid and enforceable.

40. Apple has never been licensed, either expressly or impliedly, under the '194 patent.

41. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Apple of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

42. Upon information and belief, Apple has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the

limitations of one or more claims of the '194 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), their display components, and/or other products made, used, sold, offered for sale, or imported by Apple that include all of the limitations of one or more claims of the '194 patent.

43. Upon information and belief, distributors and consumers that purchase Apple's display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

44. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Apple that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

45. Upon information and belief, Apple had knowledge of the '194 patent and its infringing conduct prior to April 5, 2013. Prior to that date, Apple had knowledge of the '194 patent and its infringing conduct at least as a result of its interaction with companies affiliated with the '194 patent's inventor, Jeffery Parker.

46. Upon information and belief, since at least the above-mentioned date of notice, Apple has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date, Apple does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent.

47. Upon information and belief, Apple intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

48. Upon information and belief, Apple's acts of infringement of the '194 patent have been willful and intentional. Since at least the above-mentioned date of notice, Apple has acted with an objectively high likelihood that its actions constituted infringement of the '194 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), and the objectively-defined risk was either known or so obvious that it should have been known.

49. As a direct and proximate result of these acts of patent infringement, Apple has encroached on the exclusive rights of IDT and its licensees to practice the '194 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

50. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-49 as though fully set forth herein.

51. The '177 patent is valid and enforceable.

52. Apple has never been licensed, either expressly or impliedly, under the '177 patent.

53. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Apple of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

54. Upon information and belief, Apple has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone

4, iPhone 5, and MacBook Air), their display components, and/or other products made, used, sold, offered for sale, or imported by Apple that include all of the limitations of one or more claims of the '177 patent.

55. Upon information and belief, distributors and consumers that purchase Apple's display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

56. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Apple that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

57. Upon information and belief, Apple had knowledge of the '177 patent and its infringing conduct prior to April 5, 2013. Prior to that date, Apple had knowledge of the '177 patent and its infringing conduct at least as a result of its interaction with companies affiliated with the '177 patent's inventor, Jeffery Parker.

58. Upon information and belief, since at least the above-mentioned date of notice, Apple has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors,

importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date, Apple does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent.

59. Upon information and belief, Apple intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

60. Upon information and belief, Apple's acts of infringement of the '177 patent have been willful and intentional. Since at least the above-mentioned date of notice, Apple has acted with an objectively high likelihood that its actions constituted infringement of the '177 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), and the objectively-defined risk was either known or so obvious that it should have been known.

61. As a direct and proximate result of these acts of patent infringement, Apple has encroached on the exclusive rights of IDT and its licensees to practice the '177 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

62. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-61 as though fully set forth herein.

63. The '660 patent is valid and enforceable.

64. Apple has never been licensed, either expressly or impliedly, under the '660 patent.

65. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Apple of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

66. Upon information and belief, Apple has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone

4, iPhone 5, and MacBook Air), their display components, and/or other products made, used, sold, offered for sale, or imported by Apple that include all of the limitations of one or more claims of the '660 patent.

67. Upon information and belief, distributors and consumers that purchase Apple's display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

68. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Apple that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

69. Upon information and belief, Apple had knowledge of the '660 patent and its infringing conduct prior to April 5, 2013. Prior to that date, Apple had knowledge of the '660 patent and its infringing conduct at least as a result of its interaction with companies affiliated with the '660 patent's inventor, Jeffery Parker.

70. Upon information and belief, since at least the above-mentioned date of notice, Apple has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors,

importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, Apple does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent.

71. Upon information and belief, Apple intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

72. Upon information and belief, Apple's acts of infringement of the '660 patent have been willful and intentional. Since at least the above-mentioned date of notice, Apple has acted with an objectively high likelihood that its actions constituted infringement of the '660 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), and the objectively-defined risk was either known or so obvious that it should have been known.

73. As a direct and proximate result of these acts of patent infringement, Apple has encroached on the exclusive rights of IDT and its licensees to practice the '660 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

74. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-73 as though fully set forth herein.

75. The '974 patent is valid and enforceable.

76. Apple has never been licensed, either expressly or impliedly, under the '974 patent.

77. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Apple of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

78. Upon information and belief, Apple has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone

4, iPhone 5, and MacBook Air), their display components, and/or other products made, used, sold, offered for sale, or imported by Apple that include all of the limitations of one or more claims of the '974 patent.

79. Upon information and belief, distributors and consumers that purchase Apple's display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

80. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Apple that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

81. Upon information and belief, Apple had knowledge of the '974 patent and its infringing conduct prior to April 5, 2013. Prior to that date, Apple had knowledge of the '974 patent and its infringing conduct at least as a result of its interaction with companies affiliated with the '974 patent's inventor, Jeffery Parker.

82. Upon information and belief, since at least the above-mentioned date of notice, Apple has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors,

importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), to directly infringe one or more claims of the '974 patent. Since at least the notice provided on the above-mentioned date, Apple does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent.

83. Upon information and belief, Apple intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

84. Upon information and belief, Apple's acts of infringement of the '974 patent have been willful and intentional. Since at least the above-mentioned date of notice, Apple has acted with an objectively high likelihood that its actions constituted infringement of the '974 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), and the objectively-defined risk was either known or so obvious that it should have been known.

85. As a direct and proximate result of these acts of patent infringement, Apple has encroached on the exclusive rights of IDT and its licensees to practice the '974 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,537,370

86. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-85 as though fully set forth herein.

87. The '370 patent is valid and enforceable.

88. Apple has never been licensed, either expressly or impliedly, under the '370 patent.

89. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Apple of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

90. Upon information and belief, Apple has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, iPhone 4 and iPhone 5)

their display components, and/or other products made, used, sold, offered for sale, or imported by Apple that include all of the limitations of one or more claims of the '370 patent.

91. Upon information and belief, distributors and consumers that purchase Apple's display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with LCD (*e.g.*, iPhone 4 and iPhone 5), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

92. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Apple that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

93. Upon information and belief, Apple had knowledge of the '370 patent and its infringing conduct prior to April 5, 2013. Prior to that date, Apple had knowledge of the '370 patent and its infringing conduct at least as a result of its interaction with companies affiliated with the '370 patent's inventor, Jeffery Parker.

94. Upon information and belief, since at least the above-mentioned date of notice, Apple has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations

of one or more claims of the '370 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, iPhone 4 and iPhone 5), to directly infringe one or more claims of the '370 patent. Since at least the notice provided on the above-mentioned date, Apple does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent.

95. Upon information and belief, Apple intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

96. Upon information and belief, Apple's acts of infringement of the '370 patent have been willful and intentional. Since at least the above-mentioned date of notice, Apple has acted with an objectively high likelihood that its actions constituted infringement of the '370 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPhone 4 and iPhone 5), and the objectively-defined risk was either known or so obvious that it should have been known.

97. As a direct and proximate result of these acts of patent infringement, Apple has encroached on the exclusive rights of IDT and its licensees to practice the '370 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 7,914,196

98. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-97 as though fully set forth herein.

99. The '196 patent is valid and enforceable.

100. Apple has never been licensed, either expressly or impliedly, under the '196 patent.

101. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, DDG has complied with the requirements of that statute by providing actual or constructive notice to Apple of its alleged infringement. Upon information and belief, DDG surmises that any express licensees of the '196 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '196 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

102. Upon information and belief, Apple has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '196 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), their display components, and/or other products made, used, sold, offered for sale, or imported by Apple that include all of the limitations of one or more claims of the '196 patent.

103. Upon information and belief, distributors and consumers that purchase Apple's display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

104. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Apple that include all of the limitations of one or more claims of the '196 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

105. Upon information and belief, Apple had knowledge of the '196 patent and its infringing conduct prior to April 5, 2013. Prior to that date, Apple had knowledge of the '196 patent and its infringing conduct at least as a result of its interaction with companies affiliated with the '196 patent's inventor, Jeffery Parker.

106. Upon information and belief, since at least the above-mentioned date of notice, Apple has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone

5, and MacBook Air), to directly infringe one or more claims of the '196 patent. Since at least the notice provided on the above-mentioned date, Apple does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '196 patent.

107. Upon information and belief, Apple intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

108. Upon information and belief, Apple's acts of infringement of the '196 patent have been willful and intentional. Since at least the above-mentioned date of notice, Apple has acted with an objectively high likelihood that its actions constituted infringement of the '196 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), and the objectively-defined risk was either known or so obvious that it should have been known.

109. As a direct and proximate result of these acts of patent infringement, Apple has encroached on the exclusive rights of DDG and its licensees to practice the '196 patent, for which DDG is entitled to at least a reasonable royalty.

COUNT VIII

Patent Infringement of U.S. Patent No. 8,215,816

110. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-109 as though fully set forth herein.

111. The '816 patent is valid and enforceable.

112. Apple has never been licensed, either expressly or impliedly, under the '816 patent.

113. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Apple of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

114. Upon information and belief, Apple has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), their display components, and/or other products made, used, sold, offered for sale, or imported by Apple that include all of the limitations of one or more claims of the '816 patent.

115. Upon information and belief, distributors and consumers that purchase Apple's display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

116. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Apple that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

117. Upon information and belief, Apple had knowledge of the '816 patent and its infringing conduct prior to April 5, 2013. Prior to that date, Apple had knowledge of the '816 patent and its infringing conduct at least as a result of its interaction with companies affiliated with the '816 patent's inventor, Jeffery Parker.

118. Upon information and belief, since at least the above-mentioned date of notice, Apple has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone

5, and MacBook Air), to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, Apple does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent.

119. Upon information and belief, Apple intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

120. Upon information and belief, Apple's acts of infringement of the '816 patent have been willful and intentional. Since at least the above-mentioned date of notice, Apple has acted with an objectively high likelihood that its actions constituted infringement of the '816 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to desktops, laptops, monitors, mobile phones, music players, and tablets with an LCD (*e.g.*, the iPad 3, iPad 4, iPhone 4, iPhone 5, and MacBook Air), and the objectively-defined risk was either known or so obvious that it should have been known.

121. As a direct and proximate result of these acts of patent infringement, Apple has encroached on the exclusive rights of IDT and its licensees to practice the '816 patent, for which IDT is entitled to at least a reasonable royalty.

CONCLUSION

122. Plaintiffs are entitled to recover from Apple the damages sustained by Plaintiffs as a result of Apple's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

123. Plaintiffs have incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiffs are entitled to recover their reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

124. Plaintiffs hereby request a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

125. Plaintiffs respectfully request that the Court find in their favor and against Apple, and that the Court grant Plaintiffs the following relief:

- A. A judgment that Apple has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiffs as a result of the acts of infringement by Apple;
- C. A judgment and order requiring Apple to pay Plaintiffs damages under 35 U.S.C. § 284, including up to treble damages for willful infringement as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Apple and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting

in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;

- E. A judgment and order requiring Apple to pay Plaintiffs pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring Apple to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: April 8, 2014

Respectfully submitted,

/s/ Jeffrey R. Bragalone

Jeffrey R. Bragalone (lead attorney)

Texas Bar No. 02855775

Patrick J. Conroy

Texas Bar No. 24012448

Justin B. Kimble

Texas Bar No. 24036909

T. William Kennedy, Jr.

Texas Bar No. 24055771

Daniel F. Olejko

Pennsylvania Bar No. 205512

Bragalone Conroy PC

2200 Ross Avenue

Suite 4500W

Dallas, TX 75201

Tel: (214) 785-6671

Fax: (214) 785-6680

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

bkennedy@bcpc-law.com

dolejko@bcpc-law.com

T. John Ward Jr.

Texas Bar No. 00794818

Claire Abernathy Henry

Ward & Smith Law Firm

1127 Judson Road, Suite 220

Longview, TX 75601

Tel: (903) 757-6400

Fax: (903) 757.2323

jw@wsfirm.com

claire@wsfirm.com

Attorneys for Plaintiffs

INNOVATIVE DISPLAY

TECHNOLOGIES LLC AND

DELAWARE DISPLAY GROUP LLC

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

INNOVATIVE DISPLAY TECHNOLOGIES LLC and
DELAWARE DISPLAY GROUP LLC

(b) County of Residence of First Listed Plaintiff Collin
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Bragalone Conroy PC
2200 Ross Avenue, Suite 4500W
Dallas, TX 75201 214-785-6670

DEFENDANTS

APPLE, INC.

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business in This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. § 1, et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285

Brief description of cause:

Infringement of U.S. Patent Nos. 6,755,547, 7,300,194, 7,384,177, et al

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Hon. Rodney Gilstrap

DOCKET NUMBER 2:13-cv-522,523,524,525,

DATE
04/08/2014

SIGNATURE OF ATTORNEY OF RECORD
/s/ Jeffrey R. Bragalone

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

MBI_000282

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

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC AND
DELAWARE DISPLAY GROUP LLC**

Plaintiffs,

V.

**AT&T INC. AND
AT&T MOBILITY LLC,**

Defendants.

C.A. No. _____

JURY TRIAL DEMANDED

PLAINTIFFS' COMPLAINT

Innovative Display Technologies LLC and Delaware Display Group LLC (collectively, “Plaintiffs”) by and through their undersigned counsel, file this Complaint against AT&T Inc. and AT&T Mobility LLC (collectively, “AT&T”).

THE PARTIES

1. Innovative Display Technologies LLC (“IDT”) is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.
2. Delaware Display Group LLC (“DDG”) is a Delaware limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.
3. On information and belief, AT&T Inc. is a Delaware corporation with its principal place of business at 208 Akard Street, Dallas, Texas 75202 and regularly does business throughout this judicial district. AT&T Inc.’s registered agent for service of process in Texas is CT Corporation System, 350 N. St. Paul St., Dallas, Texas 75201.

4. On information and belief, AT&T Mobility LLC is a Delaware corporation with its principal place of business at Glenridge Highlands Two, 5565 Glenridge Connector, Atlanta, Georgia 30342. AT&T Mobility LLC's registered agent for service of process in Texas is CT Corporation System, 350 N. St. Paul St., Dallas, Texas 75201.

5. Upon information and belief, AT&T has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

6. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

7. As further detailed herein, this Court has personal jurisdiction over AT&T. AT&T is amenable to service of summons for this action. Furthermore, personal jurisdiction over AT&T Inc. in this action comports with due process. AT&T Inc. has headquarters at 208 Akard Street, Dallas, Texas 75202, and AT&T maintains at least twenty (20) stores in this District. AT&T has conducted and regularly conducts business within the United States, this State, and this District. AT&T has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. AT&T has sought protection and benefit from the laws of the State of Texas by maintaining corporate headquarters in Texas, by maintaining stores in this District, and by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

8. AT&T – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its

products in the United States and this District. AT&T has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. AT&T knowingly and purposefully ships infringing products into this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, AT&T has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from AT&T's activities in this District.

9. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b). One or more of IDT's witnesses reside in this District. AT&T is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue, and, upon information and belief, AT&T has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website that is available to persons in this District, which website advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

10. U.S. Patent No. 6,755,547 titled "Light Emitting Panel Assemblies" ("the '547 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '547 patent.

11. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’194 patent.

12. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’177 patent.

13. U.S. Patent No. 7,404,660 titled “Light Emitting Panel Assemblies” (“the ’660 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’660 patent.

14. U.S. Patent No. 7,434,974 titled “Light Emitting Panel Assemblies” (“the ’974 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’974 patent.

15. U.S. Patent No. 7,537,370 titled “Light Emitting Panel Assemblies” (“the ’370 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’370 patent.

16. U.S. Patent No. 7,914,196 titled “Light Redirecting Film Systems Having Pattern of Variable Optical Elements” (“the ’196 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on March 29, 2011, after full and fair examination. Jeffery R. Parker, Timothy A. McCollum, and Robert M. Ezell are the inventors listed on the ’196 patent.

17. U.S. Patent No. 8,215,816 titled “Light Emitting Panel Assemblies” (“the ’816 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’816 patent.

18. The ’196 patent is referred to as the “DDG patent.”

19. The '547 patent, the '194 patent, the '177 patent, the '660 patent, the '974 patent, the '370 patent, and the '816 patent are collectively referred to as the "IDT patents." Together, the "DDG patent" and the "IDT patents" are the "patents-in-suit."

20. On June 26, 2013, IDT was assigned all of the right, title, and interest in the IDT patents, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the IDT patents.

21. On December 20, 2013, DDG was assigned all of the right, title, and interest in the DDG patent, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the DDG patent.

22. The patents-in-suit all share the same ultimate parent patent, U.S. Patent No. 5,613,751. The patents-in-suit share inventors, subject matter, and claim terms. The accused products infringe the patents-in-suit based on the use of the same technology, *e.g.*, backlights for LCDs. And IDT and DDG share a common corporate parent.

B. AT&T's Infringing Conduct.

23. Upon information and belief, AT&T offers to sell and/or sells within and/or imports into the United States display products that use the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display products include, but are not limited to mobile phones and tablets with an LCD.

24. By incorporating the fundamental inventions covered by the patents-in-suit, AT&T can sell improved products, including but not limited to, products with longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, a lower power requirement, and/or a longer battery life.

25. Upon information and belief, third-party distributors purchase and have purchased AT&T's infringing display products for sale or importation into the United States, including in this District.

26. Upon information and belief, AT&T has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including in this District by third party manufacturers, distributors, and/or importers. Upon information and belief, third-party consumers use and have used infringing display products sold by AT&T in the United States, including in this District.

27. Certain infringing display products sold, offered for sale, and/or imported by AT&T are manufactured by Samsung Electronics Co., Ltd. and/or its subsidiaries ("Samsung Manufactured Products"). For only the Samsung Manufactured Products, IDT limits the infringement allegations in this complaint solely to units of those display products that were manufactured after March 2, 2014. For all other display products sold, offered for sale, or imported by AT&T, IDT maintains the infringement allegations in this complaint for the entire pre- and post-lawsuit damages period available under law.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

28. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-27 as though fully set forth herein.

29. The '547 patent is valid and enforceable.

30. AT&T has never been licensed, either expressly or impliedly, under the '547 patent.

31. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to AT&T of its alleged infringement. Upon information and belief, IDT

surmises that any express licensees of the '547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

32. Upon information and belief, AT&T has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), their display components, and/or other products sold, offered for sale, or imported by AT&T that include all of the limitations of one or more claims of the '547 patent.

33. Upon information and belief, distributors and consumers that purchase AT&T's display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

34. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to AT&T that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

35. Upon information and belief, AT&T had knowledge of the '547 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

36. Upon information and belief, since at least the above-mentioned date of notice, AT&T has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, AT&T does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent.

37. Upon information and belief, AT&T intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to

purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

38. As a direct and proximate result of these acts of patent infringement, AT&T has encroached on the exclusive rights of IDT and its licensees to practice the '547 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

39. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-38 as though fully set forth herein

40. The '194 patent is valid and enforceable.

41. AT&T has never been licensed, either expressly or impliedly, under the '194 patent.

42. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to AT&T of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

43. Upon information and belief, AT&T has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the

limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), their display components, and/or other products sold, offered for sale, or imported by AT&T that include all of the limitations of one or more claims of the '194 patent.

44. Upon information and belief, distributors and consumers that purchase AT&T's display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

45. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to AT&T that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

46. Upon information and belief, AT&T had knowledge of the '194 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

47. Upon information and belief, since at least the above-mentioned date of notice, AT&T has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date, AT&T does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent.

48. Upon information and belief, AT&T intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

49. As a direct and proximate result of these acts of patent infringement, AT&T has encroached on the exclusive rights of IDT and its licensees to practice the '194 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

50. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-49 as though fully set forth herein.

51. The '177 patent is valid and enforceable.

52. AT&T has never been licensed, either expressly or impliedly, under the '177 patent.

53. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to AT&T of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

54. Upon information and belief, AT&T has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), their display components, and/or other products sold, offered for sale, or imported by AT&T that include all of the limitations of one or more claims of the '177 patent.

55. Upon information and belief, distributors and consumers that purchase AT&T's display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), also directly

infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

56. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to AT&T that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

57. Upon information and belief, AT&T had knowledge of the '177 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

58. Upon information and belief, since at least the above-mentioned date of notice, AT&T has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date, AT&T does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent.

59. Upon information and belief, AT&T intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or

consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

60. As a direct and proximate result of these acts of patent infringement, AT&T has encroached on the exclusive rights of IDT and its licensees to practice the '177 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

61. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-60 as though fully set forth herein.

62. The '660 patent is valid and enforceable.

63. AT&T has never been licensed, either expressly or impliedly, under the '660 patent.

64. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to AT&T of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

65. Upon information and belief, AT&T has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing,

by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), their display components, and/or other products sold, offered for sale, or imported by AT&T that include all of the limitations of one or more claims of the '660 patent.

66. Upon information and belief, distributors and consumers that purchase AT&T's display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

67. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to AT&T that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

68. Upon information and belief, AT&T had knowledge of the '660 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

69. Upon information and belief, since at least the above-mentioned date of notice, AT&T has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, AT&T does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent.

70. Upon information and belief, AT&T intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

71. As a direct and proximate result of these acts of patent infringement, AT&T has encroached on the exclusive rights of IDT and its licensees to practice the '660 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

72. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-71 as though fully set forth herein.

73. The '974 patent is valid and enforceable.

74. AT&T has never been licensed, either expressly or impliedly, under the '974 patent.

75. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to AT&T of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

76. Upon information and belief, AT&T has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), their display components, and/or other products sold, offered for sale, or imported by AT&T that include all of the limitations of one or more claims of the '974 patent.

77. Upon information and belief, distributors and consumers that purchase AT&T's display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

78. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to AT&T that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

79. Upon information and belief, AT&T had knowledge of the '974 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

80. Upon information and belief, since at least the above-mentioned date of notice, AT&T has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), to directly infringe one or more claims of the '974 patent. Since at

least the notice provided on the above-mentioned date, AT&T does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent.

81. Upon information and belief, AT&T intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

82. As a direct and proximate result of these acts of patent infringement, AT&T has encroached on the exclusive rights of IDT and its licensees to practice the '974 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,537,370

83. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-82 as though fully set forth herein.

84. The '370 patent is valid and enforceable.

85. AT&T has never been licensed, either expressly or impliedly, under the '370 patent.

86. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to AT&T of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered

for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

87. Upon information and belief, AT&T has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega and Samsung Galaxy S4 Active) their display components, and/or other products sold, offered for sale, or imported by AT&T that include all of the limitations of one or more claims of the '370 patent.

88. Upon information and belief, distributors and consumers that purchase AT&T's display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to, mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega and Samsung Galaxy S4 Active), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

89. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to AT&T that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents,

under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

90. Upon information and belief, AT&T had knowledge of the '370 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

91. Upon information and belief, since at least the above-mentioned date of notice, AT&T has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega and Samsung Galaxy S4 Active), to directly infringe one or more claims of the '370 patent. Since at least the notice provided on the above-mentioned date, AT&T does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent.

92. Upon information and belief, AT&T intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

93. As a direct and proximate result of these acts of patent infringement, AT&T has encroached on the exclusive rights of IDT and its licensees to practice the '370 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 7,914,196

94. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-93 as though fully set forth herein.

95. The '196 patent is valid and enforceable.

96. AT&T has never been licensed, either expressly or impliedly, under the '196 patent.

97. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, DDG has complied with the requirements of that statute by providing actual or constructive notice to AT&T of its alleged infringement. Upon information and belief, DDG surmises that any express licensees of the '196 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '196 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

98. Upon information and belief, AT&T has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '196 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to mobile phones and tablets with an LCD (e.g., Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung

Galaxy Tab 2, and Samsung Galaxy Note 8), their display components, and/or other products sold, offered for sale, or imported by AT&T that include all of the limitations of one or more claims of the '196 patent.

99. Upon information and belief, distributors and consumers that purchase AT&T's display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

100. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to AT&T that include all of the limitations of one or more claims of the '196 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

101. Upon information and belief, AT&T had knowledge of the '196 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

102. Upon information and belief, since at least the above-mentioned date of notice, AT&T has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations

of one or more claims of the '196 patent, including but not limited to mobile phones and tablets with an LCD (e.g., Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), to directly infringe one or more claims of the '196 patent. Since at least the notice provided on the above-mentioned date, AT&T does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '196 patent.

103. Upon information and belief, AT&T intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

104. As a direct and proximate result of these acts of patent infringement, AT&T has encroached on the exclusive rights of DDG and its licensees to practice the '196 patent, for which DDG is entitled to at least a reasonable royalty.

COUNT VIII

Patent Infringement of U.S. Patent No. 8,215,816

105. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-104 as though fully set forth herein.

106. The '816 patent is valid and enforceable.

107. AT&T has never been licensed, either expressly or impliedly, under the '816 patent.

108. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or

constructive notice to AT&T of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

109. Upon information and belief, AT&T has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), their display components, and/or other products sold, offered for sale, or imported by AT&T that include all of the limitations of one or more claims of the '816 patent.

110. Upon information and belief, distributors and consumers that purchase AT&T's display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or

through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

111. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to AT&T that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

112. Upon information and belief, AT&T had knowledge of the '816 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

113. Upon information and belief, since at least the above-mentioned date of notice, AT&T has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, AT&T does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent.

114. Upon information and belief, AT&T intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United

States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

115. As a direct and proximate result of these acts of patent infringement, AT&T has encroached on the exclusive rights of IDT and its licensees to practice the '816 patent, for which IDT is entitled to at least a reasonable royalty.

CONCLUSION

116. Plaintiffs are entitled to recover from AT&T the damages sustained by Plaintiffs as a result of AT&T's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

117. Plaintiffs have incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiffs are entitled to recover their reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

118. Plaintiffs hereby request a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

119. Plaintiffs respectfully request that the Court find in their favor and against AT&T, and that the Court grant Plaintiffs the following relief:

- A. A judgment that AT&T has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;

- B. A judgment for an accounting of all damages sustained by Plaintiffs as a result of the acts of infringement by AT&T;
- C. A judgment and order requiring AT&T to pay Plaintiffs damages under 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining AT&T and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring AT&T to pay Plaintiffs pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring AT&T to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: June 25, 2014

Respectfully submitted,

/s/ Jeffrey R. Bragalone

Jeffrey R. Bragalone (lead attorney)

Texas Bar No. 02855775

Patrick J. Conroy

Texas Bar No. 24012448

Justin B. Kimble

Texas Bar No. 24036909

T. William Kennedy, Jr.

Texas Bar No. 24055771

Daniel F. Olejko

Pennsylvania Bar No. 205512

Bragalone Conroy PC

2200 Ross Avenue

Suite 4500W

Dallas, TX 75201

Tel: (214) 785-6671

Fax: (214) 785-6680

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

bkennedy@bcpc-law.com

dolejko@bcpc-law.com

T. John Ward Jr.

Texas Bar No. 00794818

Claire Abernathy Henry

Ward & Smith Law Firm

1127 Judson Road, Suite 220

Longview, TX 75601

Tel: (903) 757-6400

Fax: (903) 757.2323

jw@wsfirm.com

claire@wsfirm.com

Attorneys for Plaintiffs

INNOVATIVE DISPLAY

TECHNOLOGIES LLC AND

DELAWARE DISPLAY GROUP LLC

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

INNOVATIVE DISPLAY TECHNOLOGIES LLC and
DELAWARE DISPLAY GROUP LLC

(b) County of Residence of First Listed Plaintiff Collin
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Bragalone Conroy PC
2200 Ross Avenue, Suite 4500W
Dallas, TX 75201 214-785-6670

DEFENDANTS

AT&T INC and AT&T MOBILITY LLC

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. § 1, et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285

Brief description of cause:

Infringement of U.S. Patent Nos. 6,755,547, 7,300,194, 7,384,177, et al

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Hon. Rodney Gilstrap

DOCKET NUMBER 2:13-cv-522-527, and others

DATE 06/25/2014 SIGNATURE OF ATTORNEY OF RECORD

/s/ Jeffrey R. Bragalone

FOR OFFICE USE ONLY

RECEIPT # MBI_000312 AMOUNT APPLYING IFP JUDGE MAG. JUDGE

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

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC,**

Plaintiff,

V.

**BEST BUY CO., INC.,
BEST BUY STORES, L.P.,
BESTBUY.COM, LLC, AND
BEST BUY PURCHASING, LLC,**

Defendants.

[illegible]

C.A. No. _____

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT

Plaintiff Innovative Display Technologies LLC by and through its undersigned counsel, files this Complaint against Best Buy Co., Inc.; Best Buy Stores, L.P.; BestBuy.com, LLC; and Best Buy Purchasing, LLC (collectively, “Best Buy”).

THE PARTIES

1. Innovative Display Technologies LLC is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, TX 75093.
2. Upon information and belief, Best Buy Co., Inc. is a public company incorporated in Minnesota with its offices at 7601 Penn Avenue, Richfield, MN 55423. Upon information and belief Best Buy Co., Inc. is the ultimate corporate parent of all subsidiaries operating generally under the Best Buy name.
3. Upon information and belief, Best Buy Stores, L.P. is a Virginia limited partnership with its offices at 7601 Penn Avenue, Richfield, MN 55423. Upon information and belief Best Buy Stores, L.P. is a subsidiary of Best Buy Co., Inc.

4. Upon information and belief, BestBuy.com, LLC is a Virginia limited liability company with its offices at 7601 Penn Avenue, Richfield, MN 55423. Upon information and belief BestBuy.com, LLC is a subsidiary of Best Buy Stores, L.P.

5. Upon information and belief, Best Buy Purchasing, LLC is a Minnesota limited liability company with its offices at 7601 Penn Avenue, Richfield, MN 55423. Upon information and belief Best Buy Purchasing, LLC is a subsidiary of Best Buy Co., Inc.

6. Upon information and belief Best Buy, directly or through subsidiaries or alter egos, maintains at least seventeen (17) stores in this District at which the infringing products as detailed below are sold.

7. Upon information and belief, Best Buy has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

8. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

9. As further detailed herein, this Court has personal jurisdiction over Best Buy Co., Inc. Best Buy Co., Inc. is amenable to service of summons for this action. Furthermore, personal jurisdiction over Best Buy Co., Inc. in this action comports with due process. Best Buy Co., Inc. has conducted and regularly conducts business within the United States and this District. Best Buy Co., Inc. has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. Best Buy Co., Inc. has sought

protection and benefit from the laws of the State of Texas by maintaining stores, either directly, or through subsidiaries in this District and/or by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

10. Best Buy Co., Inc. – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Best Buy Co., Inc. has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. Best Buy Co., Inc. knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, Best Buy Co., Inc. has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from Best Buy Co., Inc.'s activities in this District.

11. As further detailed herein, this Court has personal jurisdiction over Best Buy Stores, L.P. Best Buy Stores, L.P. is amenable to service of summons for this action. Furthermore, personal jurisdiction over Best Buy Stores, L.P. in this action comports with due process. Best Buy Stores, L.P. has conducted and regularly conducts business within the United States and this District. Best Buy Stores, L.P. has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. Best Buy Stores, L.P. has sought protection and benefit from the laws of the State of Texas by maintaining stores, either directly, or through subsidiaries in this District and/or by placing

infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

12. Best Buy Stores, L.P. – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Best Buy Stores, L.P. has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. Best Buy Stores, L.P. knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, Best Buy Stores, L.P. has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from Best Buy Stores, L.P.'s activities in this District.

13. As further detailed herein, this Court has personal jurisdiction over BestBuy.com, LLC. BestBuy.com, LLC is amenable to service of summons for this action. Furthermore, personal jurisdiction over BestBuy.com, LLC in this action comports with due process. BestBuy.com, LLC has conducted and regularly conducts business within the United States and this District. BestBuy.com, LLC has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. BestBuy.com, LLC has sought protection and benefit from the laws of the State of Texas by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

14. BestBuy.com, LLC – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. BestBuy.com, LLC has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. BestBuy.com, LLC knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, BestBuy.com, LLC has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff’s cause of action for patent infringement arises directly from BestBuy.com, LLC’s activities in this District.

15. As further detailed herein, this Court has personal jurisdiction over Best Buy Purchasing, LLC. Best Buy Purchasing, LLC is amenable to service of summons for this action. Furthermore, personal jurisdiction over Best Buy Purchasing, LLC in this action comports with due process. Best Buy Purchasing, LLC has conducted and regularly conducts business within the United States and this District. Best Buy Purchasing, LLC has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. Best Buy Purchasing, LLC has sought protection and benefit from the laws of the State of Texas by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

16. Best Buy Purchasing, LLC – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Best Buy Purchasing, LLC has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. Best Buy Purchasing, LLC knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, Best Buy Purchasing, LLC has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff’s cause of action for patent infringement arises directly from Best Buy Purchasing, LLC’s activities in this District.

17. Venue is proper in this Court according to the venue provisions set forth by 28 U.S.C. §§ 1391(b)-(d) and 1400(b). Best Buy is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue. Upon information and belief, Best Buy has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website, available to persons in this District that advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

18. U.S. Patent No. 6,755,547 titled “Light Emitting Panel Assemblies” (“the ’547 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004,

after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '547 patent. The '547 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '547 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '547 patent is attached as **Exhibit A** and made a part hereof.

19. U.S. Patent No. 7,300,194 titled "Light Emitting Panel Assemblies" ("the '194 patent") was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '194 patent. The '194 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '194 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '194 patent is attached as **Exhibit B** and made a part hereof.

20. U.S. Patent No. 7,384,177 titled "Light Emitting Panel Assemblies" ("the '177 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '177 patent. The '177 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '177 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '177 patent is attached as **Exhibit C** and made a part hereof.

21. U.S. Patent No. 7,404,660 titled "Light Emitting Panel Assemblies" ("the '660 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '660 patent. The '660 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in

the '660 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '660 patent is attached as Exhibit D and made a part hereof.

22. U.S. Patent No. 7,434,974 titled "Light Emitting Panel Assemblies" ("the '974 patent") was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '974 patent. The '974 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '974 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '974 patent is attached as Exhibit E and made a part hereof.

23. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '816 patent. The '816 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '816 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '816 patent is attached as Exhibit F and made a part hereof.

24. Jeffery R. Parker is an inventor of the '547 patent, the '194 patent, the '177 patent, the '660 patent, the '974 patent, and the '816 patent (collectively, the "patents-in-suit"). In total, he is a named inventor on over eighty-five (85) U.S. patents.

B. Best Buy's Infringing Conduct.

25. Upon information and belief, Best Buy makes, uses, offers to sell, and/or sells within, and/or imports into the United States display products that incorporate the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display

products include, but are not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet).

26. By incorporating the fundamental inventions covered by the patents-in-suit, Best Buy can make improved products, including but not limited to, longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, and/or a lower power requirement.

27. Upon information and belief, third-party distributors purchase and have purchased Best Buy's infringing display products for sale or importation into the United States, including this District. Upon information and belief, third-party consumers use and have used Best Buy's infringing display products in the United States, including this District.

28. Upon information and belief, Best Buy has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including this District by third party manufacturers, distributors, and/or importers.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

29. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-28 as though fully set forth herein.

30. The '547 patent is valid and enforceable.

31. Best Buy has never been licensed, either expressly or impliedly, under the '547 patent.

32. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Best Buy of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '547 patent have complied with the marking

requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

33. Upon information and belief, Best Buy has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to, televisions, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), their display components, and/or other products made, used, sold, offered for sale, or imported by Best Buy that include all of the limitations of one or more claims of the '547 patent.

34. Upon information and belief, distributors and consumers that purchase Best Buy's products that include all of the limitations of one or more claims of the '547 patent, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

35. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Best Buy that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling

infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

36. Upon information and belief, Best Buy had knowledge of the '547 patent and its infringing conduct at least since July 20, 2012, when Best Buy was formally placed on notice of its infringement.

37. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Best Buy on notice of its infringement, Best Buy has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, Best Buy does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent. Upon information and belief, Best Buy intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Best Buy has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

38. Upon information and belief, Best Buy's acts of infringement of the '547 patent have been willful and intentional. Since at least the above-mentioned date of notice, Best Buy has acted with an objectively high likelihood that its actions constituted infringement of the '547 patent by refusing to take a license and continuing to make and sell its display products,

including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), and the objectively-defined risk was either known or so obvious that it should have been known.

39. As a direct and proximate result of these acts of patent infringement, Best Buy has encroached on the exclusive rights of Plaintiff and its licensees to practice the '547 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

40. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-39 as though fully set forth herein.

41. The '194 patent is valid and enforceable.

42. Best Buy has never been licensed, either expressly or impliedly, under the '194 patent.

43. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Best Buy of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

44. Upon information and belief, Best Buy has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or

consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), their display components, and/or other products made, used, sold, offered for sale, or imported by Best Buy that include all of the limitations of one or more claims of the '194 patent.

45. Upon information and belief, distributors and consumers that purchase Best Buy's products that include all of the limitations of one or more claims of the '194 patent, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

46. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Best Buy that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

47. Upon information and belief, Best Buy had knowledge of the '194 patent and its infringing conduct at least since July 20, 2012, when Best Buy was formally placed on notice of its infringement.

48. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Best Buy on notice of its infringement, Best Buy has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date, Best Buy does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent. Upon information and belief, Best Buy intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Best Buy has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

49. Upon information and belief, Best Buy's acts of infringement of the '194 patent have been willful and intentional. Since at least the above-mentioned date of notice, Best Buy has acted with an objectively high likelihood that its actions constituted infringement of the '194 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), and the objectively-defined risk was either known or so obvious that it should have been known.

50. As a direct and proximate result of these acts of patent infringement, Best Buy has encroached on the exclusive rights of Plaintiff and its licensees to practice the '194 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

51. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-50 as though fully set forth herein.

52. The '177 patent is valid and enforceable.

53. Best Buy has never been licensed, either expressly or impliedly, under the '177 patent.

54. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Best Buy of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

55. Upon information and belief, Best Buy has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but

not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), their display components, and/or other products made, used, sold, offered for sale, or imported by Best Buy that include all of the limitations of one or more claims of the '177 patent.

56. Upon information and belief, distributors and consumers that purchase Best Buy's products that include all of the limitations of one or more claims of the '177 patent, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

57. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Best Buy that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

58. Upon information and belief, Best Buy had knowledge of the '177 patent and its infringing conduct at least since July 20, 2012, when Best Buy was formally placed on notice of its infringement.

59. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Best Buy on notice of its infringement, Best Buy has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the

above-mentioned date, Best Buy does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent. Upon information and belief, Best Buy intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Best Buy has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

60. Upon information and belief, Best Buy's acts of infringement of the '177 patent have been willful and intentional. Since at least the above-mentioned date of notice, Best Buy has acted with an objectively high likelihood that its actions constituted infringement of the '177 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), and the objectively-defined risk was either known or so obvious that it should have been known.

61. As a direct and proximate result of these acts of patent infringement, Best Buy has encroached on the exclusive rights of Plaintiff and its licensees to practice the '177 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

62. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-61 as though fully set forth herein.

63. The '660 patent is valid and enforceable.

64. Best Buy has never been licensed, either expressly or impliedly, under the '660 patent.

65. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Best Buy of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

66. Upon information and belief, Best Buy has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), their display components, and/or other products made, used, sold, offered for

sale, or imported by Best Buy that include all of the limitations of one or more claims of the '660 patent.

67. Upon information and belief, distributors and consumers that purchase Best Buy's products that include all of the limitations of one or more claims of the '660 patent, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

68. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Best Buy that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

69. Upon information and belief, Best Buy had knowledge of the '660 patent and its infringing conduct at least since July 20, 2012, when Best Buy was formally placed on notice of its infringement.

70. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Best Buy on notice of its infringement, Best Buy has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, Best Buy does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent. Upon information and belief,

Best Buy intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Best Buy has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

71. Upon information and belief, Best Buy's acts of infringement of the '660 patent have been willful and intentional. Since at least the above-mentioned date of notice, Best Buy has acted with an objectively high likelihood that its actions constituted infringement of the '660 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), and the objectively-defined risk was either known or so obvious that it should have been known.

72. As a direct and proximate result of these acts of patent infringement, Best Buy has encroached on the exclusive rights of Plaintiff and its licensees to practice the '660 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

73. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-72 as though fully set forth herein.

74. The '974 patent is valid and enforceable.

75. Best Buy has never been licensed, either expressly or impliedly, under the '974 patent.

76. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Best Buy of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

77. Upon information and belief, Best Buy has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), their display components, and/or other products made, used, sold, offered for sale, or imported by Best Buy that include all of the limitations of one or more claims of the '974 patent.

78. Upon information and belief, distributors and consumers that purchase Best Buy's products that include all of the limitations of one or more claims of the '974 patent, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-

14T002 tablet), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

79. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Best Buy that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

80. Upon information and belief, Best Buy had knowledge of the '974 patent and its infringing conduct at least since July 20, 2012, when Best Buy was formally placed on notice of its infringement.

81. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Best Buy on notice of its infringement, Best Buy has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '974 patent. Since at least the notice provided on the above-mentioned date, Best Buy does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent. Upon information and belief, Best Buy intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Best Buy has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and

regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

82. Upon information and belief, Best Buy's acts of infringement of the '974 patent have been willful and intentional. Since at least the above-mentioned date of notice, Best Buy has acted with an objectively high likelihood that its actions constituted infringement of the '974 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), and the objectively-defined risk was either known or so obvious that it should have been known.

83. As a direct and proximate result of these acts of patent infringement, Best Buy has encroached on the exclusive rights of Plaintiff and its licensees to practice the '974 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 8,215,816

84. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-83 as though fully set forth herein.

85. The '816 patent is valid and enforceable.

86. Best Buy has never been licensed, either expressly or impliedly, under the '816 patent.

87. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Best Buy of its alleged infringement. Upon information and belief,

Plaintiff surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

88. Upon information and belief, Best Buy has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), their display components, and/or other products made, used, sold, offered for sale, or imported by Best Buy that include all of the limitations of one or more claims of the '816 patent.

89. Upon information and belief, distributors and consumers that purchase Best Buy's products that include all of the limitations of one or more claims of the '816 patent, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

90. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Best Buy that include all of the limitations of one or more

claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

91. Upon information and belief, Best Buy had knowledge of the '816 patent and its infringing conduct at least since July 20, 2012, when Best Buy was formally placed on notice of its infringement.

92. Upon information and belief, since at least the above-mentioned date when Best Buy was formally placed on notice of its infringement, Best Buy has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, Best Buy does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent. Upon information and belief, Best Buy intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Best Buy has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

93. Upon information and belief, Best Buy's acts of infringement of the '816 patent have been willful and intentional. Since at least the above-mentioned date of notice, Best Buy

has acted with an objectively high likelihood that its actions constituted infringement of the '816 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), and the objectively-defined risk was either known or so obvious that it should have been known.

94. As a direct and proximate result of these acts of patent infringement, Best Buy has encroached on the exclusive rights of Plaintiff and its licensees to practice the '816 patent, for which Plaintiff is entitled to at least a reasonable royalty.

CONCLUSION

95. Plaintiff is entitled to recover from Best Buy the damages sustained by Plaintiff as a result of Best Buy's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

96. Plaintiffs have incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

97. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

98. Plaintiff respectfully request that the Court find in its favor and against Best Buy, and that the Court grant Plaintiff the following relief:

- A. A judgment that Best Buy has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Best Buy;
- C. A judgment and order requiring Best Buy to pay Plaintiff damages under 35 U.S.C. § 284, including up to treble damages for willful infringement as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Best Buy and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Best Buy to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring Best Buy to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: April 24, 2014

Respectfully submitted,

/s/ Jeffrey R. Bragalone

Jeffrey R. Bragalone (lead attorney)

Texas Bar No. 02855775

Patrick J. Conroy

Texas Bar No. 24012448

Justin B. Kimble

Texas Bar No. 24036909

T. William Kennedy, Jr.

Texas Bar No. 24055771

Daniel F. Olejko

Pennsylvania Bar No. 205512

Bragalone Conroy PC

2200 Ross Avenue

Suite 4500W

Dallas, TX 75201

Tel: (214) 785-6670

Fax: (214) 785-6680

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

bkennedy@bcpc-law.com

dolejko@bcpc-law.com

T. John Ward Jr.

Texas Bar No. 00794818

Claire Abernathy Henry

Ward & Smith Law Firm

1127 Judson Road, Suite 220

Longview, TX 75601

Tel: (903) 757-6400

Fax: (903) 757.2323

jw@wsfirm.com

claire@wsfirm.com

Attorneys for Plaintiff

INNOVATIVE DISPLAY

TECHNOLOGIES LLC

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

INNOVATIVE DISPLAY TECHNOLOGIES LLC

(b) County of Residence of First Listed Plaintiff Collin
(If Subject in U.S. Plaintiff Cases)(c) Attorneys (from Name, Address, and Telephone Number)
Jeffrey R. Bragalone, Bragalone Conroy PC
2200 Ross Avenue, Suite 4500W
Dallas, TX 75201 214-785-6670

DEFENDANTS

BEST BUY CO., INC., BEST BUY STORES, L.P., BESTBUY.COM, LLC, AND BEST BUY PURCHASING, LLC

County of Residence of First Listed Defendant

(If U.S. Plaintiff Cases Only)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (if known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (If U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF
Citizen of This State	☐ 1	☐ 1
Citizen of Another State	☐ 2	☐ 2
Citizen or Subject of a Foreign Country	☐ 3	☐ 3
Incorporated in Principal Place of Business in This State	☐ 4	☐ 4
Incorporated in Principal Place of Business in Another State	☐ 5	☐ 5
Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care ☐ 368 Asbestos Personal Injury-Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 U.S.C. 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 BIA (1395if) ☐ 862 Black Lung (925) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSD Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities Commodities Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 892 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS ☐ Habeas Corpus: ☐ 467 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (Specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 35 U.S.C. § 1, et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285
 Brief description of cause:
 Patent Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.C.P.

DEMANDS

CHECK YES only if demanded in complaint.

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE:

04/24/2014

SIGNATURE OF ATTORNEY OF RECORD

/s/ Jeffrey R. Bragalone

FOR OFFICE USE ONLY

RECEIVED

ASSIGNED

APPLYING OFF

JUDGE

MAG. JUDGE

MBI_000341

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

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC,**

Plaintiff,

v.

**BMW OF NORTH AMERICA, LLC,
and
BMW MANUFACTURING CO., LLC,**

Defendants.

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C.A. No. _____

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT

Plaintiff Innovative Display Technologies LLC, by and through its undersigned counsel, files this Original Complaint for patent infringement against Defendants BMW of North America, LLC and BMW Manufacturing Co., LLC (collectively "BMW").

THE PARTIES

1. Plaintiff Innovative Display Technologies LLC ("IDT") is a Texas limited liability company having a principal place of business at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

2. Defendant BMW of North America, LLC is a Delaware limited liability company having a principal place of business at 300 Chestnut Ridge Road, Woodcliff Lake, New Jersey 07675.

3. Defendant BMW Manufacturing Co., LLC is a Delaware limited liability company having a principal place of business at 1400 Highway 101 South, Greer, South Carolina 29651.

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 271 *et seq.*

5. This Court has subject matter jurisdiction over this case for Patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over BMW. On information and belief, BMW, either directly or through intermediaries, regularly sells products and services into this judicial district and manufactures products intended to be sold and in fact sold into and within this judicial district. Additionally, on information and belief, this Court has personal jurisdiction over BMW because BMW has committed, aided, abetted, contributed to, induced, and/or participated in the commission of acts within this judicial district giving rise to this action.

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400 (b).

PATENTS IN SUIT

8. U.S. Patent No. 6,755,547 titled “Light Emitting Panel Assemblies” (“the ’547 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the named inventor of the ’547 Patent. IDT owns the ’547 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the ’547 Patent is attached as **Exhibit 1**.

9. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the named inventor of the ’194 Patent. IDT owns the ’194 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the ’194 Patent is attached as **Exhibit 2**.

10. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the ’177 Patent. IDT owns the ’177 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the ’177 Patent is attached as **Exhibit 3**.

11. U.S. Patent No. 7,404,660 titled “Light Emitting Panel Assemblies” (“the ’660 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the ’660 Patent. IDT owns the ’660 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the ’660 Patent is attached as **Exhibit 4**.

12. U.S. Patent No. 7,434,974 titled “Light Emitting Panel Assemblies” (“the ’974 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the ’974 Patent. IDT owns the ’974 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the ’974 Patent is attached as **Exhibit 5**.

13. U.S. Patent No. 7,537,370 titled “Light Emitting Panel Assemblies” (“the ’370 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the named inventor of the ’370 Patent. IDT owns the ’370 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the ’370 Patent is attached as **Exhibit 6**.

14. U.S. Patent No. 8,215,816 titled “Light Emitting Panel Assemblies” (“the ’816 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the named inventor of the ’816 Patent. IDT

owns the '816 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '816 Patent is attached as **Exhibit 7**.

15. U.S. Patent No. 6,508,563 titled "Light Emitting Panel Assemblies for Use in Automotive Applications and the Like" ("the '563 Patent") was duly and legally issued by the U.S. Patent & Trademark Office on January 21, 2003, after full and fair examination. Jeffery R. Parker, Mark D. Miller and Thomas A. Hough are the named inventors of the '563 Patent. IDT owns the '563 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '563 Patent is attached as **Exhibit 8**.

16. U.S. Patent No. 6,886,956 titled "Light Emitting Panel Assemblies for Use in Automotive Applications and the Like" ("the '956 Patent") was duly and legally issued by the U.S. Patent & Trademark Office on May 3, 2005, after full and fair examination. Jeffery R. Parker, Mark D. Miller and Thomas A. Hough are the named inventors of the '956 Patent. IDT owns the '956 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '956 Patent is attached as **Exhibit 9**.

COUNT 1: Infringement of U.S. Patent No. 6,755,547

17. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-16 as though fully set forth herein

18. On information and belief, BMW has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '547 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of BMW's 3-series, 5-series and 6-series models) having displays (including but not limited to the 65829224346 navigation/driver information display) that infringe one or more claims of the '547 Patent, all to the injury of IDT. BMW is thus liable for infringement of the '547 Patent pursuant to 35 U.S.C. § 271.

19. As a result of BMW's infringement of the '547 Patent, BMW has damaged IDT. BMW is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

20. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '547 Patent.

21. As a result of BMW's infringement of the '547 Patent, IDT has suffered and will continue to suffer loss and injury unless BMW is enjoined by this Court.

22. At least as early as its receipt of this Complaint, BMW has had knowledge of the '547 Patent and written notice of the infringement.

COUNT 2: Infringement of U.S. Patent No. 7,300,194

23. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-22 as though fully set forth herein.

24. On information and belief, BMW has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '194 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of BMW's 3-series, 5-series and 6-series models) having displays (including but not limited to the 65829224346 navigation/driver information display) that infringe one or more claims of the '194 Patent, all to the injury of IDT. BMW is thus liable for infringement of the '194 Patent pursuant to 35 U.S.C. § 271.

25. As a result of BMW's infringement of the '194 Patent, BMW has damaged IDT. BMW is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

26. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '194 Patent.

27. As a result of BMW's infringement of the '194 Patent, IDT has suffered and will continue to suffer loss and injury unless BMW is enjoined by this Court.

28. At least as early as its receipt of this Complaint, BMW has had knowledge of the '194 Patent and written notice of the infringement.

COUNT 3: Infringement of U.S. Patent No. 7,384,177

29. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-28 as though fully set forth herein.

30. On information and belief, BMW has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '177 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of BMW's 3-series, 5-series and 6-series models) having displays (including but not limited to the 65829224346 navigation/driver information display) that infringe one or more claims of the '177 Patent, all to the injury of IDT. BMW is thus liable for infringement of the '177 Patent pursuant to 35 U.S.C. § 271.

31. As a result of BMW's infringement of the '177 Patent, BMW has damaged IDT. BMW is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

32. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '177 Patent.

33. As a result of BMW's infringement of the '177 Patent, IDT has suffered and will continue to suffer loss and injury unless BMW is enjoined by this Court.

34. At least as early as its receipt of this Complaint, BMW has had knowledge of the '177 Patent and written notice of the infringement.

COUNT 4: Infringement of U.S. Patent No. 7,404,660

35. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-34 as though fully set forth herein

36. On information and belief, BMW has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '660 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of BMW's 3-series, 5-series and 6-series models) having displays (including but not limited to the 65829224346 navigation/driver information display) that infringe one or more claims of the '660 Patent, all to the injury of IDT. BMW is thus liable for infringement of the '660 Patent pursuant to 35 U.S.C. § 271.

37. As a result of BMW's infringement of the '660 Patent, BMW has damaged IDT. BMW is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

38. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '660 Patent.

39. As a result of BMW's infringement of the '660 Patent, IDT has suffered and will continue to suffer loss and injury unless BMW is enjoined by this Court.

40. At least as early as its receipt of this Complaint, BMW has had knowledge of the '660 Patent and written notice of the infringement.

COUNT 5: Infringement of U.S. Patent No. 7,434,974

41. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-40 as though fully set forth herein

42. On information and belief, BMW has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '974 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of BMW's 3-series, 5-series and 6-series models) having displays (including but not limited to the 65829224346 navigation/driver information display) that infringe one or more claims of the '974 Patent, all to the injury of IDT. BMW is thus liable for infringement of the '974 Patent pursuant to 35 U.S.C. § 271.

43. As a result of BMW's infringement of the '974 Patent, BMW has damaged IDT. BMW is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

44. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '974 Patent.

45. As a result of BMW's infringement of the '974 Patent, IDT has suffered and will continue to suffer loss and injury unless BMW is enjoined by this Court.

46. At least as early as its receipt of this Complaint, BMW has had knowledge of the '974 Patent and written notice of the infringement.

COUNT 6: Infringement of U.S. Patent No. 7,537,370

47. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-46 as though fully set forth herein.

48. On information and belief, BMW has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '370 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of BMW's 3-series, 5-series and 6-series models) having displays (including but not limited to the 65829224346 navigation/driver information display) that infringe one or more claims of the '370 Patent, all to the injury of IDT. BMW is thus liable for infringement of the '370 Patent pursuant to 35 U.S.C. § 271.

49. As a result of BMW's infringement of the '370 Patent, BMW has damaged IDT. BMW is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

50. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '370 Patent.

51. As a result of BMW's infringement of the '370 Patent, IDT has suffered and will continue to suffer loss and injury unless BMW is enjoined by this Court.

52. At least as early as its receipt of this Complaint, BMW has had knowledge of the '370 Patent and written notice of the infringement.

COUNT 7: Infringement of U.S. Patent No. 8,215,816

53. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-52 as though fully set forth herein.

54. On information and belief, BMW has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '816 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of BMW's 3-series, 5-series and 6-series models) having displays (including but not limited to the 65829224346 navigation/driver information display) that infringe one or more claims of the '816 Patent, all to the injury of IDT. BMW is thus liable for infringement of the '816 Patent pursuant to 35 U.S.C. § 271.

55. As a result of BMW's infringement of the '816 Patent, BMW has damaged IDT. BMW is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

56. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '816 Patent.

57. As a result of BMW's infringement of the '816 Patent, IDT has suffered and will continue to suffer loss and injury unless BMW is enjoined by this Court.

58. At least as early as its receipt of this Complaint, BMW has had knowledge of the '816 Patent and written notice of the infringement.

COUNT 8: Infringement of U.S. Patent No. 6,508,563

59. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-58 as though fully set forth herein.

60. On information and belief, BMW has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '563 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of BMW's 323i, 325i, 325xi, 328i, 328xi, 330i, 330xi, 335i, 335xi and M3 Sedans) having lights (including but not limited to the 63217161955 and 63217161956 tail lights) that infringe one or more claims of the '563 Patent, all to the injury of IDT. BMW is thus liable for infringement of the '563 Patent pursuant to 35 U.S.C. § 271.

61. As a result of BMW's infringement of the '563 Patent, BMW has damaged IDT. BMW is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

62. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '563 Patent.

63. As a result of BMW's infringement of the '563 Patent, IDT has suffered and will continue to suffer loss and injury unless BMW is enjoined by this Court.

64. At least as early as its receipt of this Complaint, BMW has had knowledge of the '563 Patent and written notice of the infringement.

COUNT 9: Infringement of U.S. Patent No. 6,886,956

65. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-64 as though fully set forth herein.

66. On information and belief, BMW has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '956 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of BMW's 323i, 325i, 325xi, 328i, 328xi, 330i, 330xi, 335i, 335xi and M3 Sedans) having lights (including but not limited to the 63217161955 and 63217161956 tail lights) that infringe one or more claims of the '956 Patent, all to the injury of IDT. BMW is thus liable for infringement of the '956 Patent pursuant to 35 U.S.C. § 271.

67. As a result of BMW's infringement of the '956 Patent, BMW has damaged IDT. BMW is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

68. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '956 Patent.

69. As a result of BMW's infringement of the '956 Patent, IDT has suffered and will continue to suffer loss and injury unless BMW is enjoined by this Court.

70. At least as early as its receipt of this Complaint, BMW has had knowledge of the '956 Patent and written notice of the infringement.

JURY DEMAND

71. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

72. Plaintiff respectfully requests that the Court find in its favor and against BMW, and that the Court grant Plaintiff the following relief:

- A. A judgment that BMW has infringed the Patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such Patents;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by BMW;
- C. A judgment and order requiring BMW to pay Plaintiff damages under 35 U.S.C. § 284, including up to treble damages for willful infringement as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining BMW and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the Patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring BMW to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded; and
- F. Such other and further relief as the Court deems just and equitable.

Dated: February 21, 2014

Respectfully submitted,

/s/ Demetrios Anaipakos

Demetrios Anaipakos
Texas Bar No. 00793258
danaipakos@azalaw.com

Amir Alavi
Texas Bar No. 00793239
aalavi@azalaw.com

Brian E. Simmons
Texas Bar No. 24004922
bsimmons@azalaw.com

George W. Webb III
Texas Bar No. 24003146
gwebb@azalaw.com

AHMAD, ZAVITSANOS, ANAIPAKOS,
ALAVI & MENSING P.C.

1221 McKinney Street, Suite 3460
Houston, TX 77010
Telephone: 713-655-1101
Facsimile: 713-655-0062

**Attorneys for Plaintiff
INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

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

**INNOVATIVE DISPLAY TECHNOLOGIES
LLC,**

Plaintiff,

v.

CANON, U.S.A. INC. and CANON INC.,

Defendants.

Case No. 2:14-cv-142

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT

Plaintiff Innovative Display Technologies LLC, by and through its undersigned counsel, files this Complaint against Defendants Canon, U.S.A. Inc. and Canon Inc. (collectively, "Canon").

THE PARTIES

1. Innovative Display Technologies LLC is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, TX 75093.

2. Canon U.S.A. Inc. is a New York Corporation with its principal place of business at One Canon Park, Melville, New York 11747. Canon U.S.A. Inc. may be served with process by serving its registered agent at Corporation Service Company, 80 State Street, Albany, New York, 12207.

3. Canon Inc. is a Japanese corporation with its principal place of business located at 30-2, Shimomaruko 3-chrome, Ohta-ku, Tokyo 146-8501, Japan. Canon, Inc. can be served with process at its principal place of business at 30-2, Shimomaruko 3-chrome, Ohta-ku, Tokyo 146-8501, Japan.

4. Canon Inc. is the parent company of Canon U.S.A. Inc.

5. Canon, Inc. and Canon U.S.A., Inc. will be referred to herein individually and collectively as “Defendants.”

6. Defendants have conducted and regularly conduct business within this District, have purposefully availed themselves of the privileges of conducting business in this District, and have sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

7. This action arises under the Patent Law of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

8. As further detailed herein, this Court has personal jurisdiction over Canon U.S.A. Inc. Canon U.S.A. Inc. is amenable to service of summons for this action. Furthermore, personal jurisdiction over Canon U.S.A. Inc. in this action comports with due process. Canon U.S.A. Inc. has conducted and regularly conducts business within the United States and this District. Canon U.S.A. Inc. has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. Canon U.S.A. Inc. has sought protection and benefit from the laws of the State of Texas by maintaining an office or offices in Texas and/or by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

9. Canon U.S.A. Inc. directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Canon U.S.A. Inc. has purposefully and voluntarily placed one or more of its infringing products, as described below,

into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. Canon U.S.A. Inc. knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Through those activities, Canon U.S.A. Inc. has committed the tort of patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from Canon U.S.A. Inc.'s activities in this District.

10. As further detailed herein, this Court has personal jurisdiction over Canon Inc. Canon Inc. is amenable to service of summons for this action. Furthermore, personal jurisdiction over Canon Inc. in this action comports with due process. Canon Inc. has conducted and regularly conducts business within the United States and this District. Canon Inc. has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. Canon Inc. has sought protection and benefit from the laws of the State of Texas by maintaining an office or offices of its United States subsidiaries in Texas and/or by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

11. Canon Inc. directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Canon Inc. has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. Canon Inc. knowingly and purposefully ships infringing products into and within this District

through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Through those activities, Canon Inc. has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from Canon Inc.'s activities in this District.

12. Venue is proper in this Court according to the venue provisions set forth by 28 U.S.C. §§ 1391(b)-(d) and 1400 (b). Defendants are subject to personal jurisdiction in this District, and therefore are deemed to reside in this District for purposes of venue. Defendants have committed acts within this judicial District giving rise to this action and do business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website, available to persons in this District that advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit

13. U.S. Patent No. 6,755,547 titled "Light Emitting Panel Assemblies" ("the '547 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '547 patent. The '547 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '547 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '547 patent is attached as **Exhibit A** and made a part hereof.

14. U.S. Patent No. 7,300,194 titled "Light Emitting Panel Assemblies" ("the '194 patent") was duly and legally issued by the U.S. Patent and Trademark Office on November 27,

2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '194 patent. The '194 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '194 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '194 patent is attached as **Exhibit B** and made a part hereof.

15. U.S. Patent No. 7,384,177 titled "Light Emitting Panel Assemblies" ("the '177 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '177 patent. The '177 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '177 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '177 patent is attached as **Exhibit C** and made a part hereof.

16. U.S. Patent No. 7,404,660 titled "Light Emitting Panel Assemblies" ("the '660 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '660 patent. The '660 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '660 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '660 patent is attached as **Exhibit D** and made a part hereof.

17. U.S. Patent No. 7,434,974 titled "Light Emitting Panel Assemblies" ("the '974 patent") was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '974 patent. The '974 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and

interest in the '974 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '974 patent is attached as **Exhibit E** and made a part hereof.

18. U.S. Patent No. 7,537,370 titled "Light Emitting Panel Assemblies" ("the '370 patent") was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '370 patent. The '370 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '370 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '370 patent is attached as **Exhibit F** and made a part hereof.

19. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '816 patent. The '816 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '816 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '816 patent is attached as **Exhibit G** and made a part hereof.

20. U.S. Patent No. 7,004,611 titled "Light Emitting Panel Assemblies" ("the '611 patent") was duly and legally issued by the U.S. Patent and Trademark Office on February 28, 2006, after full and fair examination. Jeffery R. Parker, Gregory A. Coghlan, and Robert M. Ezell are the inventors listed on the '611 patent. The '611 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '611 patent, including the right to collect

and receive damages for past, present and future infringements. A true and correct copy of the '611 patent is attached as **Exhibit H** and made a part hereof.

21. U.S. Patent No. 7,160,015 titled "Light Emitting Panel Assemblies" ("the '015 patent") was duly and legally issued by the U.S. Patent and Trademark Office on January 9, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '015 patent. The '015 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '015 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '015 patent is attached as **Exhibit I** and made a part hereof.

22. U.S. Patent No. 7,736,043 titled "Light Emitting Panel Assemblies" ("the '043 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 15, 2010, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '043 patent. The '043 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '043 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '043 patent is attached as **Exhibit J** and made a part hereof.

23. U.S. Patent No. 7,963,687 titled "Light Emitting Panel Assemblies" ("the '687 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 21, 2011, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '687 patent. The '687 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '687 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '687 patent is attached as **Exhibit K** and made a part hereof.

24. U.S. Patent No. 8,142,063 titled “Light Emitting Panel Assemblies” (“the ‘063 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on March 27, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ‘063 patent. The ‘063 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ‘063 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ‘063 patent is attached as **Exhibit L** and made a part hereof.

25. U.S. Patent No. 6,079,838 titled “Light Emitting Panel Assemblies” (“the ‘838 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 27, 2000, after full and fair examination. Jeffery R. Parker, Mark D. Miller, and Daniel N. Kelsch are the named inventors listed on the ‘838 patent. The ‘838 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ‘838 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ‘838 patent is attached as **Exhibit M** and made a part hereof.

26. U.S. Patent No. 7,165,873 titled “Light Emitting Panel Assemblies” (“the ‘873 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on January 23, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ‘873 patent. The ‘873 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ‘873 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ‘873 patent is attached as **Exhibit N** and made a part hereof.

27. Jeffery R. Parker is an inventor of the ‘547 patent, the ‘194 patent, the ‘177 patent, the ‘660 patent, the ‘974 patent, the ‘370 patent, the ‘015 patent, the ‘043 patent, the ‘687

patent, the '063 patent, the '873 patent, the '838 patent, the '611 patent, and the '816 patent (collectively, the "patents-in-suit"). In total, he is a named inventor on over eighty-five (85) U.S. patents.

B. Defendants' Infringing Conduct

28. Defendants make, use, offer to sell, and/or sell within, and/or imports into the United States display products that incorporate the fundamental technologies covered by the patents-in-suit. The infringing display products include, but are not limited to, digital cameras.

29. By incorporating the fundamental inventions covered by the patents-in-suit, Defendants can make improved products, including but not limited to, longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, and/or a lower power requirement.

30. Third-party distributors purchase and have purchased Defendants' infringing display products for sale or importation into the United States, including this District. Third-party consumers use and have used Defendants' infringing display products in the United States, including this District.

31. Defendants have purchased infringing display products that are made, offered for sale, sold within, and/or imported into the United States, including this District by third party manufacturers, distributors, and/or importers.

COUNT I
Patent Infringement of U.S. Patent No. 6,755,547

32. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-31 as though fully set forth herein.

33. The '547 patent is valid and enforceable.

34. Defendants have never been licensed, either expressly or impliedly, under the ‘547 patent.

35. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the ‘547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the ‘547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

36. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the ‘547 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the ‘547 patent, including but not limited to, digital cameras (e.g., the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the ‘547 patent.

37. Distributors and consumers that purchase Defendants’ products that include all of the limitations of one or more claims of the ‘547 patent, including but not limited to digital cameras (e.g., the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), also directly infringe, either literally or under the doctrine of equivalents, under 35

U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

38. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

39. Defendants had knowledge of the '547 patent since at least the filing of this Complaint or before.

40. Since at least the filing of this Complaint or before, Defendants have actively induced, under 35 U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '547 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these productions to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

41. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '547 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT II
Patent Infringement of U.S. Patent No. 7,300,194

42. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-41 as though fully set forth herein.

43. The '194 patent is valid and enforceable.

44. Defendants have never been licensed, either expressly or impliedly, under the '194 patent.

45. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of its alleged infringement. Plaintiff surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

46. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS),

their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '194 patent.

47. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '194 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

48. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

49. Defendants had knowledge of the '194 patent since at least the filing of this Complaint or before.

50. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '194 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating

advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

51. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '194 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT III
Patent Infringement of U.S. Patent No. 7,384,177

52. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-51 as though fully set forth herein.

53. The '177 patent is valid and enforceable.

54. Defendants have never been licensed, either expressly or impliedly, under the '177 patent.

55. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

56. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement

with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '177 patent.

57. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '177 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

58. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

59. Defendants had knowledge of the '177 patent since at least the filing of this Complaint or before.

60. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '177 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

61. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '177 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT IV
Patent Infringement of U.S. Patent No. 7,404,660

62. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-61 as though fully set forth herein.

63. The '660 patent is valid and enforceable.

64. Defendants have never been licensed, either expressly or impliedly, under the '660 patent.

65. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

66. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '660 patent.

67. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '660 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

68. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

69. Defendants had knowledge of the '660 patent since at least the filing of this Complaint or before.

70. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '660 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

71. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '660 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT V
Patent Infringement of U.S. Patent No. 7,434,974

72. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-71 as though fully set forth herein.

73. The '974 patent is valid and enforceable.

74. Defendants have never been licensed, either expressly or impliedly, under the '974 patent.

75. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

76. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS),

their display components, and/or other products made, used, sold, offered for sale, or imported by Canon that include all of the limitations of one or more claims of the '974 patent.

77. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '974 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

78. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

79. Defendants had knowledge of the '974 patent since at least the filing of this Complaint or before.

80. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '974 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating

advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

81. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '974 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VI
Patent Infringement of U.S. Patent No. 7,537,370

82. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-81 as though fully set forth herein.

83. The '370 patent is valid and enforceable.

84. Defendants have never been licensed, either expressly or impliedly, under the '370 patent.

85. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

86. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement

with specific intent under 35 U.S.C. § 271(b), the '370 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '370 patent.

87. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '370 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

88. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

89. Defendants had knowledge of the '370 patent since at least the filing of this Complaint or before.

90. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '370 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

91. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '370 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VII
Patent Infringement of U.S. Patent No. 8,215,816

92. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-91 as though fully set forth herein.

93. The '816 patent is valid and enforceable.

94. Defendants have never been licensed, either expressly or impliedly, under the '816 patent.

95. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

96. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), their display components, and/or other products made, used, sold, offered for sale, or imported by Canon that include all of the limitations of one or more claims of the '816 patent.

97. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '816 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

98. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

99. Defendants had knowledge of the application that issued into the '816 patent since at least the filing of this Complaint or before.

100. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '816 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

101. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '816 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VIII
Patent Infringement of U.S. Patent No. 7,004,611

102. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-101 as though fully set forth herein.

103. The '611 patent is valid and enforceable.

104. Defendants have never been licensed, either expressly or impliedly, under the '611 patent.

105. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '611 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '611 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

106. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '611 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '611 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS),

their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '611 patent.

107. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '611 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '611 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

108. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '611 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '611 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

109. Defendants had knowledge of the application that issued into the '611 patent since at least the filing of this Complaint or before.

110. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '611 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '611 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating

advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

111. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '611 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT IX
Patent Infringement of U.S. Patent No. 7,160,015

112. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-111 as though fully set forth herein.

113. The '015 patent is valid and enforceable.

114. Defendants have never been licensed, either expressly or impliedly, under the '015 patent.

115. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '015 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '015 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

116. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement

with specific intent under 35 U.S.C. § 271(b), the '015 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '015 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '015 patent.

117. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '015 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '015 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

118. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '015 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '015 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

119. Defendants had knowledge of the application that issued into the '015 patent since at least the filing of this Complaint or before.

120. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '015 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '015 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

121. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '015 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT X
Patent Infringement of U.S. Patent No. 7,736,043

122. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-121 as though fully set forth herein.

123. The '043 patent is valid and enforceable.

124. Defendants have never been licensed, either expressly or impliedly, under the '043 patent.

125. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '043 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '043 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

126. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '043 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '043 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '043 patent.

127. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '043 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '043 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

128. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '043 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '043 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

129. Defendants had knowledge of the application that issued into the '043 patent since at least the filing of this Complaint or before.

130. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '043 patent. Since at least the filing of this Complaint or before, Canon does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '043 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

131. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '043 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT XI
Patent Infringement of U.S. Patent No. 7,963,687

132. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-131 as though fully set forth herein.

133. The '687 patent is valid and enforceable.

134. Defendants have never been licensed, either expressly or impliedly, under the '687 patent.

135. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '687 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '687 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

136. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '687 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '687 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS),

their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the ‘687 patent.

137. Distributors and consumers that purchase Defendants’ products that include all of the limitations of one or more claims of the ‘687 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the ‘687 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

138. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the ‘687 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the ‘687 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

139. Defendants had knowledge of the application that issued into the ‘687 patent since at least the filing of this Complaint or before.

140. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the ‘687 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the ‘687 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating

advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

141. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '687 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT XII
Patent Infringement of U.S. Patent No. 8,142,063

142. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-141 as though fully set forth herein.

143. The '063 patent is valid and enforceable.

144. Defendants have never been licensed, either expressly or impliedly, under the '063 patent.

145. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '063 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '063 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

146. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement

with specific intent under 35 U.S.C. § 271(b), the '063 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '063 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '063 patent.

147. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '063 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '063 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

148. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '063 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '063 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

149. Defendants had knowledge of the application that issued into the '063 patent since at least the filing of this Complaint or before.

150. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '063 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '063 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

151. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '063 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT XIII
Patent Infringement of U.S. Patent No. 6,079,838

152. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-151 as though fully set forth herein.

153. The '838 patent is valid and enforceable.

154. Defendants have never been licensed, either expressly or impliedly, under the '838 patent.

155. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '838 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '838 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

156. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '838 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '838 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '838 patent.

157. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '838 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '838 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

158. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '838 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '838 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

159. Defendants had knowledge of the application that issued into the '838 patent since at least the filing of this Complaint or before.

160. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '838 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '838 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

161. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '838 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT XIV
Patent Infringement of U.S. Patent No. 7,165,873

162. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-161 as though fully set forth herein.

163. The '873 patent is valid and enforceable.

164. Defendants have never been licensed, either expressly or impliedly, under the '873 patent.

165. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '873 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '873 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

166. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '873 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '873 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS),

their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '873 patent.

167. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '873 patent, including but not limited to digital cameras (*e.g.*, the Canon PowerShot A2300, Canon EOS Rebel T3, and Canon PowerShot SX260 HS), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '873 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

168. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '873 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '873 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

169. Defendants had knowledge of the application that issued into the '873 patent since at least the filing of this Complaint or before.

170. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '873 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '873 patent. Canon intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating

advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

171. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '873 patent, for which Plaintiff is entitled to at least a reasonable royalty.

CONCLUSION

172. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of Defendants' wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

173. Plaintiff has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

174. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

175. Plaintiff respectfully requests that the Court find in its favor and against Defendants, and that the Court grant Plaintiff the following relief:

A. A judgment that Defendants have infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;

B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Defendants;

C. A judgment and order requiring Defendants to pay Plaintiff damages under 35 U.S.C. § 284, and any royalties determined to be appropriate;

D. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;

E. A judgment and order requiring Defendants to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;

F. A judgment and order finding this to be an exceptional case and requiring Defendants to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and

G. Such other and further relief as the Court deems just and equitable.

Dated: February 26, 2014

Respectfully submitted,

THE SIMON LAW FIRM, P.C.

/s/ Anthony G. Simon
Anthony G. Simon
Timothy D. Krieger
Michael P. Kella
Benjamin R. Askew
Stephanie H. To
800 Market Street, Suite 1700
St. Louis, MO 63101
P. 314-241-2929
F. 314-241-2029
asimon@simonlawpc.com
tkrieger@simonlawpc.com
mkella@simonlawpc.com
baskew@simonlawpc.com
sto@simonlawpc.com

T. John Ward, Jr.
Ward & Smith Law Firm
1127 Judson Road, Suite 220
Longview, Texas 75601
P. 903-757-6400
F. 903-757-2323
jw@wsfirm.com

**ATTORNEYS FOR PLAINTIFF
INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Innovative Display Technologies LLC

DEFENDANTS

Canon, U.S.A. Inc. and Canon Inc.

(b) County of Residence of First Listed Plaintiff Collin
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
Anthony G. Simon, Timothy D. Krieger, Benjamin R. Askew, Stephanie
H. To and Michael P. Kella, The Simon Law Firm, P.C., 800 Market
Street, Ste. 1700, St. Louis, MO 63101, 314-241-2929

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. Section 101, et. seq.

Brief description of cause:
Patent Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

02/26/2014

SIGNATURE OF ATTORNEY OF RECORD

/s/ Anthony G. Simon

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

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Save As...

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MBI_000401

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

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

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC,**

Plaintiff,

v.

DELL INC.,

Defendant.

§
§
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§
§

C.A. No. ____

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT

Plaintiff Innovative Display Technologies LLC, by and through its undersigned counsel, files this Complaint against Defendant Dell Inc. ("Dell").

THE PARTIES

1. Innovative Display Technologies LLC is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, TX 75093.

2. Upon information and belief, Dell is a Delaware corporation that claims as its principal place of business, One Dell Way, Round Rock, TX 78682. Dell also has offices at 2300 West Plano Parkway, Plano, TX 75075. Upon information and belief, Dell has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

3. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

4. As further detailed herein, this Court has personal jurisdiction over Dell. Dell is amenable to service of summons for this action. Furthermore, personal jurisdiction over Dell in this action comports with due process. Dell maintains an office in this District at 2300 West Plano Parkway, Plano, TX 75075 and its headquarters at One Dell Way, Round Rock, TX 78682. Dell has conducted and regularly conducts business within the United States and this District. Dell has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. Dell has sought protection and benefit from the laws of the State of Texas by maintaining corporate headquarters in Texas and an office in this District and by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

5. Dell – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Dell has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. Defendant knowingly and purposefully ships infringing products into this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, Dell has committed the tort of patent infringement in this District and/or has induced others to commit

patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from Dell's activities in this District.

6. Venue is proper in this Court according to the venue provisions set forth by 28 U.S.C. §§ 1391(b)-(d) and 1400(b). Dell is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue. Upon information and belief, Dell has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website, available to persons in this District that advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

7. U.S. Patent No. 6,755,547 titled "Light Emitting Panel Assemblies" ("the '547 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '547 patent. The '547 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '547 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '547 patent is attached as **Exhibit A** and made a part hereof.

8. U.S. Patent No. 7,300,194 titled "Light Emitting Panel Assemblies" ("the '194 patent") was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '194 patent. The '194 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '194 patent, including the right to collect and receive damages for past, present and future

infringements. A true and correct copy of the '194 patent is attached as **Exhibit B** and made a part hereof.

9. U.S. Patent No. 7,384,177 titled "Light Emitting Panel Assemblies" ("the '177 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '177 patent. The '177 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '177 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '177 patent is attached as **Exhibit C** and made a part hereof.

10. U.S. Patent No. 7,404,660 titled "Light Emitting Panel Assemblies" ("the '660 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '660 patent. The '660 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '660 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '660 patent is attached as **Exhibit D** and made a part hereof.

11. U.S. Patent No. 7,434,974 titled "Light Emitting Panel Assemblies" ("the '974 patent") was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '974 patent. The '974 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '974 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '974 patent is attached as **Exhibit E** and made a part hereof.

12. U.S. Patent No. 7,537,370 titled “Light Emitting Panel Assemblies” (“the ’370 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’370 patent. The ’370 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’370 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’370 patent is attached as **Exhibit F** and made a part hereof.

13. U.S. Patent No. 8,215,816 titled “Light Emitting Panel Assemblies” (“the ’816 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’816 patent. The ’816 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’816 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’816 patent is attached as **Exhibit G** and made a part hereof.

14. Jeffery R. Parker is an inventor of the ’547 patent, the ’194 patent, the ’177 patent, the ’660 patent, the ’974 patent, the ’370 patent, and the ’816 patent (collectively, the “patents-in-suit”). In total, he is a named inventor on over eighty-five (85) U.S. patents.

B. Dell’s Infringing Conduct.

15. Upon information and belief, Dell makes, uses, offers to sell, and/or sells within, and/or imports into the United States display products that incorporate the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display products include, but are not limited to, laptops, desktops, monitors, tablets, and printers (*e.g.*, the S2340M monitor and the Inspiron i15RV-6190 laptop).

16. By incorporating the fundamental inventions covered by the patents-in-suit, Dell can make improved products, including but not limited to, longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, and/or a lower power requirement.

17. Upon information and belief, third-party distributors purchase and have purchased Dell's infringing display products for sale or importation into the United States, including this District. Upon information and belief, third-party consumers use and have used Dell's infringing display products in the United States, including this District.

18. Upon information and belief, Dell has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including this District by third party manufacturers, distributors, and/or importers.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

19. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-18 as though fully set forth herein.

20. The '547 patent is valid and enforceable.

21. Dell has never been licensed, either expressly or impliedly, under the '547 patent.

22. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Dell of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

23. Upon information and belief, Dell has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to, laptops, desktops, monitors, tablets, and printers (*e.g.*, the S2340M monitor and the Inspiron i15RV-6190 laptop), their display components, and/or other products made, used, sold, offered for sale, or imported by Dell that include all of the limitations of one or more claims of the '547 patent.

24. Upon information and belief, distributors and consumers that purchase Dell's products that include all of the limitations of one or more claims of the '547 patent, including but not limited to laptops, desktops, monitors, tablets, and printers (*e.g.*, the S2340M monitor and the Inspiron i15RV-6190 laptop), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

25. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Dell that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

26. Upon information and belief, Dell had knowledge of the '547 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

27. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Dell on notice of its infringement, Dell has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, Dell does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent. Upon information and belief, Dell intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Dell has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

28. As a direct and proximate result of these acts of patent infringement, Dell has encroached on the exclusive rights of Plaintiff and its licensees to practice the '547 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

29. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-28 as though fully set forth herein.

30. The '194 patent is valid and enforceable.

31. Dell has never been licensed, either expressly or impliedly, under the '194 patent.

32. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Dell of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

33. Upon information and belief, Dell has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to, laptops, desktops, monitors, tablets, and printers (*e.g.*, the S2340M monitor and the Inspiron i15RV-6190 laptop), their display components, and/or other products made, used, sold, offered for sale, or imported by Dell that include all of the limitations of one or more claims of the '194 patent.

34. Upon information and belief, distributors and consumers that purchase Dell's products that include all of the limitations of one or more claims of the '194 patent, including but not limited to laptops, desktops, monitors, tablets, and printers (*e.g.*, the S2340M monitor and the Inspiron i15RV-6190 laptop), also directly infringe, either literally or under the doctrine of

equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

35. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Dell that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

36. Upon information and belief, Dell had knowledge of the '194 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

37. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Dell on notice of its infringement, Dell has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date, Dell does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent. Upon information and belief, Dell intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Dell has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or

manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

38. As a direct and proximate result of these acts of patent infringement, Dell has encroached on the exclusive rights of Plaintiff and its licensees to practice the '194 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

39. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-38 as though fully set forth herein.

40. The '177 patent is valid and enforceable.

41. Dell has never been licensed, either expressly or impliedly, under the '177 patent.

42. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Dell of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

43. Upon information and belief, Dell has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that

include all of the limitations of one or more claims of the '177 patent, including but not limited to, laptops, desktops, monitors, tablets, and printers (*e.g.*, the S2340M monitor and the Inspiron i15RV-6190 laptop), their display components, and/or other products made, used, sold, offered for sale, or imported by Dell that include all of the limitations of one or more claims of the '177 patent.

44. Upon information and belief, distributors and consumers that purchase Dell's products that include all of the limitations of one or more claims of the '177 patent, including but not limited to laptops, desktops, monitors, tablets, and printers (*e.g.*, the S2340M monitor and the Inspiron i15RV-6190 laptop), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

45. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Dell that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

46. Upon information and belief, Dell had knowledge of the '177 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

47. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Dell on notice of its infringement, Dell has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date,

Dell does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent. Upon information and belief, Dell intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Dell has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

48. As a direct and proximate result of these acts of patent infringement, Dell has encroached on the exclusive rights of Plaintiff and its licensees to practice the '177 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

49. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-48 as though fully set forth herein.

50. The '660 patent is valid and enforceable.

51. Dell has never been licensed, either expressly or impliedly, under the '660 patent.

52. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Dell of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered

for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

53. Upon information and belief, Dell has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to, laptops, desktops, monitors, tablets, and printers (*e.g.*, the S2340M monitor and the Inspiron i15RV-6190 laptop), their display components, and/or other products made, used, sold, offered for sale, or imported by Dell that include all of the limitations of one or more claims of the '660 patent.

54. Upon information and belief, distributors and consumers that purchase Dell's products that include all of the limitations of one or more claims of the '660 patent, including but not limited to laptops, desktops, monitors, tablets, and printers (*e.g.*, the S2340M monitor and the Inspiron i15RV-6190 laptop), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

55. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Dell that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling infringing products

in this District and elsewhere within the United States and/or importing infringing products into the United States.

56. Upon information and belief, Dell had knowledge of the '660 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

57. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Dell on notice of its infringement, Dell has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, Dell does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent. Upon information and belief, Dell intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Dell has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

58. As a direct and proximate result of these acts of patent infringement, Dell has encroached on the exclusive rights of Plaintiff and its licensees to practice the '660 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

59. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-58 as though fully set forth herein.

60. The '974 patent is valid and enforceable.

61. Dell has never been licensed, either expressly or impliedly, under the '974 patent.

62. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Dell of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

63. Upon information and belief, Dell has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to, laptops, desktops, monitors, tablets, and printers (*e.g.*, the S2340M monitor and the Inspiron i15RV-6190 laptop), their display components, and/or other products made, used, sold, offered for sale, or imported by Dell that include all of the limitations of one or more claims of the '974 patent.

64. Upon information and belief, distributors and consumers that purchase Dell's products that include all of the limitations of one or more claims of the '974 patent, including but not limited to laptops, desktops, monitors, tablets, and printers (*e.g.*, the S2340M monitor and the Inspiron i15RV-6190 laptop), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

65. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Dell that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

66. Upon information and belief, Dell had knowledge of the '974 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

67. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Dell on notice of its infringement, Dell has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '974 patent. Since at least the notice provided on the above-mentioned date, Dell does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent. Upon information and belief, Dell intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Dell has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote

the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

68. As a direct and proximate result of these acts of patent infringement, Dell has encroached on the exclusive rights of Plaintiff and its licensees to practice the '974 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,537,370

69. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-68 as though fully set forth herein.

70. The '370 patent is valid and enforceable.

71. Dell has never been licensed, either expressly or impliedly, under the '370 patent.

72. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Dell of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

73. Upon information and belief, Dell has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing,

by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to, laptops, desktops, monitors, tablets, and printers (*e.g.*, the S2340M monitor and the Inspiron i15RV-6190 laptop), their display components, and/or other products made, used, sold, offered for sale, or imported by Dell that include all of the limitations of one or more claims of the '370 patent.

74. Upon information and belief, distributors and consumers that purchase Dell's products that include all of the limitations of one or more claims of the '370 patent, including but not limited to laptops, desktops, monitors, tablets, and printers (*e.g.*, the S2340M monitor and the Inspiron i15RV-6190 laptop), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

75. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Dell that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

76. Upon information and belief, Dell had knowledge of the '370 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

77. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Dell on notice of its infringement, Dell has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '370 patent. Since at least the notice provided on the above-mentioned date, Dell does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent. Upon information and belief, Dell intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Dell has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

78. As a direct and proximate result of these acts of patent infringement, Dell has encroached on the exclusive rights of Plaintiff and its licensees to practice the '370 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 8,215,816

79. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-78 as though fully set forth herein.

80. The '816 patent is valid and enforceable.

81. Dell has never been licensed, either expressly or impliedly, under the '816 patent.

82. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Dell of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

83. Upon information and belief, Dell has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to, laptops, desktops, monitors, tablets, and printers (*e.g.*, the S2340M monitor and the Inspiron i15RV-6190 laptop), their display components, and/or other products made, used, sold, offered for sale, or imported by Dell that include all of the limitations of one or more claims of the '816 patent.

84. Upon information and belief, distributors and consumers that purchase Dell's products that include all of the limitations of one or more claims of the '816 patent, including but not limited to laptops, desktops, monitors, tablets, and printers (*e.g.*, the S2340M monitor and the Inspiron i15RV-6190 laptop), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

85. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Dell that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

86. Upon information and belief, Dell had knowledge of the '816 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

87. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Dell on notice of its infringement, Dell has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, Dell does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent. Upon information and belief, Dell intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Dell has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

88. As a direct and proximate result of these acts of patent infringement, Dell has encroached on the exclusive rights of Plaintiff and its licensees to practice the '816 patent, for which Plaintiff is entitled to at least a reasonable royalty.

CONCLUSION

89. Plaintiff is entitled to recover from Dell the damages sustained by Plaintiff as a result of Dell's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

90. Plaintiffs have incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

91. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

92. Plaintiff respectfully request that the Court find in its favor and against Dell, and that the Court grant Plaintiff the following relief:

- A. A judgment that Dell has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Dell;
- C. A judgment and order requiring Dell to pay Plaintiff damages under 35 U.S.C. § 284 and any royalties determined to be appropriate;

- D. A permanent injunction enjoining Dell and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Dell to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring Dell to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: June 28, 2013

Respectfully submitted,

/s/ Jeffrey R. Bragalone

Jeffrey R. Bragalone (lead attorney)

Texas Bar No. 02855775

Patrick J. Conroy

Texas Bar No. 24012448

Justin B. Kimble

Texas Bar No. 24036909

T. William Kennedy, Jr.

Texas Bar No. 24055771

Daniel F. Olejko

Pennsylvania Bar No. 205512

Bragalone Conroy PC

2200 Ross Avenue

Suite 4500W

Dallas, TX 75201

Tel: (214) 785-6670

Fax: (214) 785-6680

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

bkennedy@bcpc-law.com

dolejko@bcpc-law.com

T. John Ward Jr.

Texas Bar No. 00794818

Claire Abernathy Henry

Ward & Smith Law Firm

1127 Judson Road, Suite 220

Longview, TX 75601

Tel: (903) 757-6400

Fax: (903) 757.2323

jw@wsfirm.com

claire@wsfirm.com

Attorneys for Plaintiff

INNOVATIVE DISPLAY

TECHNOLOGIES LLC

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

INNOVATIVE DISPLAY TECHNOLOGIES LLC

(b) County of Residence of First Listed Plaintiff Collin
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Jeffrey R. Bragalone, Bragalone Conroy PC
2200 Ross Avenue, Suite 4500W
Dallas, TX 75201 214-785-6670

DEFENDANTS

DELL, INC.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. § 1, et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285

Brief description of cause:

Infringement of U.S. Patent Nos. 6,755,547, 7,300,194, 7,384,177, et al

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/28/2013

SIGNATURE OF ATTORNEY OF RECORD

/s/ Jeffrey R. Bragalone

FOR OFFICE USE ONLY

RECEIPT #

MBI_000428

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC,**

Plaintiff,

v.

FORD MOTOR COMPANY,

Defendant.

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C.A. No. _____

JURY TRIAL DEMANDED

PLAINTIFF’S ORIGINAL COMPLAINT

Plaintiff Innovative Display Technologies LLC, by and through its undersigned counsel, files this Original Complaint for patent infringement against Defendant Ford Motor Company.

THE PARTIES

1. Plaintiff Innovative Display Technologies LLC (“IDT”) is a Texas limited liability company with a place of business at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

2. Defendant Ford Motor Company (“Ford”) is a Delaware corporation having a principal place of business at 1 American Road, Dearborn, MI 48126. Ford makes and sells automobile brands including Ford and Lincoln.

JURISDICTION AND VENUE

3. This action arises under the Patent Laws of the United States, 35 U.S.C. § 271 *et seq.*

4. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Ford. Ford is incorporated in the State of Delaware. Additionally, on information and belief, Ford, either directly or through intermediaries, regularly manufactures, imports and sells vehicles, including vehicles with infringing components, intended to be sold and in fact sold into and within this state and this judicial district.

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400 (b).

PATENTS IN SUIT

7. U.S. Patent No. 6,755,547 titled “Light Emitting Panel Assemblies” (“the ’547 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the named inventor of the ’547 Patent. IDT owns the ’547 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the ’547 Patent is attached as **Exhibit 1**.

8. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the named inventor of the ’194 Patent. IDT owns the ’194 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the ’194 Patent is attached as **Exhibit 2**.

9. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on June 10, 2008,

after full and fair examination. Jeffery R. Parker is the named inventor of the '177 Patent. IDT owns the '177 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '177 Patent is attached as **Exhibit 3**.

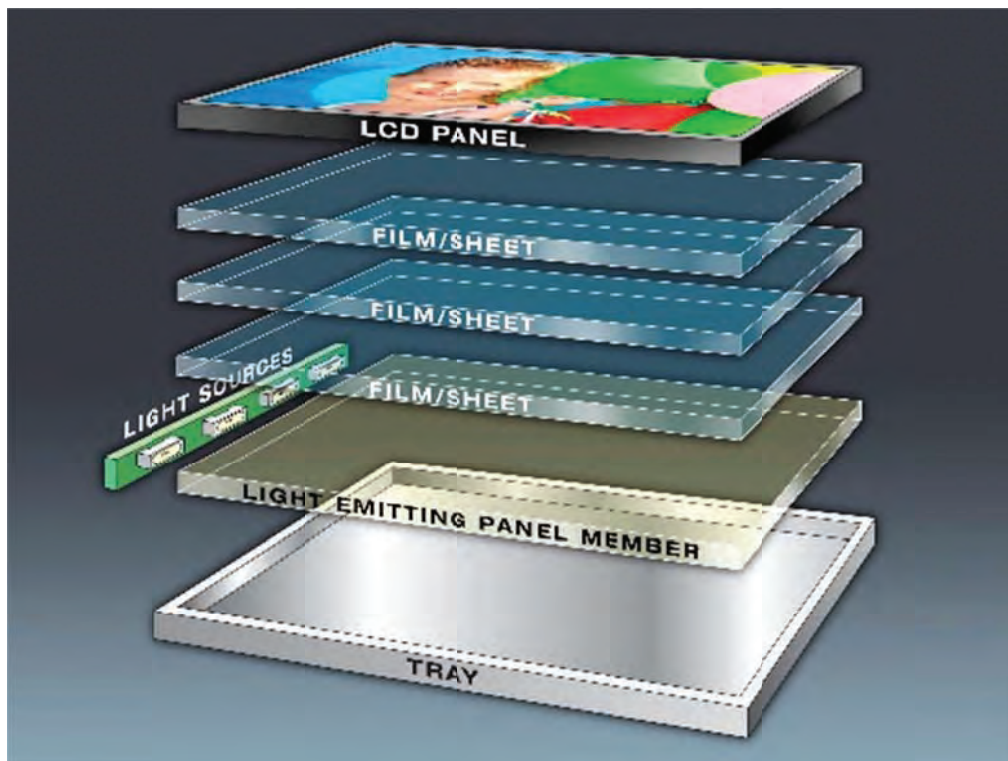
10. U.S. Patent No. 7,404,660 titled "Light Emitting Panel Assemblies" ("the '660 Patent") was duly and legally issued by the U.S. Patent & Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the '660 Patent. IDT owns the '660 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '660 Patent is attached as **Exhibit 4**.

11. U.S. Patent No. 7,434,974 titled "Light Emitting Panel Assemblies" ("the '974 Patent") was duly and legally issued by the U.S. Patent & Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the '974 Patent. IDT owns the '974 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '974 Patent is attached as **Exhibit 5**.

12. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 Patent") was duly and legally issued by the U.S. Patent & Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the named inventor of the '816 Patent. IDT owns the '816 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '816 Patent is attached as **Exhibit 6**.

13. The '547, '194, '177, '660, '974 and '816 patents relate to back-lighting assemblies as used in LCD display units. A typical LCD display unit includes a liquid crystal display, behind which is a panel assembly for back-lighting the LCD. Elements of the back-lighting assembly include a light-conducting panel that acts as a light guide; light sources located

around the perimeter of the panel; optical sheets or films placed between the light-conducting panel and the LCD screen; and a tray or housing for the assembly. Light enters the panel from a light source or sources located on the perimeter of the panel. Optical elements within the panel cause the light to be emitted outward from the panel toward and through the LCD screen overlying the panel. For illustration only, a simplified abstract representation is provided below:



14. As further detailed below, the inventions of the '547, '194, '177, '660, '974 and '816 patents are directed to several different light emitting panel assembly configurations which provide for better distribution of the light output from the panel assembly and more efficient utilization of light.

15. U.S. Patent No. 6,886,956 titled "Light Emitting Panel Assemblies for Use in Automotive Applications and the Like" ("the '956 Patent") was duly and legally issued by the U.S. Patent & Trademark Office on May 3, 2005, after full and fair examination. Jeffery R.

Parker, Mark D. Miller and Thomas A. Hough are the named inventors of the '956 Patent. IDT owns the '956 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '956 Patent is attached as **Exhibit 7**.

16. The '956 Patent relates to light-emitting assemblies used in exterior components of automobiles, such as head lights and tail lights.

17. As further detailed below, the invention of the '956 Patent is directed to a light-emitting assembly that includes a light guide which receives light from an LED at one end. The light guide contains optical elements that cause the light to be directed outward through the side of the light guide in a desired manner, thereby illuminating a portion of the head light or tail light.

COUNT 1: Infringement of U.S. Patent No. 6,755,547

18. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-17 as though fully set forth herein.

19. On information and belief, LCD navigation display units found in Ford automobiles practice one or more claims of the '547 Patent. In particular, infringing Ford LCD navigation display units include a light emitting assembly containing 1) a light emitting member having a light emitting area emitting light that is internally reflected, 2) a transparent sheet or film overlying the light emitting area with an air gap in between, 3) a pattern of deformities on one side of the sheet or film whose width and length are much smaller than the sheet or film. Furthermore, the deformities vary at different locations on the sheet or film to direct light from the light emitting member in different directions to produce a desired light output distribution,

such that the light passes through an LCD with low loss. These infringing display units include, for example, the DS7Z-10D885-FA navigation system display found in various model years of the Ford Fusion Hybrid, and similar LCD display units.

20. Ford has been and is now directly infringing the '547 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling Ford automobiles containing navigation display units that infringe the '547 Patent, including at least the aforementioned models. Ford is liable for such infringement pursuant to 35 U.S.C. § 271.

21. At least as early as its receipt of this Original Complaint, Ford has had knowledge of the '547 Patent and written notice of the infringement.

22. As a result of Ford's infringement of the '547 Patent, Ford has damaged IDT. Ford is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

23. As a result of Ford's infringement of the '547 Patent, IDT has suffered and will continue to suffer loss and injury unless Ford is enjoined by this Court

24. DT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '547 Patent.

COUNT 2: Infringement of U.S. Patent No. 7,300,194

25. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-24 as though fully set forth herein.

26. On information and belief, LCD navigation display units found in Ford automobiles practice one or more claims of the '194 Patent. In particular, infringing Ford LCD navigation display units include a light emitting assembly containing 1) a light emitting panel member with a light emitting surface, 2) a light source, 3) a film, sheet, plate or substrate near the light emitting surface through which light from the panel member is emitted, and 4) an air gap between the light emitting panel member and the film, sheet, plate or substrate. Furthermore, the film, sheet, plate or substrate has a reflective or refractive surface with well-defined optical elements or deformities for controlling the emitted light so that some of the light is redirected to pass through an LCD with low loss. These infringing display units include, for example, the DS7Z-10D885-FA navigation system display found in various model years of the Ford Fusion Hybrid, and similar LCD display units.

27. Ford has been and is now directly infringing the '194 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling Ford automobiles containing navigation display units that infringe the '194 Patent, including at least the aforementioned models. Ford is liable for such infringement pursuant to 35 U.S.C. § 271.

28. At least as early as its receipt of this Original Complaint, Ford has had knowledge of the '194 Patent and written notice of the infringement.

29. As a result of Ford's infringement of the '194 Patent, Ford has damaged IDT. Ford is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

30. As a result of Ford's infringement of the '194 Patent, IDT has suffered and will continue to suffer loss and injury unless Ford is enjoined by this Court.

31. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '194 Patent.

COUNT 3: Infringement of U.S. Patent No. 7,384,177

32. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-31 as though fully set forth herein.

33. On information and belief, LCD navigation display units found in Ford automobiles practice one or more claims of the '177 Patent. In particular, infringing Ford LCD navigation display units include a light emitting assembly containing 1) a tray with a back wall and side walls surrounding a recess formed by the back and side walls, 2) a light source in the recess, and 3) an overlying sheet, film or substrate for controlling the light emitted from the assembly to fit a particular application such as illuminating an LCD. Furthermore, the tray acts as a back, side edge or end edge reflector and has a secondary flat, angled, faceted or curved reflective or refractive surface to redirect some of the light from the light source in a predetermined manner within the recess. These infringing display units include, for example, the DS7Z-10D885-FA navigation system display found in various model years of the Ford Fusion Hybrid, and similar LCD display units.

34. Ford has been and is now directly infringing the '177 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things

making, using, offering for sale and selling Ford automobiles containing navigation display units that infringe the '177 Patent, including at least the aforementioned models. Ford is liable for such infringement pursuant to 35 U.S.C. § 271.

35. At least as early as its receipt of this Original Complaint, Ford has had knowledge of the '177 Patent and written notice of the infringement.

36. As a result of Ford's infringement of the '177 Patent, Ford has damaged IDT. Ford is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

37. As a result of Ford's infringement of the '177 Patent, IDT has suffered and will continue to suffer loss and injury unless Ford is enjoined by this Court.

38. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '177 Patent.

COUNT 4: Infringement of U.S. Patent No. 7,404,660

39. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-38 as though fully set forth herein.

40. On information and belief, LCD navigation display units found in Ford automobiles practice one or more claims of the '660 Patent. In particular, infringing Ford LCD navigation display units include a light emitting panel assembly containing 1) a planar optical conductor with an input edge that has a cross-sectional width greater than its thickness, and 2) light sources configured to generate a light output distribution greater in width than height and

positioned adjacent to the input edge to direct light into the optical conductor. Furthermore, the optical conductor has an output region, a pattern of deformities to cause light to be emitted from the output region, and a transition region between the light source and the output region. These infringing display units include, for example, the DS7Z-10D885-FA navigation system display found in various model years of the Ford Fusion Hybrid, and similar LCD display units.

41. Ford has been and is now directly infringing the '660 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling Ford automobiles containing navigation display units that infringe the '660 Patent, including at least the aforementioned models. Ford is liable for such infringement pursuant to 35 U.S.C. § 271.

42. At least as early as its receipt of this Original Complaint, Ford has had knowledge of the '660 Patent and written notice of the infringement

43. As a result of Ford's infringement of the '660 Patent, Ford has damaged IDT. Ford is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

44. As a result of Ford's infringement of the '660 Patent, IDT has suffered and will continue to suffer loss and injury unless Ford is enjoined by this Court.

45. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '660 Patent.

COUNT 5: Infringement of U.S. Patent No. 7,434,974

46. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-45 as though fully set forth herein.

47. On information and belief, LCD navigation display units found in Ford automobiles practice one or more claims of the '974 Patent. In particular, infringing Ford LCD navigation display units include a light emitting panel assembly containing 1) a light emitting panel member with a light entrance surface and a light emitting surface, 2) an LED light source near or against the light entrance surface, 3) a tray or housing with a recess containing the panel member, 4) a pattern of light extracting deformities on or in a surface of the panel member to cause light to be emitted from the panel member's light emitting surface, and 5) end walls and side walls of the tray that act as end edge reflectors and side edge reflectors to reflect light that would otherwise exit the panel member back into the panel member, to cause additional light to be emitted from the light emitting surface. Furthermore, the tray or housing has posts, tabs or other components that provide a mount or structural support for another component, and also provides structural support to the panel member. These infringing display units include, for example, the DS7Z-10D885-FA navigation system display found in various model years of the Ford Fusion Hybrid, and similar LCD display units.

48. Ford has been and is now directly infringing the '974 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling Ford automobiles containing navigation display units that infringe the '974 Patent, including at least the aforementioned models. Ford is liable for such infringement pursuant to 35 U.S.C. § 271.

49. At least as early as its receipt of this Original Complaint, Ford has had knowledge of the '974 Patent and written notice of the infringement.

50. As a result of Ford's infringement of the '974 Patent, Ford has damaged IDT. Ford is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

51. As a result of Ford's infringement of the '974 Patent, IDT has suffered and will continue to suffer loss and injury unless Ford is enjoined by this Court.

52. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '974 Patent.

COUNT 6: Infringement of U.S. Patent No. 8,215,816

53. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-52 as though fully set forth herein.

54. On information and belief, LCD navigation display units found in Ford automobiles practice one or more claims of the '816 Patent. In particular, infringing Ford LCD navigation display units include a light emitting assembly containing (1) a light source, (2) a light emitting panel member with an input edge for receiving light from the light source and a light emitting surface, (3) a tray or housing with a recess containing the panel member, (4) end edge and side edge reflectors, and (5) an additional component overlying the panel member. Furthermore, the panel member has a pattern of light extracting deformities that cause light to be emitted from the light emitting surface. The panel member further has a greater width than

height, and the input edge of the panel member has a refractive surface that redirects light from the light source more in the width direction than in the height direction as the light enters the panel member. These infringing display units include, for example, the DS7Z-10D885-FA navigation system display found in various model years of the Ford Fusion Hybrid, and similar LCD display units.

55. Ford has been and is now directly infringing the '816 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling Ford automobiles containing navigation display units that infringe the '816 Patent, including at least the aforementioned models. Ford is liable for such infringement pursuant to 35 U.S.C. § 271.

56. At least as early as its receipt of this Original Complaint, Ford has had knowledge of the '816 Patent and written notice of the infringement.

57. As a result of Ford's infringement of the '816 Patent, Ford has damaged IDT. Ford is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

58. As a result of Ford's infringement of the '816 Patent, IDT has suffered and will continue to suffer loss and injury unless Ford is enjoined by this Court.

59. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '816 Patent.

COUNT 7: Infringement of U.S. Patent No. 6,886,956

60. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-66 as though fully set forth herein.

61. On information and belief, tail lights found in certain Ford automobiles practice one or more claims of the '956 Patent. The infringing Ford tail lights include a light emitting assembly for vehicle illumination containing 1) a light guide having opposite sides and a light input surface along one edge, 2) a light emitting diode along the light input surface, 3) light extracting deformities on at least one side of the light guide, and 4) a transparent substrate overlying one side of the light guide and providing an exterior portion of the vehicle. Furthermore, the deformities have shapes for controlling the output distribution of emitted light to suit a particular application, such as illuminating a portion of the tail light. These infringing tail lights include, for example, the DE9Z-13A565A center liftgate tail light assembly found in various model years of the Lincoln MKS, and similar tail light assemblies.

62. Ford has been and is now directly infringing the '956 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling Ford automobiles containing navigation display units that infringe the '956 Patent, including at least the aforementioned models. Ford is liable for such infringement pursuant to 35 U.S.C. § 271.

63. At least as early as its receipt of this Original Complaint, Ford has had knowledge of the '956 Patent and written notice of the infringement.

64. As a result of Ford's infringement of the '956 Patent, Ford has damaged IDT. Ford is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

65. As a result of Ford's infringement of the '956 Patent, IDT has suffered and will continue to suffer loss and injury unless Ford is enjoined by this Court.

66. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '956 Patent.

JURY DEMAND

67. IDT hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

68. IDT respectfully requests that the Court find in its favor and against Ford, and that the Court grant Plaintiff the following relief:

- A. A judgment that Ford has infringed the patents-in-suit as alleged herein;
- B. A judgment for an accounting of all damages sustained by IDT as a result of the acts of infringement by Ford;
- C. A judgment and order requiring Ford to pay IDT damages under 35 U.S.C. § 284, including interest (both pre-judgment and post-judgment), costs and disbursements as provided by 35 U.S.C. § 284;
- D. A permanent injunction enjoining Ford and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others

acting in concert or privity with them from infringement of the patents-in-suit

pursuant to 35 U.S.C. § 283; and

E. Such other and further relief as the Court deems just and equitable.

Dated: June 30, 2014

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

Brian E. Farnan (Bar No. 4089)
919 North Market St., 12th Floor
Wilmington, DE 19801
(302) 777-0300
bfarnan@farnanlaw.com

Of Counsel:

Demetrios Anaipakos
Amir Alavi
Brian E. Simmons
George W. Webb III
AHMAD, ZAVITSANOS, ANAIPAKOS,
ALAVI & MENSING P.C.
1221 McKinney Street, Suite 3460
Houston, TX 77010
Telephone: 713-655-1101
Facsimile: 713-655-0062
danaipakos@azalaw.com
aalavi@azalaw.com
bsimmons@azalaw.com
gwebb@azalaw.com

**Attorneys for Plaintiff
INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

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

**INNOVATIVE DISPLAY TECHNOLOGIES
LLC,**

Plaintiff,

v.

**GARMIN INTERNATIONAL, INC. AND
GARMIN LTD.,**

Defendants.

Case No. 2:14-cv-143

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT

Plaintiff Innovative Display Technologies LLC, by and through its undersigned counsel, files this Complaint against Defendants Garmin International, Inc. and Garmin Ltd. (hereinafter referred to as "Garmin" or "Defendants").

THE PARTIES

1. Innovative Display Technologies LLC is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, TX 75093.
2. Garmin International Inc. is a Kansas corporation with its principal place of business located at 1200 East 151st Street, Olathe, Kansas 66062-3426. Garmin International Inc. may be served with process by serving its registered agent, David Ayres, at 1200 East 151st Street, Olathe, Kansas 66062.
3. Garmin Ltd. is a Switzerland corporation with its principal place of business located at Muhlenalstrasse 2, 8200 Schaffhausen, Switzerland. Garmin Ltd. can be served with process at its principal place of business at Muhlenalstrasse 2, 8200 Schaffhausen, Switzerland.

4. Defendants have conducted and regularly conduct business within this District, have purposefully availed themselves of the privileges of conducting business in this District, and have sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

5. This action arises under the Patent Law of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. As further detailed herein, this Court has personal jurisdiction over Defendants. Defendants are amenable to service of summons for this action. Furthermore, personal jurisdiction over Defendants in this action comports with due process. Defendants have conducted and regularly conduct business within the United States and this District. Defendants have purposefully availed themselves of the privileges of conducting business in the United States, and more specifically in Texas and this District. Defendants have sought protection and benefit from the laws of the State of Texas by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

7. Defendants directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ship, distribute, offer for sale, and/or sell their products in the United States and this District. Defendants have purposefully and voluntarily placed one or more of their infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. Defendants knowingly and purposefully ship infringing products into and within this District through an established distribution channel. These infringing products have been and

continue to be purchased by consumers in this District. Through those activities, Defendants have committed the tort of patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from Defendants' activities in this District.

8. Venue is proper in this Court according to the venue provisions set forth by 28 U.S.C. §§ 1391(b)-(d) and 1400 (b). Defendants are subject to personal jurisdiction in this District, and therefore are deemed to reside in this District for purposes of venue. Defendants have committed acts within this judicial District giving rise to this action and do business in this District, including but not limited to making sales in this District, providing service and support to its respective customers in this District, and/or operating an interactive website, available to persons in this District that advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit

9. U.S. Patent No. 7,300,194 titled "Light Emitting Panel Assemblies" ("the '194 patent") was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '194 patent. The '194 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '194 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '194 patent is attached as **Exhibit A** and made a part hereof.

10. U.S. Patent No. 7,384,177 titled "Light Emitting Panel Assemblies" ("the '177 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '177 patent. The '177 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in

the '177 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '177 patent is attached as **Exhibit B** and made a part hereof.

11. U.S. Patent No. 7,404,660 titled "Light Emitting Panel Assemblies" ("the '660 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '660 patent. The '660 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '660 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '660 patent is attached as **Exhibit C** and made a part hereof.

12. U.S. Patent No. 7,434,974 titled "Light Emitting Panel Assemblies" ("the '974 patent") was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '974 patent. The '974 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '974 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '974 patent is attached as **Exhibit D** and made a part hereof.

13. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '816 patent. The '816 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '816 patent, including the right to collect and receive damages for past, present and future

infringements. A true and correct copy of the '816 patent is attached as **Exhibit E** and made a part hereof.

14. U.S. Patent No. 7,160,015 titled "Light Emitting Panel Assemblies" ("the '015 patent") was duly and legally issued by the U.S. Patent and Trademark Office on January 9, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '015 patent. The '015 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '015 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '015 patent is attached as **Exhibit F** and made a part hereof.

15. U.S. Patent No. 7,736,043 titled "Light Emitting Panel Assemblies" ("the '043 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 15, 2010, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '043 patent. The '043 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '043 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '043 patent is attached as **Exhibit G** and made a part hereof.

16. U.S. Patent No. 8,142,063 titled "Light Emitting Panel Assemblies" ("the '063 patent") was duly and legally issued by the U.S. Patent and Trademark Office on March 27, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '063 patent. The '063 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '063 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '063 patent is attached as **Exhibit H** and made a part hereof.

17. U.S. Patent No. 6,079,838 titled “Light Emitting Panel Assemblies” (“the ‘838 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 27, 2000, after full and fair examination. Jeffery R. Parker, Mark D. Miller, and Daniel N. Kelsch are the named inventors listed on the ‘838 patent. The ‘838 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ‘838 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ‘838 patent is attached as **Exhibit I** and made a part hereof.

18. Jeffery R. Parker is an inventor of the ‘194 patent, the ‘177 patent, the ‘660 patent, the ‘838 patent, the ‘974 patent, the ‘015 patent, the ‘043 patent, the ‘063 patent, and the ‘816 patent (collectively, the “patents-in-suit”). In total, he is a named inventor on over eighty-five (85) U.S. patents.

B. Defendants’ Infringing Conduct

19. Defendants make, use, offer to sell, and/or sell within, and/or import into the United States display products that incorporate the fundamental technologies covered by the patents-in-suit. The infringing display products include, but are not limited to, GPS navigation systems.

20. By incorporating the fundamental inventions covered by the patents-in-suit, Defendants can make improved products, including but not limited to, longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, and/or a lower power requirement.

21. Third-party distributors purchase and have purchased Defendants’ infringing display products for sale or importation into the United States, including this District. Third-

party consumers use and have used Defendants' infringing display products in the United States, including this District.

22. Defendants have purchased infringing display products that are made, offered for sale, sold within, and/or imported into the United States, including this District by third party manufacturers, distributors, and/or importers.

COUNT I
Patent Infringement of U.S. Patent No. 7,300,194

23. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-22 as though fully set forth herein.

24. The '194 patent is valid and enforceable.

25. Defendants have never been licensed, either expressly or impliedly, under the '194 patent.

26. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

27. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the

limitations of one or more claims of the '194 patent, including but not limited to GPS navigation systems (*e.g.*, Garmin Nuvi 1450), its display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '194 patent.

28. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '194 patent, including but not limited to GPS navigation systems (*e.g.*, Garmin Nuvi 1450), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

29. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

30. Defendants had knowledge of the '194 patent since at least the filing of this Complaint or before.

31. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '194 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers.

Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

32. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '194 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT II
Patent Infringement of U.S. Patent No. 7,384,177

33. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-32 as though fully set forth herein.

34. The '177 patent is valid and enforceable.

35. Defendants have never been licensed, either expressly or impliedly, under the '177 patent.

36. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

37. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to GPS navigation systems (*e.g.*, Garmin Nuvi 1450), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '177 patent.

38. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '177 patent, including but not limited to GPS navigation systems (*e.g.*, Garmin Nuvi 1450), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

39. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

40. Defendants had knowledge of the '177 patent since at least the filing of this Complaint or before.

41. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '177 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

42. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '177 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT III
Patent Infringement of U.S. Patent No. 7,404,660

43. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-42 as though fully set forth herein.

44. The '660 patent is valid and enforceable.

45. Defendants have never been licensed, either expressly or impliedly, under the '660 patent.

46. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

47. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to GPS navigation systems (*e.g.*, Garmin Nuvi 1450), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '660 patent.

48. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '660 patent, including but not limited to GPS navigation systems (*e.g.*, Garmin Nuvi 1450), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

49. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '660

patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

50. Defendants had knowledge of the '660 patent since at least the filing of this Complaint or before.

51. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '660 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

52. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '660 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT IV
Patent Infringement of U.S. Patent No. 7,434,974

53. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-52 as though fully set forth herein.

54. The '974 patent is valid and enforceable.

55. Defendants have never been licensed, either expressly or impliedly, under the '974 patent.

56. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

57. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to GPS navigation systems (*e.g.*, Garmin Nuvi 1450), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '974 patent.

58. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '974 patent, including but not limited to GPS

navigation systems (*e.g.*, Garmin Nuvi 1450), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

59. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

60. Defendants had knowledge of the '974 patent since at least the filing of this Complaint or before.

61. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '974 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and

prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

62. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '974 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT V
Patent Infringement of U.S. Patent No. 8,215,816

63. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-62 as though fully set forth herein.

64. The '816 patent is valid and enforceable.

65. Defendants have never been licensed, either expressly or impliedly, under the '816 patent.

66. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

67. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the

limitations of one or more claims of the '816 patent, including but not limited to GPS navigation systems (*e.g.*, Garmin Nuvi 1450), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '816 patent.

68. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '816 patent, including but not limited to GPS navigation systems (*e.g.*, Garmin Nuvi 1450), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

69. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

70. Defendants had knowledge of the application that issued into the '816 patent since at least the filing of this Complaint or before.

71. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '816 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers.

Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

72. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '816 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VI
Patent Infringement of U.S. Patent No. 7,160,015

73. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-72 as though fully set forth herein.

74. The '015 patent is valid and enforceable.

75. Defendants have never been licensed, either expressly or impliedly, under the '015 patent.

76. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '015 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '015 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

77. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '015 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '015 patent, including but not limited to GPS navigation systems (*e.g.*, Garmin Nuvi 1450), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '015 patent.

78. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '015 patent, including but not limited to GPS navigation systems (*e.g.*, Garmin Nuvi 1450), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '015 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

79. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '015 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '015 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

80. Defendants had knowledge of the application that issued into the '015 patent since at least the filing of this Complaint or before.

81. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '015 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '015 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

82. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '015 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VII
Patent Infringement of U.S. Patent No. 7,736,043

83. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-82 as though fully set forth herein.

84. The '043 patent is valid and enforceable.

85. Defendants have never been licensed, either expressly or impliedly, under the '043 patent.

86. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '043 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '043 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

87. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '043 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '043 patent, including but not limited to GPS navigation systems (*e.g.*, Garmin Nuvi 1450), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '043 patent.

88. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '043 patent, including but not limited to GPS navigation systems (*e.g.*, Garmin Nuvi 1450), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '043 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

89. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '043

patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '043 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

90. Defendants had knowledge of the application that issued into the '043 patent since at least the filing of this Complaint or before.

91. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '043 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '043 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

92. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '043 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VIII
Patent Infringement of U.S. Patent No. 8,142,063

93. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-92 as though fully set forth herein.

94. The '063 patent is valid and enforceable.

95. Defendants have never been licensed, either expressly or impliedly, under the '063 patent.

96. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '063 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '063 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

97. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '063 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '063 patent, including but not limited to GPS navigation systems (*e.g.*, Garmin Nuvi 1450), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '063 patent.

98. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '063 patent, including but not limited to GPS

navigation systems (*e.g.*, Garmin Nuvi 1450), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '063 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

99. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '063 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '063 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

100. Defendants had knowledge of the application that issued into the '063 patent since at least the filing of this Complaint or before.

101. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '063 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '063 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and

prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

102. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '063 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT IX
Patent Infringement of U.S. Patent No. 6,079,838

103. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-102 as though fully set forth herein.

104. The '838 patent is valid and enforceable.

105. Defendants have never been licensed, either expressly or impliedly, under the '838 patent.

106. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '838 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '838 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

107. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '838 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the

limitations of one or more claims of the '838 patent, including but not limited to GPS navigation systems (*e.g.*, Garmin Nuvi 1450), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '838 patent.

108. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '838 patent, including but not limited to GPS navigation systems (*e.g.*, Garmin Nuvi 1450), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '838 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

109. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '838 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '838 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

110. Defendants had knowledge of the application that issued into the '838 patent since at least the filing of this Complaint or before.

111. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '838 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '838 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers.

Defendants have taken affirmative steps to induce its infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

112. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '838 patent, for which Plaintiff is entitled to at least a reasonable royalty.

CONCLUSION

113. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of Defendants' wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

114. Plaintiff has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

115. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

116. Plaintiff respectfully requests that the Court find in its favor and against Defendants, and that the Court grant Plaintiff the following relief:

A. A judgment that Defendants have infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;

B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Defendants;

C. A judgment and order requiring Defendants to pay Plaintiff damages under 35 U.S.C. § 284, and any royalties determined to be appropriate;

D. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;

E. A judgment and order requiring Defendants to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;

F. A judgment and order finding this to be an exceptional case and requiring Defendants to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and

G. Such other and further relief as the Court deems just and equitable.

Dated: February 26, 2014

Respectfully submitted,

THE SIMON LAW FIRM, P.C.

/s/ Anthony G. Simon
Anthony G. Simon
Timothy D. Krieger
Michael P. Kella
Benjamin R. Askew
Stephanie H. To
800 Market Street, Suite 1700
St. Louis, MO 63101
P. 314-241-2929
F. 314-241-2029
asimon@simonlawpc.com
tkrieger@simonlawpc.com
mkella@simonlawpc.com
baskew@simonlawpc.com
sto@simonlawpc.com

T. John Ward, Jr.
Ward & Smith Law Firm
1127 Judson Road, Suite 220
Longview, Texas 75601
P. 903-757-6400
F. 903-757-2323
jw@wsfirm.com

**ATTORNEYS FOR PLAINTIFF
INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Innovative Display Technologies LLC

DEFENDANTS

Garmin International, Inc. and Garmin Ltd.

(b) County of Residence of First Listed Plaintiff Collin

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Anthony G. Simon, Timothy D. Krieger, Benjamin R. Askew, Stephanie H. To and Michael P. Kella, The Simon Law Firm, P.C., 800 Market Street, Ste. 1700, St. Louis, MO 63101, 314-241-2929

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement	LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act	SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g))	
			IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. Section 101, et. seq.Brief description of cause:
Patent Infringement**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

02/26/2014

SIGNATURE OF ATTORNEY OF RECORD

/s/ Anthony G. Simon

FOR OFFICE USE ONLY

RECEIPT #

MBI_000475

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

MBI_000476

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC,**

Plaintiff,

v.

GENERAL MOTORS COMPANY,

Defendant.

§
§
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§
§

C.A. No. _____

JURY TRIAL DEMANDED

PLAINTIFF’S ORIGINAL COMPLAINT

Plaintiff Innovative Display Technologies LLC, by and through its undersigned counsel, files this Original Complaint for patent infringement against Defendant General Motors Company.

THE PARTIES

1. Plaintiff Innovative Display Technologies LLC (“IDT”) is a Texas limited liability company with a place of business at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

2. Defendant General Motors Company (“GM”) is a Delaware corporation having a principal place of business at 300 Renaissance Center, Detroit, Michigan 48243. GM makes and sells automobile brands including Chevrolet, Buick, GMC and Cadillac.

JURISDICTION AND VENUE

3. This action arises under the Patent Laws of the United States, 35 U.S.C. § 271 *et seq.*

4. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over GM. GM is incorporated in the State of Delaware. Additionally, on information and belief, GM, either directly or through intermediaries, regularly manufactures, imports and sells vehicles, including vehicles with infringing components, intended to be sold and in fact sold into and within this state and this judicial district.

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400 (b).

PATENTS IN SUIT

7. U.S. Patent No. 6,755,547 titled “Light Emitting Panel Assemblies” (“the ’547 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the named inventor of the ’547 Patent. IDT owns the ’547 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the ’547 Patent is attached as **Exhibit 1**.

8. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the named inventor of the ’194 Patent. IDT owns the ’194 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the ’194 Patent is attached as **Exhibit 2**.

9. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the ’177 Patent. IDT

owns the '177 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '177 Patent is attached as **Exhibit 3**.

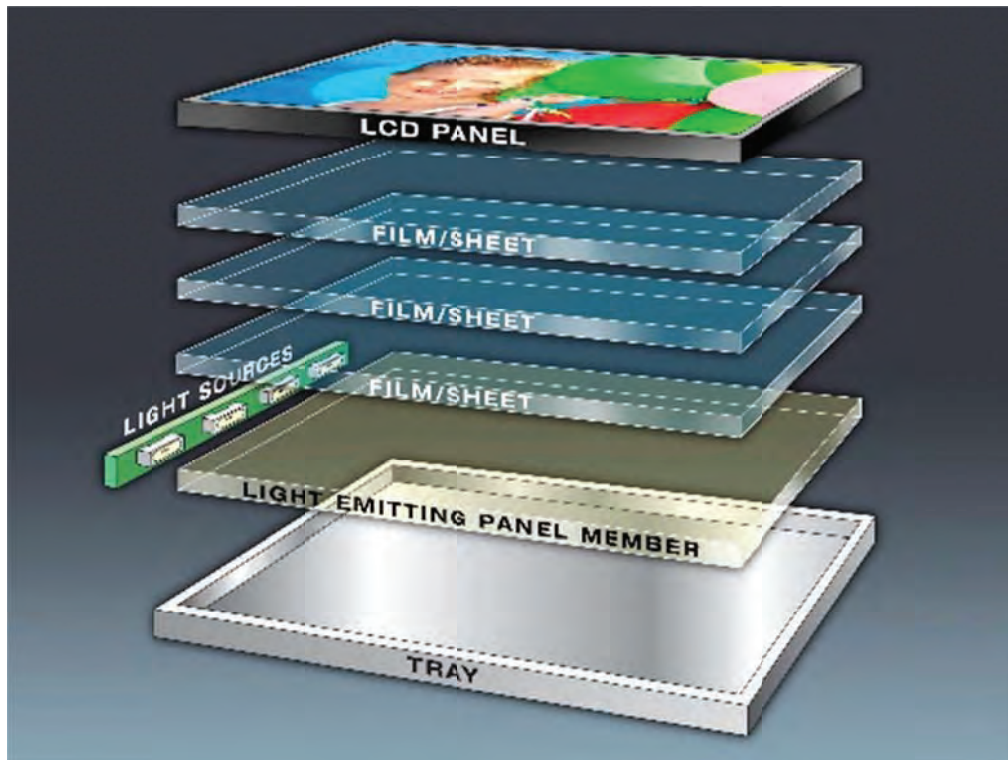
10. U.S. Patent No. 7,404,660 titled "Light Emitting Panel Assemblies" ("the '660 Patent") was duly and legally issued by the U.S. Patent & Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the '660 Patent. IDT owns the '660 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '660 Patent is attached as **Exhibit 4**.

11. U.S. Patent No. 7,434,974 titled "Light Emitting Panel Assemblies" ("the '974 Patent") was duly and legally issued by the U.S. Patent & Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the '974 Patent. IDT owns the '974 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '974 Patent is attached as **Exhibit 5**.

12. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 Patent") was duly and legally issued by the U.S. Patent & Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the named inventor of the '816 Patent. IDT owns the '816 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '816 Patent is attached as **Exhibit 6**.

13. The '547, '194, '177, '660, '974 and '816 patents relate to back-lighting assemblies as used in LCD display units. A typical LCD display unit includes a liquid crystal display, behind which is a panel assembly for back-lighting the LCD. Elements of the back-lighting assembly include a light-conducting panel that acts as a light guide; light sources located around the perimeter of the panel; optical sheets or films placed between the light-conducting panel and the LCD screen; and a tray or housing for the assembly. Light enters the panel from a

light source or sources located on the perimeter of the panel. Optical elements within the panel cause the light to be emitted outward from the panel toward and through the LCD screen overlying the panel. For illustration only, a simplified abstract representation is provided below:



14. As further detailed below, the inventions of the '547, '194, '177, '660, '974 and '816 patents are directed to several different light emitting panel assembly configurations which provide for better distribution of the light output from the panel assembly and more efficient utilization of light.

15. U.S. Patent No. 6,886,956 titled "Light Emitting Panel Assemblies for Use in Automotive Applications and the Like" ("the '956 Patent") was duly and legally issued by the U.S. Patent & Trademark Office on May 3, 2005, after full and fair examination. Jeffery R. Parker, Mark D. Miller and Thomas A. Hough are the named inventors of the '956 Patent. IDT owns the '956 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '956 Patent is attached as **Exhibit 7**.

16. The '956 Patent relates to light-emitting assemblies used in exterior components of automobiles, such as head lights and tail lights.

17. As further detailed below, the invention of the '956 Patent is directed to a light-emitting assembly that includes a light guide which receives light from an LED at one end. The light guide contains optical elements that cause the light to be directed outward through the side of the light guide in a desired manner, thereby illuminating a portion of the head light or tail light.

COUNT 1: Infringement of U.S. Patent No. 6,755,547

18. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-17 as though fully set forth herein.

19. On information and belief, LCD navigation display units found in GM automobiles practice one or more claims of the '547 Patent. In particular, infringing GM LCD navigation display units include a light emitting assembly containing 1) a light emitting member having a light emitting area emitting light that is internally reflected, 2) a transparent sheet or film overlying the light emitting area with an air gap in between, 3) a pattern of deformities on one side of the sheet or film whose width and length are much smaller than the sheet or film. Furthermore, the deformities vary at different locations on the sheet or film to direct light from the light emitting member in different directions to produce a desired light output distribution, such that the light passes through an LCD with low loss. These infringing display units include, for example, the 22997866 navigation display unit found in various model years of the GMC Yukon and Sierra and the Chevrolet Silverado, Suburban and Tahoe, and similar LCD display units.

20. GM has been and is now directly infringing the '547 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling GM automobiles containing navigation display units that infringe the '547 Patent, including at least the aforementioned models. GM is liable for such infringement pursuant to 35 U.S.C. § 271.

21. At least as early as its receipt of this Original Complaint, GM has had knowledge of the '547 Patent and written notice of the infringement.

22. As a result of GM's infringement of the '547 Patent, GM has damaged IDT. GM is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

23. As a result of GM's infringement of the '547 Patent, IDT has suffered and will continue to suffer loss and injury unless GM is enjoined by this Court

24. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '547 Patent.

COUNT 2: Infringement of U.S. Patent No. 7,300,194

25. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-24 as though fully set forth herein.

26. On information and belief, LCD navigation display units found in GM automobiles practice one or more claims of the '194 Patent. In particular, infringing GM LCD navigation display units include a light emitting assembly containing 1) a light emitting panel member with a light emitting surface, 2) a light source, 3) a film, sheet, plate or substrate near

the light emitting surface through which light from the panel member is emitted, and 4) an air gap between the light emitting panel member and the film, sheet, plate or substrate. Furthermore, the film, sheet, plate or substrate has a reflective or refractive surface with well-defined optical elements or deformities for controlling the emitted light so that some of the light is redirected to pass through an LCD with low loss. These infringing display units include, for example, the 22997866 navigation display unit found in various model years of the GMC Yukon and Sierra and the Chevrolet Silverado, Suburban and Tahoe, and similar LCD display units.

27. GM has been and is now directly infringing the '194 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling GM automobiles containing navigation display units that infringe the '194 Patent, including at least the aforementioned models. GM is liable for such infringement pursuant to 35 U.S.C. § 271.

28. At least as early as its receipt of this Original Complaint, GM has had knowledge of the '194 Patent and written notice of the infringement.

29. As a result of GM's infringement of the '194 Patent, GM has damaged IDT. GM is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

30. As a result of GM's infringement of the '194 Patent, IDT has suffered and will continue to suffer loss and injury unless GM is enjoined by this Court.

31. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '194 Patent.

COUNT 3: Infringement of U.S. Patent No. 7,384,177

32. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-31 as though fully set forth herein.

33. On information and belief, LCD navigation display units found in GM automobiles practice one or more claims of the '177 Patent. In particular, infringing GM LCD navigation display units include a light emitting assembly containing 1) a tray with a back wall and side walls surrounding a recess formed by the back and side walls, 2) a light source in the recess, and 3) an overlying sheet, film or substrate for controlling the light emitted from the assembly to fit a particular application such as illuminating an LCD. Furthermore, the tray acts as a back, side edge or end edge reflector and has a secondary flat, angled, faceted or curved reflective or refractive surface to redirect some of the light from the light source in a predetermined manner within the recess. These infringing display units include, for example, the 22997866 navigation display unit found in various model years of the GMC Yukon and Sierra and the Chevrolet Silverado, Suburban and Tahoe, and similar LCD display units.

34. GM has been and is now directly infringing the '177 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling GM automobiles containing navigation display units that infringe the '177 Patent, including at least the aforementioned models. GM is liable for such infringement pursuant to 35 U.S.C. § 271.

35. At least as early as its receipt of this Original Complaint, GM has had knowledge of the '177 Patent and written notice of the infringement.

36. As a result of GM's infringement of the '177 Patent, GM has damaged IDT. GM is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

37. As a result of GM's infringement of the '177 Patent, IDT has suffered and will continue to suffer loss and injury unless GM is enjoined by this Court.

38. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '177 Patent.

COUNT 4: Infringement of U.S. Patent No. 7,404,660

39. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-38 as though fully set forth herein.

40. On information and belief, LCD navigation display units found in GM automobiles practice one or more claims of the '660 Patent. In particular, infringing GM LCD navigation display units include a light emitting panel assembly containing 1) a planar optical conductor with an input edge that has a cross-sectional width greater than its thickness, and 2) light sources configured to generate a light output distribution greater in width than height and positioned adjacent to the input edge to direct light into the optical conductor. Furthermore, the optical conductor has an output region, a pattern of deformities to cause light to be emitted from the output region, and a transition region between the light source and the output region. These infringing display units include, for example, the 22997866 navigation display unit found in various model years of the GMC Yukon and Sierra and the Chevrolet Silverado, Suburban and Tahoe, and similar LCD display units.

41. GM has been and is now directly infringing the '660 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling GM automobiles containing navigation display units that infringe the '660 Patent, including at least the aforementioned models. GM is liable for such infringement pursuant to 35 U.S.C. § 271.

42. At least as early as its receipt of this Original Complaint, GM has had knowledge of the '660 Patent and written notice of the infringement.

43. As a result of GM's infringement of the '660 Patent, GM has damaged IDT. GM is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

44. As a result of GM's infringement of the '660 Patent, IDT has suffered and will continue to suffer loss and injury unless GM is enjoined by this Court.

45. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '660 Patent.

COUNT 5: Infringement of U.S. Patent No. 7,434,974

46. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-45 as though fully set forth herein.

47. On information and belief, LCD navigation display units found in GM automobiles practice one or more claims of the '974 Patent. In particular, infringing GM LCD navigation display units include a light emitting panel assembly containing 1) a light emitting panel member with a light entrance surface and a light emitting surface, 2) an LED light source

near or against the light entrance surface, 3) a tray or housing with a recess containing the panel member, 4) a pattern of light extracting deformities on or in a surface of the panel member to cause light to be emitted from the panel member's light emitting surface, and 5) end walls and side walls of the tray that act as end edge reflectors and side edge reflectors to reflect light that would otherwise exit the panel member back into the panel member, to cause additional light to be emitted from the light emitting surface. Furthermore, the tray or housing has posts, tabs or other components that provide a mount or structural support for another component, and also provides structural support to the panel member. These infringing display units include, for example, the 22997866 navigation display unit found in various model years of the GMC Yukon and Sierra and the Chevrolet Silverado, Suburban and Tahoe, and similar LCD display units.

48. GM has been and is now directly infringing the '974 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling GM automobiles containing navigation display units that infringe the '974 Patent, including at least the aforementioned models. GM is liable for such infringement pursuant to 35 U.S.C. § 271.

49. At least as early as its receipt of this Original Complaint, GM has had knowledge of the '974 Patent and written notice of the infringement.

50. As a result of GM's infringement of the '974 Patent, GM has damaged IDT. GM is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

51. As a result of GM's infringement of the '974 Patent, IDT has suffered and will continue to suffer loss and injury unless GM is enjoined by this Court.

52. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '974 Patent.

COUNT 6: Infringement of U.S. Patent No. 8,215,816

53. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-52 as though fully set forth herein.

54. On information and belief, LCD navigation display units found in GM automobiles practice one or more claims of the '816 Patent. In particular, infringing GM LCD navigation display units include a light emitting assembly containing (1) a light source, (2) a light emitting panel member with an input edge for receiving light from the light source and a light emitting surface, (3) a tray or housing with a recess containing the panel member, (4) end edge and side edge reflectors, and (5) an additional component overlying the panel member. Furthermore, the panel member has a pattern of light extracting deformities that cause light to be emitted from the light emitting surface. The panel member further has a greater width than height, and the input edge of the panel member has a refractive surface that redirects light from the light source more in the width direction than in the height direction as the light enters the panel member. These infringing display units include, for example, the 22997866 navigation display unit found in various model years of the GMC Yukon and Sierra and the Chevrolet Silverado, Suburban and Tahoe, and similar LCD display units.

55. GM has been and is now directly infringing the '816 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling GM automobiles containing navigation display units

that infringe the '816 Patent, including at least the aforementioned models. GM is liable for such infringement pursuant to 35 U.S.C. § 271.

56. At least as early as its receipt of this Original Complaint, GM has had knowledge of the '816 Patent and written notice of the infringement.

57. As a result of GM's infringement of the '816 Patent, GM has damaged IDT. GM is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

58. As a result of GM's infringement of the '816 Patent, IDT has suffered and will continue to suffer loss and injury unless GM is enjoined by this Court.

59. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '816 Patent.

COUNT 7: Infringement of U.S. Patent No. 6,886,956

60. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-59 as though fully set forth herein.

61. On information and belief, tail lights found in certain GM automobiles practice one or more claims of the '956 Patent. The infringing GM tail lights include a light emitting assembly for vehicle illumination containing 1) a light guide having opposite sides and a light input surface along one edge, 2) a light emitting diode along the light input surface, 3) light extracting deformities on at least one side of the light guide, and 4) a transparent substrate overlying one side of the light guide and providing an exterior portion of the vehicle. Furthermore, the deformities have shapes for controlling the output distribution of emitted light

to suit a particular application, such as illuminating a portion of the tail light. These infringing tail lights include, for example, the 20874080 and 20874081 tail lights found in various model years of the Cadillac XTS, and similar tail light assemblies.

62. GM has been and is now directly infringing the '956 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling GM automobiles containing tail lights that infringe the '956 Patent, including at least the aforementioned models. GM is liable for such infringement pursuant to 35 U.S.C. § 271.

63. At least as early as its receipt of this Original Complaint, GM has had knowledge of the '956 Patent and written notice of the infringement.

64. As a result of GM's infringement of the '956 Patent, GM has damaged IDT. GM is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

65. As a result of GM's infringement of the '956 Patent, IDT has suffered and will continue to suffer loss and injury unless GM is enjoined by this Court.

66. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '956 Patent.

JURY DEMAND

67. IDT hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

68. IDT respectfully requests that the Court find in its favor and against GM, and that the Court grant Plaintiff the following relief:

- A. A judgment that GM has infringed the patents-in-suit as alleged herein;
- B. A judgment for an accounting of all damages sustained by IDT as a result of the acts of infringement by GM;
- C. A judgment and order requiring Ford to pay IDT damages under 35 U.S.C. § 284, including interest (both pre-judgment and post-judgment), costs and disbursements as provided by 35 U.S.C. § 284;
- D. A permanent injunction enjoining GM and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from infringement of the patents-in-suit pursuant to 35 U.S.C. § 283; and
- E. Such other and further relief as the Court deems just and equitable.

Dated: June 30, 2014

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

Of Counsel:

Brian E. Farnan (Bar No. 4089)
919 North Market St., 12th Floor
Wilmington, DE 19801
(302) 777-0300
bfarnan@farnanlaw.com

Demetrios Anaipakos
Amir Alavi
Brian E. Simmons
George W. Webb III
AHMAD, ZAVITSANOS, ANAIPAKOS,
ALAVI & MENSING P.C.
1221 McKinney Street, Suite 3460
Houston, TX 77010
Telephone: 713-655-1101

Facsimile: 713-655-0062
danaipakos@azalaw.com
aalavi@azalaw.com
bsimmons@azalaw.com
gwebb@azalaw.com

**Attorneys for Plaintiff
INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

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

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

Plaintiff,

v.

**GOOGLE INC. and MOTOROLA
MOBILITY, LLC,**

Defendants.

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C.A. No. ____

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT

Innovative Display Technologies LLC (“Plaintiff”) by and through its undersigned counsel, files this Complaint against Google, Inc. and Motorola Mobility, LLC (collectively, “Defendants”).

THE PARTIES

1. Innovative Display Technologies LLC (“IDT”) is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

2. Upon information and belief, Google, Inc., (“Google”) is a Delaware corporation with offices at 1600 Amphitheatre Parkway, Mountain View, California 94043. Upon information and belief, Google may be served with process by serving its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

3. Upon information and belief, Motorola Mobility, LLC (“Motorola”) is a corporation organized under the laws of the State of Delaware with its principle place of business at 600 North U.S. Highway 45, Libertyville, Illinois 60048. Upon information and belief, Motorola

Mobility, LLC is a wholly-owned subsidiary of Google, Inc. Upon information and belief, Google may be served with process by serving its registered agent, CT Corporation System, 1999 Bryan St., Suite 900, Dallas, Texas 75201.

4. Upon information and belief, Defendants have conducted and regularly conduct business within this District, have purposefully availed themselves of the privileges of conducting business in this District, and have sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

5. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. As further detailed herein, this Court has personal jurisdiction over Defendants. Defendants are amenable to service of summons for this action. Furthermore, personal jurisdiction over Defendants in this action comports with due process. Defendants have conducted and regularly conduct business within the United States and this District. Defendants have purposefully availed themselves of the privileges of conducting business in the United States and, more specifically, in this District. Defendants have sought protection and benefit from the laws of the State of Texas by maintaining offices in Texas, by making one or more infringing products in Fort Worth, Texas, and/or by placing infringing products into the stream of commerce through an established distribution channel with the expectation and/or knowledge that they will be purchased by consumers in this District. IDT's causes of action arise directly from Defendants' business contacts and other activities in this District.

7. Defendants – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells their products in the United States and this District. Defendants have purposefully and voluntarily

placed one or more infringing products, as described below, into the stream of commerce with the expectation and/or knowledge that they will be purchased by consumers in this District. Defendants knowingly and purposefully ship infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, Defendants have committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District.

8. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b). One or more of IDT's witnesses reside in this District. Defendants are subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue, and, upon information and belief, Defendants have committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating interactive websites that are available to persons in this District, which websites advertise, market, and/or offer for sale infringing products. Defendants also make one or more infringing products in Fort Worth, Texas.

JOINDER

9. Joinder is proper under 35 U.S.C. § 299. The allegations of infringement contained herein are asserted against the Defendants jointly, severally, or in the alternative and arise, at least in part, out of the same series of transactions or occurrences relating to Defendants' manufacture, use, sale, offer for sale, and importation of one or more of the same accused products. On information and belief, Defendants are part of the same corporate family of companies, and the infringement allegations arise at least in part from Defendants' collective activities with respect to

one or more of Defendants' accused products. Question of fact common to Defendants will arise in the action, including questions relating to the structure and operation of one or more of the accused products, Defendants' infringing acts, and, on information and belief, the validity of the patent-in-suit.

BACKGROUND

A. The Patents-In-Suit.

10. U.S. Patent No. 6,755,547 titled "Light Emitting Panel Assemblies" ("the '547 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '547 patent. A true and correct copy of the '547 patent is attached as **Exhibit A** and made a part hereof.

11. U.S. Patent No. 7,300,194 titled "Light Emitting Panel Assemblies" ("the '194 patent") was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '194 patent. A true and correct copy of the '194 patent is attached as **Exhibit B** and made a part hereof.

12. U.S. Patent No. 7,384,177 titled "Light Emitting Panel Assemblies" ("the '177 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '177 patent. A true and correct copy of the '177 patent is attached as **Exhibit C** and made a part hereof.

13. U.S. Patent No. 7,404,660 titled "Light Emitting Panel Assemblies" ("the '660 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '660 patent. A true and correct copy of the '660 patent is attached as **Exhibit D** and made a part hereof.

14. U.S. Patent No. 7,434,974 titled "Light Emitting Panel Assemblies" ("the '974 patent") was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008,

after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '974 patent. A true and correct copy of the '974 patent is attached as **Exhibit E** and made a part hereof.

15. U.S. Patent No. 7,537,370 titled "Light Emitting Panel Assemblies" ("the '370 patent") was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '370 patent. A true and correct copy of the '370 patent is attached as **Exhibit F** and made a part hereof.

16. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '816 patent. A true and correct copy of the '816 patent is attached as **Exhibit G** and made a part hereof.

17. The '547 patent, the '194 patent, the '177 patent, the '660 patent, the '974 patent, the '370 patent, and the '816 patent are collectively referred to as the "IDT patents" or the "patents-in-suit."

18. On June 26, 2013, IDT was assigned all of the right, title, and interest in the IDT patents, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the IDT patents.

19. The patents-in-suit all share the same ultimate parent patent, U.S. Patent No. 5,613,751. The patents-in-suit share the same named inventor, subject matter, and claim terms. The accused products infringe the patents-in-suit based on the use of the same technology, *e.g.*, backlights for LCDs.

B. Defendants' Infringing Conduct.

20. Upon information and belief, Defendants make, use, offer to sell, and/or sell within, and/or imports into the United States display products that use the fundamental technologies

covered by the patents-in-suit. Upon information and belief, the infringing display products include, but are not limited to mobile phones and tablets with an LCD.

21. By incorporating the fundamental inventions covered by the patents-in-suit, Defendants can make improved products, including but not limited to, products with longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, a lower power requirement, and/or a longer battery life.

22. Upon information and belief, third-party distributors purchase and have purchased Defendants' infringing display products for sale or importation into the United States, including in this District. Upon information and belief, third-party consumers use and have used Defendants' infringing display products in the United States, including in this District.

23. Upon information and belief, Defendants' have purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including in this District by third-party manufacturers, distributors, and/or importers.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

24. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-25 as though fully set forth herein.

25. The '547 patent is valid and enforceable.

26. Defendants have never been licensed, either expressly or impliedly, under the '547 patent.

27. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '547 patent have complied with the marking

requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

28. Upon information and belief, Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '547 patent.

29. Upon information and belief, distributors and consumers that purchase Defendants' display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

30. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more

claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

31. Upon information and belief, Google and Motorola had knowledge of the '547 patent and its infringing conduct by September 4, 2012 and September 6, 2012, respectively, when they were formally placed on notice of their infringement.

32. Upon information and belief, since at least the above-mentioned date of notice, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent.

33. Upon information and belief, Defendants intend to cause, and have taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

34. Upon information and belief, Defendants' acts of infringement of the '547 patent have been willful and intentional. Since at least the above-mentioned date of notice, Defendants have acted with an objectively high likelihood that their actions constituted infringement of the '547 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), and the objectively-defined risk was either known or so obvious that it should have been known.

35. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of IDT and its licensees to practice the '547 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

36. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-37 as though fully set forth herein

37. The '194 patent is valid and enforceable.

38. Defendants have never been licensed, either expressly or impliedly, under the '194 patent.

39. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

40. Upon information and belief, Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '194 patent.

41. Upon information and belief, distributors and consumers that purchase Defendants' display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

42. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling (directly or

through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

43. Upon information and belief, Google and Motorola had knowledge of the '194 patent and its infringing conduct by September 4, 2012 and September 6, 2012, respectively, when they were formally placed on notice of their infringement.

44. Upon information and belief, since at least the above-mentioned date of notice, Defendants' have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent.

45. Upon information and belief, Defendants intend to cause, and have taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

46. Upon information and belief, Defendants' acts of infringement of the '194 patent have been willful and intentional. Since at least the above-mentioned date of notice, Defendants

have acted with an objectively high likelihood that their actions constituted infringement of the '194 patent by refusing to take a license and continuing to make and sell their display products, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), and the objectively-defined risk was either known or so obvious that it should have been known.

47. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of IDT and its licensees to practice the '194 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

48. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-49 as though fully set forth herein.

49. The '177 patent is valid and enforceable.

50. Defendants have never been licensed, either expressly or impliedly, under the '177 patent.

51. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Defendants of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

52. Upon information and belief, Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly

infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '177 patent.

53. Upon information and belief, distributors and consumers that purchase Defendants' display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

54. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

55. Upon information and belief, Google and Motorola had knowledge of the '177 patent and its infringing conduct by September 4, 2012 and September 6, 2012, respectively, when they were formally placed on notice of their infringement.

56. Upon information and belief, since at least the above-mentioned date of notice, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent.

57. Upon information and belief, Defendants intend to cause, and have taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

58. Upon information and belief, Defendants' acts of infringement of the '177 patent have been willful and intentional. Since at least the above-mentioned date of notice, Defendants have acted with an objectively high likelihood that their actions constituted infringement of the '177 patent by refusing to take a license and continuing to make and sell its display products,

including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), and the objectively-defined risk was either known or so obvious that it should have been known.

59. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of IDT and its licensees to practice the '177 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

60. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-61 as though fully set forth herein.

61. The '660 patent is valid and enforceable.

62. Defendants have never been licensed, either expressly or impliedly, under the '660 patent.

63. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

64. Upon information and belief, Defendants have been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or

through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '660 patent.

65. Upon information and belief, distributors and consumers that purchase Defendants' display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

66. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

67. Upon information and belief, Google and Motorola had knowledge of the '660 patent and its infringing conduct by September 4, 2012 and September 6, 2012, respectively, when they were formally placed on notice of their infringement.

68. Upon information and belief, since at least the above-mentioned date of notice, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent.

69. Upon information and belief, Defendants intend to cause, and have taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

70. Upon information and belief, Defendants' acts of infringement of the '660 patent have been willful and intentional. Since at least the above-mentioned date of notice, Defendants have acted with an objectively high likelihood that their actions constituted infringement of the '660 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), and the objectively-defined risk was either known or so obvious that it should have been known.

71. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of IDT and its licensees to practice the '660 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

72. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-73 as though fully set forth herein.

73. The '974 patent is valid and enforceable.

74. Defendants have never been licensed, either expressly or impliedly, under the '974 patent.

75. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

76. Upon information and belief, Defendants have been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones

and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '974 patent.

77. Upon information and belief, distributors and consumers that purchase Defendants' display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

78. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

79. Upon information and belief, Google and Motorola had knowledge of the '974 patent and its infringing conduct by September 4, 2012 and September 6, 2012, respectively, when they were formally placed on notice of their infringement.

80. Upon information and belief, since at least the above-mentioned date of notice, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations

of one or more claims of the '974 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), to directly infringe one or more claims of the '974 patent. Since at least the notice provided on the above-mentioned date, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent.

81. Upon information and belief, Defendants intend to cause, and have taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

82. Upon information and belief, Defendants' acts of infringement of the '974 patent have been willful and intentional. Since at least the above-mentioned date of notice, Defendants have acted with an objectively high likelihood that their actions constituted infringement of the '974 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), and the objectively-defined risk was either known or so obvious that it should have been known.

83. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of IDT and its licensees to practice the '974 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,537,370

84. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-85 as though fully set forth herein.

85. The '370 patent is valid and enforceable.

86. Motorola has never been licensed, either expressly or impliedly, under the '370 patent.

87. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Motorola of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

88. Upon information and belief, Motorola has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Motorola Atrix HD and Moto G) their display components, and/or other products made, used, sold, offered for sale, or imported by Motorola that include all of the limitations of one or more claims of the '370 patent.

89. Upon information and belief, distributors and consumers that purchase Motorola's display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones and tablets with LCD (*e.g.*, Motorola Atrix HD and Moto G), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

90. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Motorola that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

91. Upon information and belief, Motorola had knowledge of the '370 patent and its infringing conduct by September 6, 2012, when it was formally placed on notice of its infringement.

92. Upon information and belief, since at least the above-mentioned date of notice, Motorola has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Motorola Atrix HD and Moto G), to directly infringe one or more claims of the '370 patent. Since at least the notice provided on the above-mentioned date, Motorola does so with

knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent.

93. Upon information and belief, Motorola intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

94. Upon information and belief, Motorola's acts of infringement of the '370 patent have been willful and intentional. Since at least the above-mentioned date of notice, Motorola has acted with an objectively high likelihood that its actions constituted infringement of the '370 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones and tablets with an LCD (*e.g.*, the Motorola Atrix HD and Moto G), and the objectively-defined risk was either known or so obvious that it should have been known.

95. As a direct and proximate result of these acts of patent infringement, Motorola has encroached on the exclusive rights of IDT and its licensees to practice the '370 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VIII

Patent Infringement of U.S. Patent No. 8,215,816

96. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-109 as though fully set forth herein.

97. The '816 patent is valid and enforceable.

98. Defendants have never been licensed, either expressly or impliedly, under the '816 patent.

99. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

100. Upon information and belief, Defendants have been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '816 patent.

101. Upon information and belief, distributors and consumers that purchase Defendants' display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), also directly infringe, either literally or under the doctrine

of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

102. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

103. Upon information and belief, Google and Motorola had knowledge of the '816 patent and its infringing conduct by September 4, 2012 and September 6, 2012, respectively, when they were formally placed on notice of their infringement.

104. Upon information and belief, since at least the above-mentioned date of notice, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent.

105. Upon information and belief, Defendants intend to cause, and have taken affirmative steps to induce, infringement by these third-party manufacturers, distributors,

importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

106. Upon information and belief, Defendants' acts of infringement of the '816 patent have been willful and intentional. Since at least the above-mentioned date of notice, Defendants have acted with an objectively high likelihood that their actions constituted infringement of the '816 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Google Nexus 5, 7, and 10, Motorola Atrix HD, and Moto G), and the objectively-defined risk was either known or so obvious that it should have been known.

107. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of IDT and its licensees to practice the '816 patent, for which IDT is entitled to at least a reasonable royalty.

CONCLUSION

108. Plaintiff is entitled to recover from Google the damages sustained by Plaintiff as a result of Defendants' wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

109. Plaintiff has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the

meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

110. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

111. Plaintiff respectfully requests that the Court find in its favor and against Defendants, and that the Court grant Plaintiff the following relief:

- A. A judgment that Defendants have infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Defendants;
- C. A judgment and order requiring Defendants to pay Plaintiff damages under 35 U.S.C. § 284, including up to treble damages for willful infringement as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Defendants to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;

- F. A judgment and order finding this to be an exceptional case and requiring Defendants to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: April 8, 2014

Respectfully submitted,

/s/ Jeffrey R. Bragalone

Jeffrey R. Bragalone (lead attorney)

Texas Bar No. 02855775

Patrick J. Conroy

Texas Bar No. 24012448

Justin B. Kimble

Texas Bar No. 24036909

T. William Kennedy, Jr.

Texas Bar No. 24055771

Daniel F. Olejko

Pennsylvania Bar No. 205512

Bragalone Conroy PC

2200 Ross Avenue

Suite 4500W

Dallas, TX 75201

Tel: (214) 785-6671

Fax: (214) 785-6680

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

bkennedy@bcpc-law.com

dolejko@bcpc-law.com

T. John Ward Jr.

Texas Bar No. 00794818

Claire Abernathy Henry

Ward & Smith Law Firm

1127 Judson Road, Suite 220

Longview, TX 75601

Tel: (903) 757-6400

Fax: (903) 757.2323

jw@wsfirm.com

claire@wsfirm.com

Attorneys for Plaintiff

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

INNOVATIVE DISPLAY TECHNOLOGIES LLC

(b) County of Residence of First Listed Plaintiff Collin
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)
Bragalone Conroy PC
2200 Ross Avenue, Suite 4500W
Dallas, TX 75201 214-785-6670**DEFENDANTS**

GOOGLE INC. AND MOTOROLA MOBILITY, LLC

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. § 1, et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285

Brief description of cause:

Infringement of U.S. Patent Nos. 6,755,547, 7,300,194, 7,384,177, et al

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.**DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Hon. Rodney Gilstrap

DOCKET NUMBER 2:13-cv-522,523,524,525,

DATE
04/08/2014SIGNATURE OF ATTORNEY OF RECORD
/s/ Jeffrey R. Bragalone**FOR OFFICE USE ONLY**

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

MBI_000522

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

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC,**

Plaintiff,

v.

**HEWLETT-PACKARD
COMPANY,**

Defendant.

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§

C.A. No. ____

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT

Plaintiff Innovative Display Technologies LLC, by and through its undersigned counsel, files this Complaint against Defendant Hewlett-Packard Company ("HP").

THE PARTIES

1. Innovative Display Technologies LLC is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, TX 75093.

2. Upon information and belief, HP is a Delaware corporation that claims as its principal place of business, 3000 Hanover Street, Palo Alto, CA 94304. Upon information and belief, HP may be served with process by serving its registered agent in Texas, C T Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, TX 75201. Upon information and belief, HP has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Texas. HP has an office in this District at 5400 Legacy Drive, Plano, TX 75024. HP also has an office at 20555 SH 249, Houston, TX 77070.

JURISDICTION AND VENUE

3. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

4. As further detailed herein, this Court has personal jurisdiction over HP. HP is amenable to service of summons for this action. Furthermore, personal jurisdiction over HP in this action comports with due process. HP maintains an office in this District at 5400 Legacy Drive, Plano, TX 75024. HP has conducted and regularly conducts business within the United States and this District. HP has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. HP has sought protection and benefit from the laws of the State of Texas by maintaining an office in this District and by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

5. HP – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. HP has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. Defendant knowingly and purposefully ships infringing products into this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, HP has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from HP's activities in this District.

6. Venue is proper in this Court according to the venue provisions set forth by 28 U.S.C. §§ 1391(b)-(d) and 1400(b). HP is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue. Upon information and belief, Defendant has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website, available to persons in this District, that advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

7. U.S. Patent No. 6,755,547 titled “Light Emitting Panel Assemblies” (“the ’547 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’547 patent. The ’547 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’547 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’547 patent is attached as **Exhibit A** and made a part hereof.

8. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’194 patent. The ’194 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’194 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’194 patent is attached as **Exhibit B** and made a part hereof.

9. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’177 patent. The ’177 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’177 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’177 patent is attached as **Exhibit C** and made a part hereof.

10. U.S. Patent No. 7,404,660 titled “Light Emitting Panel Assemblies” (“the ’660 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’660 patent. The ’660 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’660 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’660 patent is attached as **Exhibit D** and made a part hereof.

11. U.S. Patent No. 7,434,974 titled “Light Emitting Panel Assemblies” (“the ’974 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’974 patent. The ’974 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’974 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’974 patent is attached as **Exhibit E** and made a part hereof.

12. U.S. Patent No. 7,537,370 titled “Light Emitting Panel Assemblies” (“the ’370 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009,

after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '370 patent. The '370 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '370 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '370 patent is attached as **Exhibit F** and made a part hereof.

13. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '816 patent. The '816 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '816 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '816 patent is attached as **Exhibit G** and made a part hereof.

14. Jeffery R. Parker is an inventor of the '547 patent, the '194 patent, the '177 patent, the '660 patent, the '974 patent, the '370 patent, and the '816 patent (collectively, the "patents-in-suit"). In total, he is a named inventor on over eighty-five (85) U.S. patents.

B. HP's Infringing Conduct.

15. Upon information and belief, HP makes, uses, offers to sell, and/or sells within, and/or imports into the United States display products that incorporate the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display products include, but are not limited to, desktops, laptops, monitors, tablets, calculators, and printers (*e.g.*, the HP g6-2321dx laptop and the HP W2071d monitor).

16. By incorporating the fundamental inventions covered by the patents-in-suit, HP can make improved products, including but not limited to, longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, and/or a lower power requirement.

17. Upon information and belief, third-party distributors purchase and have purchased HP's infringing display products for sale or importation into the United States, including this District. Upon information and belief, third-party consumers use and have used HP's infringing display products in the United States, including this District.

18. Upon information and belief, HP has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including this District by third party manufacturers, distributors, and/or importers.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

19. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-18 as though fully set forth herein.

20. The '547 patent is valid and enforceable.

21. HP has never been licensed, either expressly or impliedly, under the '547 patent.

22. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to HP of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

23. Upon information and belief, HP has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly

or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to desktops, laptops, monitors, tablets, calculators, and printers (*e.g.*, the HP g6-2321dx laptop and the HP W2071d monitor), their display components, and/or other products made, used, sold, offered for sale, or imported by HP that include all of the limitations of one or more claims of the '547 patent.

24. Upon information and belief, distributors and consumers that purchase HP's products that include all of the limitations of one or more claims of the '547 patent, including but not limited to desktops, laptops, monitors, tablets, calculators, and printers (*e.g.*, the HP g6-2321dx laptop and the HP W2071d monitor), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

25. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to HP that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

26. Upon information and belief, HP had knowledge of the '547 patent and its infringing conduct at least since August 28, 2012, when HP was formally placed on notice of its infringement.

27. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed HP on notice of its infringement, HP has actively induced, under U.S.C. § 271(b),

third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, HP does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent. Upon information and belief, HP intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. HP has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

28. Upon information and belief, HP's acts of infringement of the '547 patent have been willful and intentional. Since at least the above-mentioned date of notice, HP has acted with an objectively high likelihood that its actions constituted infringement of the '547 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to desktops, laptops, monitors, tablets, calculators, and printers (*e.g.*, the HP g6-2321dx laptop and the HP W2071d monitor), and the objectively-defined risk was either known or so obvious that it should have been known.

29. As a direct and proximate result of these acts of patent infringement, HP has encroached on the exclusive rights of Plaintiff and its licensees to practice the '547 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

30. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-29 as though fully set forth herein.

31. The '194 patent is valid and enforceable.

32. HP has never been licensed, either expressly or impliedly, under the '194 patent.

33. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to HP of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

34. Upon information and belief, HP has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to desktops, laptops, monitors, tablets, calculators, and printers (*e.g.*, the HP g6-2321dx laptop and the HP W2071d monitor), their display components, and/or other products made, used, sold, offered for sale, or imported by HP that include all of the limitations of one or more claims of the '194 patent.

35. Upon information and belief, distributors and consumers that purchase HP's products that include all of the limitations of one or more claims of the '194 patent, including but not limited to desktops, laptops, monitors, tablets, calculators, and printers (*e.g.*, the HP g6-2321dx laptop and the HP W2071d monitor), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

36. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to HP that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

37. Upon information and belief, HP had knowledge of the '194 patent and its infringing conduct at least since August 28, 2012, when HP was formally placed on notice of its infringement.

38. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed HP on notice of its infringement, HP has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date, HP does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent. Upon information and belief, HP intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. HP has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote

the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

39. Upon information and belief, HP's acts of infringement of the '194 patent have been willful and intentional. Since at least the above-mentioned date of notice, HP has acted with an objectively high likelihood that its actions constituted infringement of the '194 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to desktops, laptops, monitors, tablets, calculators, and printers (*e.g.*, the HP g6-2321dx laptop and the HP W2071d monitor), and the objectively-defined risk was either known or so obvious that it should have been known.

40. As a direct and proximate result of these acts of patent infringement, HP has encroached on the exclusive rights of Plaintiff and its licensees to practice the '194 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

41. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-40 as though fully set forth herein.

42. The '177 patent is valid and enforceable.

43. HP has never been licensed, either expressly or impliedly, under the '177 patent.

44. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to HP of its alleged infringement. Upon information and belief, Plaintiff

surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

45. Upon information and belief, HP has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to desktops, laptops, monitors, tablets, calculators, and printers (*e.g.*, the HP g6-2321dx laptop and the HP W2071d monitor), their display components, and/or other products made, used, sold, offered for sale, or imported by HP that include all of the limitations of one or more claims of the '177 patent.

46. Upon information and belief, distributors and consumers that purchase HP's products that include all of the limitations of one or more claims of the '177 patent, including but not limited to desktops, laptops, monitors, tablets, calculators, and printers (*e.g.*, the HP g6-2321dx laptop and the HP W2071d monitor), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

47. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to HP that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under

35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

48. Upon information and belief, HP had knowledge of the '177 patent and its infringing conduct at least since August 28, 2012, when HP was formally placed on notice of its infringement.

49. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed HP on notice of its infringement, HP has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date, HP does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent. Upon information and belief, HP intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. HP has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

50. Upon information and belief, HP's acts of infringement of the '177 patent have been willful and intentional. Since at least the above-mentioned date of notice, HP has acted with an objectively high likelihood that its actions constituted infringement of the '177 patent by refusing to take a license and continuing to make and sell its display products, including but not

limited to desktops, laptops, monitors, tablets, calculators, and printers (*e.g.*, the HP g6-2321dx laptop and the HP W2071d monitor), and the objectively-defined risk was either known or so obvious that it should have been known.

51. As a direct and proximate result of these acts of patent infringement, HP has encroached on the exclusive rights of Plaintiff and its licensees to practice the '177 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

52. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-51 as though fully set forth herein.

53. The '660 patent is valid and enforceable.

54. HP has never been licensed, either expressly or impliedly, under the '660 patent.

55. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to HP of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

56. Upon information and belief, HP has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly

or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to desktops, laptops, monitors, tablets, calculators, and printers (*e.g.*, the HP g6-2321dx laptop and the HP W2071d monitor), their display components, and/or other products made, used, sold, offered for sale, or imported by HP that include all of the limitations of one or more claims of the '660 patent.

57. Upon information and belief, distributors and consumers that purchase HP's products that include all of the limitations of one or more claims of the '660 patent, including but not limited to desktops, laptops, monitors, tablets, calculators, and printers (*e.g.*, the HP g6-2321dx laptop and the HP W2071d monitor), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

58. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to HP that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

59. Upon information and belief, HP had knowledge of the '660 patent and its infringing conduct at least since August 28, 2012, when HP was formally placed on notice of its infringement.

60. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed HP on notice of its infringement, HP has actively induced, under U.S.C. § 271(b),

third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, HP does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent. Upon information and belief, HP intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. HP has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

61. Upon information and belief, HP's acts of infringement of the '660 patent have been willful and intentional. Since at least the above-mentioned date of notice, HP has acted with an objectively high likelihood that its actions constituted infringement of the '660 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to desktops, laptops, monitors, tablets, calculators, and printers (*e.g.*, the HP g6-2321dx laptop and the HP W2071d monitor), and the objectively-defined risk was either known or so obvious that it should have been known.

62. As a direct and proximate result of these acts of patent infringement, HP has encroached on the exclusive rights of Plaintiff and its licensees to practice the '660 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

63. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-62 as though fully set forth herein.

64. The '974 patent is valid and enforceable.

65. HP has never been licensed, either expressly or impliedly, under the '974 patent.

66. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to HP of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

67. Upon information and belief, HP has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to desktops, laptops, monitors, tablets, calculators, and printers (*e.g.*, the HP g6-2321dx laptop and the HP W2071d monitor), their display components, and/or other products made, used, sold, offered for sale, or imported by HP that include all of the limitations of one or more claims of the '974 patent.

68. Upon information and belief, distributors and consumers that purchase HP's products that include all of the limitations of one or more claims of the '974 patent, including but not limited to desktops, laptops, monitors, tablets, calculators, and printers (*e.g.*, the HP g6-2321dx laptop and the HP W2071d monitor), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

69. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to HP that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

70. Upon information and belief, HP had knowledge of the '974 patent and its infringing conduct at least since August 28, 2012, when HP was formally placed on notice of its infringement.

71. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed HP on notice of its infringement, HP has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '974 patent. Since at least the notice provided on the above-mentioned date, HP does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent. Upon information and belief, HP intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. HP has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote

the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

72. Upon information and belief, HP's acts of infringement of the '974 patent have been willful and intentional. Since at least the above-mentioned date of notice, HP has acted with an objectively high likelihood that its actions constituted infringement of the '974 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to desktops, laptops, monitors, tablets, calculators, and printers (*e.g.*, the HP g6-2321dx laptop and the HP W2071d monitor), and the objectively-defined risk was either known or so obvious that it should have been known.

73. As a direct and proximate result of these acts of patent infringement, HP has encroached on the exclusive rights of Plaintiff and its licensees to practice the '974 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,537,370

74. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-73 as though fully set forth herein.

75. The '370 patent is valid and enforceable.

76. HP has never been licensed, either expressly or impliedly, under the '370 patent.

77. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual

or constructive notice to HP of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

78. Upon information and belief, HP has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to desktops, laptops, monitors, tablets, calculators, and printers (*e.g.*, the HP g6-2321dx laptop and the HP W2071d monitor), their display components, and/or other products made, used, sold, offered for sale, or imported by HP that include all of the limitations of one or more claims of the '370 patent.

79. Upon information and belief, distributors and consumers that purchase HP's products that include all of the limitations of one or more claims of the '370 patent, including but not limited to desktops, laptops, monitors, tablets, calculators, and printers (*e.g.*, the HP g6-2321dx laptop and the HP W2071d monitor), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

80. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to HP that include all of the limitations of one or more claims

of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

81. Upon information and belief, HP had knowledge of the '370 patent and its infringing conduct at least since August 28, 2012, when HP was formally placed on notice of its infringement.

82. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed HP on notice of its infringement, HP has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '370 patent. Since at least the notice provided on the above-mentioned date, HP does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent. Upon information and belief, HP intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. HP has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

83. Upon information and belief, HP's acts of infringement of the '370 patent have been willful and intentional. Since at least the above-mentioned date of notice, HP has acted with an objectively high likelihood that its actions constituted infringement of the '370 patent by

refusing to take a license and continuing to make and sell its display products, including but not limited to desktops, laptops, monitors, tablets, calculators, and printers (*e.g.*, the HP g6-2321dx laptop and the HP W2071d monitor), and the objectively-defined risk was either known or so obvious that it should have been known.

84. As a direct and proximate result of these acts of patent infringement, HP has encroached on the exclusive rights of Plaintiff and its licensees to practice the '370 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 8,215,816

85. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-84 as though fully set forth herein.

86. The '816 patent is valid and enforceable.

87. HP has never been licensed, either expressly or impliedly, under the '816 patent.

88. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to HP of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

89. Upon information and belief, HP has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using,

offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to desktops, laptops, monitors, tablets, calculators, and printers (*e.g.*, the HP g6-2321dx laptop and the HP W2071d monitor), their display components, and/or other products made, used, sold, offered for sale, or imported by HP that include all of the limitations of one or more claims of the '816 patent.

90. Upon information and belief, distributors and consumers that purchase HP's products that include all of the limitations of one or more claims of the '816 patent, including but not limited to desktops, laptops, monitors, tablets, calculators, and printers (*e.g.*, the HP g6-2321dx laptop and the HP W2071d monitor), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

91. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to HP that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

92. Upon information and belief, HP had knowledge of the '816 patent and its infringing conduct at least since August 28, 2012, when HP was formally placed on notice of its infringement.

93. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed HP on notice of its infringement, HP has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, HP does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent. Upon information and belief, HP intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. HP has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

94. Upon information and belief, HP's acts of infringement of the '816 patent have been willful and intentional. Since at least the above-mentioned date of notice, HP has acted with an objectively high likelihood that its actions constituted infringement of the '816 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to desktops, laptops, monitors, tablets, calculators, and printers (*e.g.*, the HP g6-2321dx laptop and the HP W2071d monitor), and the objectively-defined risk was either known or so obvious that it should have been known.

95. As a direct and proximate result of these acts of patent infringement, HP has encroached on the exclusive rights of Plaintiff and its licensees to practice the '816 patent, for which Plaintiff is entitled to at least a reasonable royalty.

CONCLUSION

96. Plaintiff is entitled to recover from HP the damages sustained by Plaintiff as a result of HP's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

97. Plaintiffs have incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

98. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

99. Plaintiff respectfully request that the Court find in its favor and against HP, and that the Court grant Plaintiff the following relief:

- A. A judgment that HP has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by HP;
- C. A judgment and order requiring HP to pay Plaintiff damages under 35 U.S.C. § 284, including up to treble damages for willful infringement as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining HP and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting

in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;

- E. A judgment and order requiring HP to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring HP to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: June 28, 2013

Respectfully submitted,

/s/ Jeffrey R. Bragalone

Jeffrey R. Bragalone (lead attorney)

Texas Bar No. 02855775

Patrick J. Conroy

Texas Bar No. 24012448

Justin B. Kimble

Texas Bar No. 24036909

T. William Kennedy, Jr.

Texas Bar No. 24055771

Daniel F. Olejko

Pennsylvania Bar No. 205512

Bragalone Conroy PC

2200 Ross Avenue

Suite 4500W

Dallas, TX 75201

Tel: (214) 785-6670

Fax: (214) 785-6680

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

bkennedy@bcpc-law.com

dolejko@bcpc-law.com

T. John Ward Jr.

Texas Bar No. 00794818

Claire Abernathy Henry

Ward & Smith Law Firm

1127 Judson Road, Suite 220

Longview, TX 75601

Tel: (903) 757-6400

Fax: (903) 757.2323

jw@wsfirm.com

claire@wsfirm.com

Attorneys for Plaintiff

INNOVATIVE DISPLAY

TECHNOLOGIES LLC

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

INNOVATIVE DISPLAY TECHNOLOGIES LLC

(b) County of Residence of First Listed Plaintiff Collin
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Jeffrey R. Bragalone, Bragalone Conroy PC
2200 Ross Avenue, Suite 4500W
Dallas, TX 75201 214-785-6670

DEFENDANTS

HEWLETT-PACKARD COMPANY

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. § 1, et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285

Brief description of cause:

Infringement of U.S. Patent Nos. 6,755,547, 7,300,194, 7,384,177, et al

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/28/2013

SIGNATURE OF ATTORNEY OF RECORD

/s/ Jeffrey R. Bragalone

FOR OFFICE USE ONLY

RECEIPT #

MBI_000550

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

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

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC,**

Plaintiff,

V.

**HUAWEI INVESTMENT AND
HOLDING CO., LTD.,**

**HUAWEI TECHNOLOGIES CO.,
LTD., and**

HUAWEI DEVICE USA INC.,

Defendants.

§ 87(2)(b)

C.A. No. _____

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT

Plaintiff Innovative Display Technologies LLC, by and through its undersigned counsel, files this Complaint against Huawei Investment and Holding Co., Ltd.; Huawei Technologies Co., Ltd; and Huawei Device USA Inc. (collectively, “Huawei”).

THE PARTIES

1. Innovative Display Technologies LLC is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, TX 75093.
2. Upon information and belief, Huawei Investment and Holding Co., Ltd. (“Huawei Investment”) is a private company incorporated in the People’s Republic of China located at Huawei Industrial Base, Bantian Longgang, Shenzhen, 518129 P.R. China. Upon information and belief, Huawei Investment may be served with process in China pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

3. Upon information and belief, Huawei Investment is the ultimate and controlling parent of many subsidiaries using the “Huawei” name. Upon information and belief, Huawei Investment contains three Business Groups that are responsible for the end-to-end operations in a particular customer domain. Upon information and belief, one of those Business Groups is the “Consumer BG,” which handles end-to-end operations of consumer products such as the display devices at issue in this action. By way of those display devices, Huawei Investment has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District and has sought protection and benefit from the laws of the State of Texas.

4. Upon information and belief, Huawei Technologies Co., Ltd. (“Huawei Tech”) is a private company incorporated in the People’s Republic of China located at Huawei Industrial Base, Bantian Longgang, Shenzhen, 518129 P.R. China. Upon information and belief, Huawei Tech may be served with process in China pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. Upon information and belief Huawei Tech is a wholly-owned subsidiary of Huawei Investment. Upon information and belief, Huawei Tech conducts and/or oversees the global sales, manufacture, and/or development of the display devices at issue in this action. By way of those display devices, Huawei Tech has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Texas.

5. Upon information and belief, Huawei Device USA Inc. (“Huawei Device USA”) is a private company incorporated in Texas located at 5700 Tennyson Parkway, Suite 500, Plano, TX 75024. Upon information and belief, Huawei Device USA may be served with process by

serving its registered agent, C T Corporation System, 350 N. St. Paul Street, Suite 300, Dallas, TX 75201. Upon information and belief, Huawei Device USA makes, sells, and/or imports into the United States display devices at issue in this action. Upon information and belief, the operations of Huawei Device USA are interconnected with the operations of Huawei Tech and Huawei Investment. Upon information and belief, the website of Huawei Device USA (<http://www.huaweideviceusa.com>) advertises and supports display devices at issue in this action that overlap with devices found on Huawei Tech and Huawei Investment's website (www.huawei.com). The "Contact Us" section of Huawei Tech and Huawei Investment's website (<http://www.huawei.com/en/about-huawei/contact-us/>) lists as its "North American Headquarters" the address for Huawei Device USA without mention of it as a separate entity. Huawei Device USA has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

6. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

7. As further detailed herein, this Court has personal jurisdiction over Huawei Device USA. Huawei Device USA is amenable to service of summons for this action. Furthermore, personal jurisdiction over Huawei Device USA in this action comports with due process. Huawei Device USA maintains headquarters in this District at 5700 Tennyson Parkway, Suite 500, Plano, TX 75024. Huawei Device USA has conducted and regularly conducts business within the United States and this District. Huawei Device USA has purposefully availed itself of the privileges of

conducting business in the United States, and more specifically in Texas and this District. Huawei Device USA has sought protection and benefit from the laws of the State of Texas by maintaining corporate headquarters in this District and by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

8. Huawei Device USA – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Huawei Device USA has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. Huawei Device USA knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, Huawei Device USA has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff’s cause of action for patent infringement arises directly from Huawei Device USA’s activities in this District.

9. As further detailed herein, this Court has personal jurisdiction over Huawei Investment. Huawei Investment is amenable to service of summons for this action. Furthermore, personal jurisdiction over Huawei Investment in this action comports with due process. Huawei Investment has conducted and regularly conducts business within the United States and this District. Huawei Investment has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. Huawei Investment has

sought protection and benefit from the laws of the State of Texas by maintaining the headquarters of its United States subsidiary and/or alter ego in this District and/or by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

10. Huawei Investment – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Huawei Investment has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. Huawei Investment knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, Huawei Investment has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff’s cause of action for patent infringement arises directly from Huawei Investment’s activities in this District.

11. As further detailed herein, this Court has personal jurisdiction over Huawei Tech. Huawei Tech is amenable to service of summons for this action. Furthermore, personal jurisdiction over Huawei Tech in this action comports with due process. Huawei Tech has conducted and regularly conducts business within the United States and this District. Huawei Tech has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. Huawei Tech has sought protection and benefit from the laws of the State of Texas by placing infringing products into the stream of commerce through an

established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

12. Huawei Tech – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Huawei Tech has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. Huawei Tech knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, Huawei Tech has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from Huawei Tech's activities in this District.

13. Venue is proper in this Court according to the venue provisions set forth by 28 U.S.C. §§ 1391(b)-(d) and 1400(b). Huawei is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue. Upon information and belief, Huawei has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website, available to persons in this District that advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

14. U.S. Patent No. 6,755,547 titled “Light Emitting Panel Assemblies” (“the ’547 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’547 patent. The ’547 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’547 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’547 patent is attached as **Exhibit A** and made a part hereof.

15. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’194 patent. The ’194 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’194 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’194 patent is attached as **Exhibit B** and made a part hereof.

16. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’177 patent. The ’177 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’177 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’177 patent is attached as **Exhibit C** and made a part hereof.

17. U.S. Patent No. 7,404,660 titled “Light Emitting Panel Assemblies” (“the ’660 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’660 patent. The ’660 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’660 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’660 patent is attached as **Exhibit D** and made a part hereof.

18. U.S. Patent No. 7,434,974 titled “Light Emitting Panel Assemblies” (“the ’974 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’974 patent. The ’974 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’974 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’974 patent is attached as **Exhibit E** and made a part hereof.

19. U.S. Patent No. 7,537,370 titled “Light Emitting Panel Assemblies” (“the ’370 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’370 patent. The ’370 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’370 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’370 patent is attached as **Exhibit F** and made a part hereof.

20. U.S. Patent No. 8,215,816 titled “Light Emitting Panel Assemblies” (“the ’816 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012,

after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '816 patent. The '816 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '816 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '816 patent is attached as **Exhibit G** and made a part hereof.

21. Jeffery R. Parker is an inventor of the '547 patent, the '194 patent, the '177 patent, the '660 patent, the '974 patent, the '370 patent, and the '816 patent (collectively, the “patents-in-suit”). In total, he is a named inventor on over eighty-five (85) U.S. patents.

B. Huawei's Infringing Conduct.

22. Upon information and belief, Huawei makes, uses, offers to sell, and/or sells within, and/or imports into the United States display products that incorporate the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display products include, but are not limited to, mobile phones, tablets, and mobile hotspots.

23. By incorporating the fundamental inventions covered by the patents-in-suit, Huawei can make improved products, including but not limited to, longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, and/or a lower power requirement.

24. Upon information and belief, third-party distributors purchase and have purchased Huawei's infringing display products for sale or importation into the United States, including this District. Upon information and belief, third-party consumers use and have used Huawei's infringing display products in the United States, including this District.

25. Upon information and belief, Huawei has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including this District by third party manufacturers, distributors, and/or importers.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

26. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-25 as though fully set forth herein.

27. The '547 patent is valid and enforceable.

28. Huawei has never been licensed, either expressly or impliedly, under the '547 patent.

29. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Huawei of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

30. Upon information and belief, Huawei has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to

mobile phones, tablets, and mobile hotspots (*e.g.*, the Huawei M835 mobile phone), their display components, and/or other products made, used, sold, offered for sale, or imported by Huawei that include all of the limitations of one or more claims of the '547 patent.

31. Upon information and belief, distributors and consumers that purchase Huawei's products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the Huawei M835 mobile phone), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

32. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Huawei that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

33. Upon information and belief, Huawei had knowledge of the '547 patent and its infringing conduct at least since June 15, 2012, when Huawei was formally placed on notice of its infringement.

34. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Huawei on notice of its infringement, Huawei has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, Huawei does so with knowledge, or with willful blindness of the fact, that the induced acts

constitute infringement of the '547 patent. Upon information and belief, Huawei intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Huawei has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

35. Upon information and belief, Huawei's acts of infringement of the '547 patent have been willful and intentional. Since at least the above-mentioned date of notice, Huawei has acted with an objectively high likelihood that its actions constituted infringement of the '547 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the Huawei M835 mobile phone), and the objectively-defined risk was either known or so obvious that it should have been known.

36. As a direct and proximate result of these acts of patent infringement, Huawei has encroached on the exclusive rights of Plaintiff and its licensees to practice the '547 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

37. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-36 as though fully set forth herein.

38. The '194 patent is valid and enforceable.

39. Huawei has never been licensed, either expressly or impliedly, under the '194 patent.

40. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Huawei of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

41. Upon information and belief, Huawei has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the Huawei M835 mobile phone), their display components, and/or other products made, used, sold, offered for sale, or imported by Huawei that include all of the limitations of one or more claims of the '194 patent.

42. Upon information and belief, distributors and consumers that purchase Huawei's products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the Huawei M835 mobile phone), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a),

the '194 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

43. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Huawei that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

44. Upon information and belief, Huawei had knowledge of the '194 patent and its infringing conduct at least since June 15, 2012, when Huawei was formally placed on notice of its infringement.

45. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Huawei on notice of its infringement, Huawei has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date, Huawei does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent. Upon information and belief, Huawei intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Huawei has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective

buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

46. Upon information and belief, Huawei's acts of infringement of the '194 patent have been willful and intentional. Since at least the above-mentioned date of notice, Huawei has acted with an objectively high likelihood that its actions constituted infringement of the '194 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the Huawei M835 mobile phone), and the objectively-defined risk was either known or so obvious that it should have been known.

47. As a direct and proximate result of these acts of patent infringement, Huawei has encroached on the exclusive rights of Plaintiff and its licensees to practice the '194 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

48. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-47 as though fully set forth herein.

49. The '177 patent is valid and enforceable.

50. Huawei has never been licensed, either expressly or impliedly, under the '177 patent.

51. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Huawei of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered

for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

52. Upon information and belief, Huawei has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the Huawei M835 mobile phone), their display components, and/or other products made, used, sold, offered for sale, or imported by Huawei that include all of the limitations of one or more claims of the '177 patent.

53. Upon information and belief, distributors and consumers that purchase Huawei's products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the Huawei M835 mobile phone), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

54. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Huawei that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling infringing

products in this District and elsewhere within the United States and/or importing infringing products into the United States.

55. Upon information and belief, Huawei had knowledge of the '177 patent and its infringing conduct at least since June 15, 2012, when Huawei was formally placed on notice of its infringement.

56. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Huawei on notice of its infringement, Huawei has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date, Huawei does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent. Upon information and belief, Huawei intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Huawei has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

57. Upon information and belief, Huawei's acts of infringement of the '177 patent have been willful and intentional. Since at least the above-mentioned date of notice, Huawei has acted with an objectively high likelihood that its actions constituted infringement of the '177 patent by refusing to take a license and continuing to make and sell its display products, including but not

limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the Huawei M835 mobile phone), and the objectively-defined risk was either known or so obvious that it should have been known.

58. As a direct and proximate result of these acts of patent infringement, Huawei has encroached on the exclusive rights of Plaintiff and its licensees to practice the '177 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

59. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-58 as though fully set forth herein.

60. The '660 patent is valid and enforceable.

61. Huawei has never been licensed, either expressly or impliedly, under the '660 patent.

62. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Huawei of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

63. Upon information and belief, Huawei has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers

(directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the Huawei M835 mobile phone), their display components, and/or other products made, used, sold, offered for sale, or imported by Huawei that include all of the limitations of one or more claims of the '660 patent.

64. Upon information and belief, distributors and consumers that purchase Huawei's products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the Huawei M835 mobile phone), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

65. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Huawei that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

66. Upon information and belief, Huawei had knowledge of the '660 patent and its infringing conduct at least since June 15, 2012, when Huawei was formally placed on notice of its infringement.

67. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Huawei on notice of its infringement, Huawei has actively induced, under U.S.C.

§ 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, Huawei does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent. Upon information and belief, Huawei intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Huawei has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

68. Upon information and belief, Huawei's acts of infringement of the '660 patent have been willful and intentional. Since at least the above-mentioned date of notice, Huawei has acted with an objectively high likelihood that its actions constituted infringement of the '660 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the Huawei M835 mobile phone), and the objectively-defined risk was either known or so obvious that it should have been known.

69. As a direct and proximate result of these acts of patent infringement, Huawei has encroached on the exclusive rights of Plaintiff and its licensees to practice the '660 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

70. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-69 as though fully set forth herein.

71. The '974 patent is valid and enforceable.

72. Huawei has never been licensed, either expressly or impliedly, under the '974 patent.

73. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Huawei of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

74. Upon information and belief, Huawei has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the Huawei M835 mobile phone), their display components, and/or other products made, used, sold, offered for sale, or imported by Huawei that include all of the limitations of one or more claims of the '974 patent.

75. Upon information and belief, distributors and consumers that purchase Huawei's products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the Huawei M835 mobile phone), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

76. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Huawei that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

77. Upon information and belief, Huawei had knowledge of the '974 patent and its infringing conduct at least since June 15, 2012, when Huawei was formally placed on notice of its infringement.

78. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Huawei on notice of its infringement, Huawei has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '974 patent. Since at least the notice provided on the above-mentioned date, Huawei does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent. Upon information and belief, Huawei intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Huawei has taken affirmative steps to induce their infringement by, *inter alia*, creating

advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

79. Upon information and belief, Huawei's acts of infringement of the '974 patent have been willful and intentional. Since at least the above-mentioned date of notice, Huawei has acted with an objectively high likelihood that its actions constituted infringement of the '974 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the Huawei M835 mobile phone), and the objectively-defined risk was either known or so obvious that it should have been known.

80. As a direct and proximate result of these acts of patent infringement, Huawei has encroached on the exclusive rights of Plaintiff and its licensees to practice the '974 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,537,370

81. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-80 as though fully set forth herein.

82. The '370 patent is valid and enforceable.

83. Huawei has never been licensed, either expressly or impliedly, under the '370 patent.

84. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Huawei of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

85. Upon information and belief, Huawei has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the Huawei M835 mobile phone), their display components, and/or other products made, used, sold, offered for sale, or imported by Huawei that include all of the limitations of one or more claims of the '370 patent.

86. Upon information and belief, distributors and consumers that purchase Huawei's products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the Huawei M835 mobile phone), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

87. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Huawei that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

88. Upon information and belief, Huawei had knowledge of the '370 patent and its infringing conduct at least since June 15, 2012, when Huawei was formally placed on notice of its infringement.

89. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Huawei on notice of its infringement, Huawei has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '370 patent. Since at least the notice provided on the above-mentioned date, Huawei does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent. Upon information and belief, Huawei intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Huawei has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

90. Upon information and belief, Huawei's acts of infringement of the '370 patent have been willful and intentional. Since at least the above-mentioned date of notice, Huawei has acted with an objectively high likelihood that its actions constituted infringement of the '370 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the Huawei M835 mobile phone), and the objectively-defined risk was either known or so obvious that it should have been known.

91. As a direct and proximate result of these acts of patent infringement, Huawei has encroached on the exclusive rights of Plaintiff and its licensees to practice the '370 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 8,215,816

92. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-91 as though fully set forth herein.

93. The '816 patent is valid and enforceable.

94. Huawei has never been licensed, either expressly or impliedly, under the '816 patent.

95. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Huawei of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

96. Upon information and belief, Huawei has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the Huawei M835 mobile phone), their display components, and/or other products made, used, sold, offered for sale, or imported by Huawei that include all of the limitations of one or more claims of the '816 patent.

97. Upon information and belief, distributors and consumers that purchase Huawei's products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the Huawei M835 mobile phone), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

98. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Huawei that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

99. Upon information and belief, Huawei had knowledge of the application that issued into the '816 patent and its infringing conduct at least since June 15, 2012, when Huawei was formally placed on notice of its infringement.

100. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Huawei on notice of its infringement, Huawei has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, Huawei does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent. Upon information and belief, Huawei intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Huawei has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

101. Upon information and belief, Huawei's acts of infringement of the '816 patent have been willful and intentional. Since at least the above-mentioned date of notice, Huawei has acted with an objectively high likelihood that its actions constituted infringement of the '816 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the Huawei M835 mobile phone), and the objectively-defined risk was either known or so obvious that it should have been known.

102. As a direct and proximate result of these acts of patent infringement, Huawei has encroached on the exclusive rights of Plaintiff and its licensees to practice the '816 patent, for which Plaintiff is entitled to at least a reasonable royalty.

CONCLUSION

103. Plaintiff is entitled to recover from Huawei the damages sustained by Plaintiff as a result of Huawei's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

104. Plaintiffs have incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

105. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

106. Plaintiff respectfully request that the Court find in its favor and against Huawei, and that the Court grant Plaintiff the following relief:

- A. A judgment that Huawei has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Huawei;

- C. A judgment and order requiring Huawei to pay Plaintiff damages under 35 U.S.C. § 284, including up to treble damages for willful infringement as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Huawei and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Huawei to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring Huawei to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: June 28, 2013

Respectfully submitted,

/s/ Jeffrey R. Bragalone

Jeffrey R. Bragalone (lead attorney)

Texas Bar No. 02855775

Patrick J. Conroy

Texas Bar No. 24012448

Justin B. Kimble

Texas Bar No. 24036909

T. William Kennedy, Jr.

Texas Bar No. 24055771

Daniel F. Olejko

Pennsylvania Bar No. 205512

Bragalone Conroy PC

2200 Ross Avenue

Suite 4500W

Dallas, TX 75201

Tel: (214) 785-6671

Fax: (214) 785-6680

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

bkennedy@bcpc-law.com

dolejko@bcpc-law.com

T. John Ward Jr.

Texas Bar No. 00794818

Claire Abernathy Henry

Ward & Smith Law Firm

1127 Judson Road, Suite 220

Longview, TX 75601

Tel: (903) 757-6400

Fax: (903) 757.2323

jw@wsfirm.com

claire@wsfirm.com

Attorneys for Plaintiff

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

INNOVATIVE DISPLAY TECHNOLOGIES LLC

(b) County of Residence of First Listed Plaintiff Collin
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Jeffrey R. Bragalone, Bragalone Conroy PC
2200 Ross Avenue, Suite 4500W
Dallas, TX 75201 214-785-6670

DEFENDANTS

HUAWEI INVESTMENT AND HOLDING CO., LTD., HUAWEI TECHNOLOGIES CO., LTD., and HUAWEI DEVICE USA INC.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. § 1, et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285

Brief description of cause:

Infringement of U.S. Patent Nos. 6,755,547, 7,300,194, 7,384,177, et al

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/28/2013

SIGNATURE OF ATTORNEY OF RECORD

/s/ Jeffrey R. Bragalone

FOR OFFICE USE ONLY

RECEIPT #

MBI_000583

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

THE PARTIES

1. Plaintiff Innovative Display Technologies LLC (“IDT”) is a Texas limited liability company with a principal place of business at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

2. Defendant Hyundai Motor Group, also known as Hyundai Kia Automotive Group, is a Korean company with a place of business at 12, Heolleung-ro, Seocho-gu, Seoul, Korea.

3. Defendant Hyundai Motor Company (“HMC”) is a Korean company with a place of business at 231 Yangjae-dong, Seocho-gu, Seoul, South Korea 137-938. HMC’s corporate parent is Hyundai Motor Group.

4. Defendant Hyundai Motor America (“HMA”) is a California corporation with a place of business at 10550 Talbert Ave., Fountain Valley, CA 92708. HMA is a subsidiary of HMC and is responsible for U.S. operations such as sales, marketing and distribution for HMC.

5. Defendant Hyundai Motor Manufacturing Alabama, LLC (“HMMA”) is a Delaware limited liability company with its principal place of business at 700 Hyundai Blvd., Montgomery, AL 36105. HMMA is a subsidiary of HMC.

6. Defendant Kia Motors Corporation (“KMC”) is a Korean company with a place of business at 231 Yangjae-dong, Seocho-gu, Seoul, South Korea 137-938. KMC’s corporate parent is Hyundai Motor Group.

7. Defendant Kia Motors America, Inc. (“KMA”) is a California corporation with a place of business at 111 Peters Canyon Road, Irvine, CA 92606. KMA is a wholly-owned subsidiary of KMC and is responsible for U.S. operations such as sales, marketing and distribution for KMC.

8. On information and belief, Defendant Kia Motors Manufacturing Georgia, Inc. (“KMMG”) is a Delaware corporation with its principal place of business at 7777 Kia Parkway, West Point, GA 31833. KMMG is a wholly-owned subsidiary of KMA.

JURISDICTION AND VENUE

9. This action arises under the Patent Laws of the United States, 35 U.S.C. § 271 *et seq.*

10. This Court has subject matter jurisdiction over this case for Patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

11. This Court has personal jurisdiction over Hyundai. On information and belief, Hyundai, either directly or through intermediaries, regularly sells products and services into this judicial district and manufactures products intended to be sold and in fact sold into and within this judicial district. Additionally, on information and belief, this Court has personal jurisdiction over Hyundai because Hyundai has committed, aided, abetted, contributed to, induced, and/or participated in the commission of acts within this judicial district giving rise to this action.

12. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400 (b).

PATENTS IN SUIT

13. U.S. Patent No. 6,755,547 titled “Light Emitting Panel Assemblies” (“the ’547 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the named inventor of the ’547 Patent. IDT owns the ’547 Patent and holds the right to sue and recover damages for infringement thereof.

14. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the named inventor of the ’194 Patent. IDT owns the ’194 Patent and holds the right to sue and recover damages for infringement thereof.

15. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the ’177 Patent. IDT owns the ’177 Patent and holds the right to sue and recover damages for infringement thereof.

16. U.S. Patent No. 7,404,660 titled “Light Emitting Panel Assemblies” (“the ’660 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the ’660 Patent. IDT owns the ’660 Patent and holds the right to sue and recover damages for infringement thereof.

17. U.S. Patent No. 7,434,974 titled “Light Emitting Panel Assemblies” (“the ’974 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the ’974 Patent. IDT owns the ’974 Patent and holds the right to sue and recover damages for infringement thereof.

18. U.S. Patent No. 8,215,816 titled “Light Emitting Panel Assemblies” (“the ’816 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the named inventor of the ’816 Patent. IDT owns the ’816 Patent and holds the right to sue and recover damages for infringement thereof.

COUNT 1: Infringement of U.S. Patent No. 6,755,547

19. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-18 as though fully set forth herein.

20. On information and belief, Hyundai has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '547 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Hyundai's Sonata Hybrid model) having displays (including but not limited to the 96560-4R700-4X navigation system display) that infringe one or more claims of the '547 Patent, all to the injury of IDT. Hyundai is thus liable for infringement of the '547 Patent pursuant to 35 U.S.C. § 271.

21. As a result of Hyundai's infringement of the '547 Patent, Hyundai has damaged IDT. Hyundai is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

22. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '547 Patent.

23. As a result of Hyundai's infringement of the '547 Patent, IDT has suffered and will continue to suffer loss and injury unless Hyundai is enjoined by this Court.

24. At least as early as its receipt of this Complaint, Hyundai has had knowledge of the '547 Patent and written notice of the infringement.

COUNT 2: Infringement of U.S. Patent No. 7,300,194

25. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-24 as though fully set forth herein.

26. On information and belief, Hyundai has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '194 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Hyundai's Sonata Hybrid model) having displays (including but not limited to the 96560-4R700-4X navigation system display) that infringe one or more claims of the '194 Patent, all to the injury of IDT. Hyundai is thus liable for infringement of the '194 Patent pursuant to 35 U.S.C. § 271.

27. As a result of Hyundai's infringement of the '194 Patent, Hyundai has damaged IDT. Hyundai is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

28. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '194 Patent.

29. As a result of Hyundai's infringement of the '194 Patent, IDT has suffered and will continue to suffer loss and injury unless Hyundai is enjoined by this Court.

30. At least as early as its receipt of this Complaint, Hyundai has had knowledge of the '194 Patent and written notice of the infringement.

COUNT 3: Infringement of U.S. Patent No. 7,384,177

31. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-30 as though fully set forth herein.

32. On information and belief, Hyundai has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '177 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Hyundai's Sonata Hybrid model) having displays (including but not limited to the 96560-4R700-4X navigation system display) that infringe one or more claims of the '177 Patent, all to the injury of IDT. Hyundai is thus liable for infringement of the '177 Patent pursuant to 35 U.S.C. § 271.

33. As a result of Hyundai's infringement of the '177 Patent, Hyundai has damaged IDT. Hyundai is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

34. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '177 Patent.

35. As a result of Hyundai's infringement of the '177 Patent, IDT has suffered and will continue to suffer loss and injury unless Hyundai is enjoined by this Court.

36. At least as early as its receipt of this Complaint, Hyundai has had knowledge of the '177 Patent and written notice of the infringement.

COUNT 4: Infringement of U.S. Patent No. 7,404,660

37. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-36 as though fully set forth herein

38. On information and belief, Hyundai has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '660 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Hyundai's Sonata Hybrid model) having displays (including but not limited to the 96560-4R700-4X navigation system display) that infringe one or more claims of the '660 Patent, all to the injury of IDT. Hyundai is thus liable for infringement of the '660 Patent pursuant to 35 U.S.C. § 271.

39. As a result of Hyundai's infringement of the '660 Patent, Hyundai has damaged IDT. Hyundai is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

40. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '660 Patent.

41. As a result of Hyundai's infringement of the '660 Patent, IDT has suffered and will continue to suffer loss and injury unless Hyundai is enjoined by this Court.

42. At least as early as its receipt of this Complaint, Hyundai has had knowledge of the '660 Patent and written notice of the infringement.

COUNT 5: Infringement of U.S. Patent No. 7,434,974

43. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-42 as though fully set forth herein

44. On information and belief, Hyundai has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '974 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Hyundai's Sonata Hybrid model) having displays (including but not limited to the 96560-4R700-4X navigation system display) that infringe one or more claims of the '974 Patent, all to the injury of IDT. Hyundai is thus liable for infringement of the '974 Patent pursuant to 35 U.S.C. § 271.

45. As a result of Hyundai's infringement of the '974 Patent, Hyundai has damaged IDT. Hyundai is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

46. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '974 Patent.

47. As a result of Hyundai's infringement of the '974 Patent, IDT has suffered and will continue to suffer loss and injury unless Hyundai is enjoined by this Court.

48. At least as early as its receipt of this Complaint, Hyundai has had knowledge of the '974 Patent and written notice of the infringement.

COUNT 6: Infringement of U.S. Patent No. 8,215,816

49. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-48 as though fully set forth herein.

50. On information and belief, Hyundai has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '816 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Hyundai's Sonata Hybrid model) having displays (including but not limited to the 96560-4R700-4X navigation system display) that infringe one or more claims of the '816 Patent, all to the injury of IDT. Hyundai is thus liable for infringement of the '816 Patent pursuant to 35 U.S.C. § 271.

51. As a result of Hyundai's infringement of the '816 Patent, Hyundai has damaged IDT. Hyundai is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

52. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '816 Patent.

53. As a result of Hyundai's infringement of the '816 Patent, IDT has suffered and will continue to suffer loss and injury unless Hyundai is enjoined by this Court.

54. At least as early as its receipt of this Complaint, Hyundai has had knowledge of the '816 Patent and written notice of the infringement.

JURY DEMAND

55. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

56. Plaintiff respectfully requests that the Court find in its favor and against Hyundai, and that the Court grant Plaintiff the following relief:

- A. A judgment that Hyundai has infringed the Patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such Patents;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Hyundai;
- C. A judgment and order requiring Hyundai to pay Plaintiff damages under 35 U.S.C. § 284, including up to treble damages for willful infringement as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Hyundai and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the Patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Hyundai to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded; and
- F. Such other and further relief as the Court deems just and equitable.

Dated: March 10, 2014

Respectfully submitted,

/s/ Demetrios Anaipakos

Demetrios Anaipakos
Texas Bar No. 00793258
danaipakos@azalaw.com

Amir Alavi
Texas Bar No. 00793239
aalavi@azalaw.com

Brian E. Simmons
Texas Bar No. 24004922
bsimmons@azalaw.com

George W. Webb III
Texas Bar No. 24003146
gwebb@azalaw.com

AHMAD, ZAVITSANOS, ANAIPAKOS,
ALAVI & MENSING P.C.

1221 McKinney Street, Suite 3460
Houston, TX 77010
Telephone: 713-655-1101
Facsimile: 713-655-0062

**Attorneys for Plaintiff
INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Innovative Display Technologies LLC

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Demetrios Anaipakos, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing,
P.C., 1221 McKinney St., Suite 3460, Houston, TX 77010
713-655-110

DEFENDANTS

Hyundai Motor Group; Hyundai Motor Company; Hyundai Motor America; Hyundai Motor Manufacturing Alabama, LLC; Kia Motors Corp.; Kia Motors America, Inc. et al.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S. C. Section 271

Brief description of cause:
Patent Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Rodney Gilstrap

DOCKET NUMBER 2:14-cv-00106-JRG

DATE
03/10/2014

SIGNATURE OF ATTORNEY OF RECORD
/s/ Demetrios Anaipakos

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

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MBI_000597

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

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

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC,**

Plaintiff,

v.

**MAZDA MOTOR CORPORATION
and
MAZDA MOTOR OF AMERICA, INC.,**

Defendants.

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C.A. No. 2:14-cv-00624

JURY TRIAL DEMANDED

PLAINTIFF’S COMPLAINT

Plaintiff Innovative Display Technologies LLC, by and through its undersigned counsel, files this Original Complaint for patent infringement against Mazda Motor Corporation and Mazda Motor of America, Inc. (collectively “Mazda”).

THE PARTIES

1. Plaintiff Innovative Display Technologies LLC (“IDT”) is a Texas limited liability company having a principal place of business at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

2. Defendant Mazda Motor Corporation is a Japanese corporation having a place of business at 3-1 Shinchu, Fuchu-cho, Aki-gun, Hiroshima, Japan.

3. Defendant Mazda Motor of America, Inc. (“MMA”) is a California corporation having its principal place of business at 7755 Irvine Center Drive, Irvine, California 92618.

MMA also does business as Mazda North American Operations. On information and belief, MMA is responsible for the importation, wholesaling, marketing and distribution of Mazda-branded vehicles in the United States. On information and belief, MMA is a subsidiary of Mazda Motor Corporation.

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 271 *et seq.*

5. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Mazda. On information and belief, Mazda, either directly or through intermediaries, regularly sells products and services into this judicial district and manufactures products intended to be sold and in fact sold into and within this judicial district. Additionally, on information and belief, this Court has personal jurisdiction over Mazda because Mazda has committed and/or participated in the commission of acts within this judicial district giving rise to this action.

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400 (b).

PATENTS IN SUIT

8. U.S. Patent No. 6,755,547 titled “Light Emitting Panel Assemblies” (“the ’547 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the named inventor of the ’547 Patent. IDT owns the ’547 Patent and holds the right to sue and recover damages for infringement thereof.

9. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the named inventor of the ’194 Patent. IDT owns the ’194 Patent and holds the right to sue and recover damages for infringement thereof.

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11. U.S. Patent No. 7,404,660 titled “Light Emitting Panel Assemblies” (“the ’660 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the ’660 Patent. IDT owns the ’660 Patent and holds the right to sue and recover damages for infringement thereof.

12. U.S. Patent No. 7,434,974 titled “Light Emitting Panel Assemblies” (“the ’974 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the ’974 Patent. IDT owns the ’974 Patent and holds the right to sue and recover damages for infringement thereof.

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COUNT 1: Infringement of U.S. Patent No. 6,755,547

14. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-13 as though fully set forth herein.

15. On information and belief, Mazda has been and now is directly infringing the '547 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of the Mazda 3 having displays (including but not limited to the BHP1611J0D information display) that infringe one or more claims of the '547 Patent, all to the injury of IDT. Mazda is thus liable for infringement of the '547 Patent pursuant to 35 U.S.C. § 271.

16. As a result of Mazda's infringement of the '547 Patent, Mazda has damaged IDT. Mazda is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

17. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '547 Patent.

18. As a result of Mazda's infringement of the '547 Patent, IDT has suffered and will continue to suffer loss and injury unless Mazda is enjoined by this Court.

COUNT 2: Infringement of U.S. Patent No. 7,300,194

19. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-18 as though fully set forth herein.

20. On information and belief, Mazda has been and now is directly infringing the '194 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of the Mazda 3) having displays (including but not limited to the BHP1611J0D information display) that infringe one or more claims of the '194 Patent, all to the injury of IDT. Mazda is thus liable for infringement of the '194 Patent pursuant to 35 U.S.C. § 271.

21. As a result of Mazda's infringement of the '194 Patent, Mazda has damaged IDT. Mazda is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

22. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '194 Patent.

23. As a result of Mazda's infringement of the '194 Patent, IDT has suffered and will continue to suffer loss and injury unless Mazda is enjoined by this Court.

COUNT 3: Infringement of U.S. Patent No. 7,384,177

24. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-23 as though fully set forth herein.

25. On information and belief, Mazda has been and now is directly infringing the '177 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of the Mazda 3) having displays (including but not limited to the BHP1611J0D information display) that infringe one or more claims of the '177 Patent, all to the injury of IDT. Mazda is thus liable for infringement of the '177 Patent pursuant to 35 U.S.C. § 271.

26. As a result of Mazda's infringement of the '177 Patent, Mazda has damaged IDT. Mazda is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

27. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '177 Patent.

28. As a result of Mazda's infringement of the '177 Patent, IDT has suffered and will continue to suffer loss and injury unless Mazda is enjoined by this Court.

COUNT 4: Infringement of U.S. Patent No. 7,404,660

29. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-28 as though fully set forth herein

30. On information and belief, Mazda has been and now is directly infringing the '660 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of the Mazda 3) having displays (including but not limited to the BHP1611J0D information display) that infringe one or more claims of the '660 Patent, all to the injury of IDT. Mazda is thus liable for infringement of the '660 Patent pursuant to 35 U.S.C. § 271.

31. As a result of Mazda's infringement of the '660 Patent, Mazda has damaged IDT. Mazda is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

32. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '660 Patent.

33. As a result of Mazda's infringement of the '660 Patent, IDT has suffered and will continue to suffer loss and injury unless Mazda is enjoined by this Court.

COUNT 5: Infringement of U.S. Patent No. 7,434,974

34. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-33 as though fully set forth herein

35. On information and belief, Mazda has been and now is directly infringing the '974 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of the Mazda 3) having displays (including but not limited to the BHP1611J0D information display) that infringe one or more claims of the '974 Patent, all to the injury of IDT. Mazda is thus liable for infringement of the '974 Patent pursuant to 35 U.S.C. § 271.

36. As a result of Mazda's infringement of the '974 Patent, Mazda has damaged IDT. Mazda is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

37. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '974 Patent.

38. As a result of Mazda's infringement of the '974 Patent, IDT has suffered and will continue to suffer loss and injury unless Mazda is enjoined by this Court.

COUNT 6: Infringement of U.S. Patent No. 8,215,816

39. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-38 as though fully set forth herein.

40. On information and belief, Mazda has been and now is directly infringing the '816 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of the Mazda 3) having displays (including but not limited to the BHP1611J0D information display) that infringe one or more claims of the '816 Patent, all to the injury of IDT. Mazda is thus liable for infringement of the '816 Patent pursuant to 35 U.S.C. § 271.

41. As a result of Mazda's infringement of the '816 Patent, Mazda has damaged IDT. Mazda is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

42. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '816 Patent.

43. As a result of Mazda's infringement of the '816 Patent, IDT has suffered and will continue to suffer loss and injury unless Mazda is enjoined by this Court.

JURY DEMAND

44. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

45. Plaintiff respectfully requests that the Court find in its favor and against Mazda, and that the Court grant Plaintiff the following relief:

- A. A judgment that Mazda has infringed the patents-in-suit as alleged herein;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Mazda;
- C. A judgment and order requiring Mazda to pay Plaintiff damages under 35 U.S.C. § 284, including up to treble damages for willful infringement as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Mazda and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Mazda to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded; and
- F. Such other and further relief as the Court deems just and equitable.

Dated: May 13, 2014

Respectfully submitted,

/s/ Demetrios Anaipakos

Demetrios Anaipakos
Texas Bar No. 00793258
danaipakos@azalaw.com

Amir Alavi
Texas Bar No. 00793239
aalavi@azalaw.com

Brian E. Simmons
Texas Bar No. 24004922
bsimmons@azalaw.com

George W. Webb III
Texas Bar No. 24003146
gwebb@azalaw.com

AHMAD, ZAVITSANOS,
ANAIPAKOS, ALAVI &
MENSING P.C.
1221 McKinney Street, Suite 3460
Houston, TX 77010
Telephone: 713-655-1101
Facsimile: 713-655-0062

**Attorneys for Plaintiff
INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Innovative Display Technologies LLC

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Demetrios Anaipakos, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing,
P.C., 1221 McKinney St., Suite 3460, Houston, TX 77010
713-655-1101

DEFENDANTS

Mazda Motor Corporation and Mazda Motor of America, Inc.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. Section 271

Brief description of cause:
Patent Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Rodney Gilstrap

2:14-cv-00106-JRG; 2:14-cv-00200-JRG; 2:14-cv-00201-JRG;
2:14-cv-00202-JRG; 2:14-cv-00222-JRG; 2:14-cv-300-JRG
DOCKET NUMBER

DATE

05/13/2014

SIGNATURE OF ATTORNEY OF RECORD

/s/ Demetrios Anaipakos

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RECEIPT #

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MBI_000610

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

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

Plaintiff,

v.

**MERCEDES-BENZ U.S.
INTERNATIONAL, INC. AND
MERCEDES-BENZ USA, LLC,**

Defendants.

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§
§

C.A. No. ____

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT

Innovative Display Technologies LLC ("Plaintiff") by and through its undersigned counsel, files this Complaint against Mercedes-Benz U.S. International, Inc. and Mercedes-Benz USA, LLC (collectively, "Defendants").

THE PARTIES

1. Innovative Display Technologies LLC ("IDT") is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

2. Upon information and belief, Mercedes-Benz U.S. International, Inc. is an Alabama corporation with its principal place of business at 1 Mercedes Drive, Vance, AL 35490.

3. Upon information and belief, Mercedes-Benz USA, LLC is a Delaware corporation with its principle place of business at One Mercedes Drive, Montvale, NJ 07645.

4. Upon information and belief, Defendants have conducted and regularly conduct business within this District, have purposefully availed themselves of the privileges of conducting business in this District, and have sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

5. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. As further detailed herein, this Court has personal jurisdiction over Defendants. Defendants are amenable to service of summons for this action. Furthermore, personal jurisdiction over Defendants in this action comports with due process. Defendants have conducted and regularly conduct business within the United States and this District. Defendants have purposefully availed themselves of the privileges of conducting business in the United States and, more specifically, in this District. Defendants have sought protection and benefit from the laws of the State of Texas by, either directly or through intermediaries, regularly selling products and services in this District and manufacturing products intended to be sold and in fact sold in this District, IDT's causes of action arise directly from Defendants' business contacts and other activities in this District.

7. Defendants – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells their products in the United States and this District. Defendants have purposefully and voluntarily placed one or more infringing products, as described below, into the stream of commerce with the expectation and/or knowledge that they will be purchased by consumers in this District. Defendants knowingly and purposefully ship infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, Defendants have committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District.

8. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b). One or more of IDT's witnesses reside in this District. Defendants are subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue, and, upon information and belief, Defendants have committed acts within this judicial District giving rise to this action and do business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating interactive websites that are available to persons in this District, which websites advertise, market, and/or offer for sale infringing products.

THE PATENTS IN SUIT

9. U.S. Patent No. 6,508,563 titled "Light Emitting Panel Assemblies For Use In Automotive Applications And The Like" ("the '563 patent") was duly and legally issued by the U.S Patent and Trademark Office on January 21, 2003, after full and fair examination. Jeffery R. Parker, Mark D. Miller, and Thomas A. Hough are the inventors listed on the '563 patent. A true and correct copy of the '563 patent is attached as **Exhibit A** and made a part hereof.

10. U.S. Patent No. 6,755,547 titled "Light Emitting Panel Assemblies" ("the '547 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '547 patent. A true and correct copy of the '547 patent is attached as **Exhibit B** and made a part hereof.

11. U.S. Patent No. 6,886,956 titled "Light Emitting Panel Assemblies For Use In Automotive Applications And The Like" ("the '956 patent") was duly and legally issued by the U.S Patent and Trademark Office on May 3, 2005, after full and fair examination. Jeffery R. Parker, Mark D. Miller, and Thomas A. Hough are the inventors listed on the '956 patent. A true and correct copy of the '956 patent is attached as **Exhibit C** and made a part hereof.

12. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’194 patent. A true and correct copy of the ’194 patent is attached as **Exhibit D** and made a part hereof.

13. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’177 patent. A true and correct copy of the ’177 patent is attached as **Exhibit E** and made a part hereof.

14. U.S. Patent No. 7,404,660 titled “Light Emitting Panel Assemblies” (“the ’660 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’660 patent. A true and correct copy of the ’660 patent is attached as **Exhibit F** and made a part hereof.

15. U.S. Patent No. 7,434,974 titled “Light Emitting Panel Assemblies” (“the ’974 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’974 patent. A true and correct copy of the ’974 patent is attached as **Exhibit G** and made a part hereof.

16. U.S. Patent No. 8,215,816 titled “Light Emitting Panel Assemblies” (“the ’816 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’816 patent. A true and correct copy of the ’816 patent is attached as **Exhibit H** and made a part hereof.

17. The ’563 patent, the ’547 patent, the ’956 patent, the ’194 patent, the ’177 patent, the ’660 patent, the ’974 patent, and the ’816 patent are collectively referred to as the “IDT patents” or the “patents-in-suit.”

18. IDT owns all of the right, title, and interest in the IDT patents, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the IDT patents.

COUNT I

Patent Infringement of U.S. Patent No. 6,508,563

19. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-18 as though fully set forth herein

20. The '563 patent is valid and enforceable.

21. Defendants have never been licensed, either expressly or impliedly, under the '563 patent.

22. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '563 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '563 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

23. Upon information and belief, Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '563 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, vehicles (including but not limited to various model years of Mercedes-Benz's M-class models) having lights (including

but not limited to the tail light) that include all of the limitations of one or more claims of the '563 patent, their light components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '563 patent. To the extent that Defendants have not otherwise been put on notice of their infringement of the '563 patent, the filing of this complaint is notice of Defendants' infringement of the '563 patent.

24. Upon information and belief, distributors and consumers that purchase Defendants' vehicles (including but not limited to various model years of Mercedes-Benz's M-class models) having lights (including but not limited to the tail light) that include all of the limitations of one or more claims of the '563 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '563 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing products.

25. Upon information and belief, the third-party manufacturers, distributors, and importers that sell products to Defendants that include all of the limitations of one or more claims of the '563 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '563 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

26. Upon information and belief, since at least the filing of this complaint, Defendants actively induce, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell vehicles (including but not limited to various model years of Mercedes-Benz's M-class models) having lights (including but not limited to the tail light) that

include all of the limitations of one or more claims of the '563 patent, to directly infringe one or more claims of the '563 patent. Since at least the filing of this complaint, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '563 patent.

27. Upon information and belief, Defendants intend to cause, and take affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

28. Plaintiff intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement or post-suit infringement of the '563 patent.

29. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of IDT and its licensees to practice the '563 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 6,755,547

30. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-29 as though fully set forth herein.

31. The '547 patent is valid and enforceable.

32. Defendants have never been licensed, either expressly or impliedly, under the '547 patent.

33. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

34. Upon information and belief, Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '547 patent, their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '547 patent. To the extent that Defendants have not otherwise been put on notice of their infringement of the '547 patent, the filing of this complaint is notice of Defendants' infringement of the '547 patent.

35. Upon information and belief, distributors and consumers that purchase Defendants' vehicles having displays (including but not limited to the A2C30083500 in-dash display) that

include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

36. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

37. Upon information and belief, since at least the filing of this complaint, Defendants actively induce, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '547 patent, to directly infringe one or more claims of the '547 patent. Since at least the filing of this complaint, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent.

38. Upon information and belief, Defendants intend to cause, and take affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and

regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

39. Plaintiff intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement or post-suit infringement of the '547 patent.

40. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of IDT and its licensees to practice the '547 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 6,886,956

41. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-40 as though fully set forth herein

42. The '956 patent is valid and enforceable.

43. Defendants have never been licensed, either expressly or impliedly, under the '956 patent.

44. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '956 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '956 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

45. Upon information and belief, Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '956 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, vehicles (including but not limited to various model years of Mercedes-Benz's M-class models) having lights (including but not limited to the tail light) that include all of the limitations of one or more claims of the '956 patent, their light components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '956 patent. To the extent that Defendants have not otherwise been put on notice of their infringement of the '956 patent, the filing of this complaint is notice of Defendants' infringement of the '956 patent.

46. Upon information and belief, distributors and consumers that purchase Defendants' vehicles (including but not limited to various model years of Mercedes-Benz's M-class models) having lights (including but not limited to the tail light) that include all of the limitations of one or more claims of the '956 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '956 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing products.

47. Upon information and belief, the third-party manufacturers, distributors, and importers that sell products to Defendants that include all of the limitations of one or more claims of the '956 patent, also directly infringe, either literally or under the doctrine of equivalents, under

35 U.S.C. § 271(a), the '956 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

48. Upon information and belief, since at least the filing of this complaint, Defendants actively induce, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell vehicles (including but not limited to various model years of Mercedes-Benz's M-class models) having lights (including but not limited to the tail light) that include all of the limitations of one or more claims of the '956 patent, to directly infringe one or more claims of the '956 patent. Since at least the filing of this complaint, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '956 patent.

49. Upon information and belief, Defendants intend to cause, and take affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

50. Plaintiff intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement or post-suit infringement of the '956 patent.

51. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of IDT and its licensees to practice the '956 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,300,194

52. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-51 as though fully set forth herein

53. The '194 patent is valid and enforceable.

54. Defendants have never been licensed, either expressly or impliedly, under the '194 patent.

55. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

56. Upon information and belief, Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations

of one or more claims of the '194 patent, their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '194 patent. To the extent that Defendants have not otherwise been put on notice of their infringement of the '194 patent, the filing of this complaint is notice of Defendants' infringement of the '194 patent.

57. Upon information and belief, distributors and consumers that purchase Defendants' vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing products.

58. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

59. Upon information and belief, since at least the filing of this complaint, Defendants' actively induce, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '194 patent, to directly infringe one or more claims of the '194 patent. Since at least the filing of this

complaint, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent.

60. Upon information and belief, Defendants intend to cause, and take affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

61. Plaintiff intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement or post-suit infringement of the '194 patent.

62. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of IDT and its licensees to practice the '194 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,384,177

63. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-62 as though fully set forth herein.

64. The '177 patent is valid and enforceable.

65. Defendants have never been licensed, either expressly or impliedly, under the '177 patent.

66. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Defendants of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

67. Upon information and belief, Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '177 patent, their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '177 patent. To the extent that Defendants have not otherwise been put on notice of their infringement of the '177 patent, the filing of this complaint is notice of Defendants' infringement of the '177 patent.

68. Upon information and belief, distributors and consumers that purchase Defendants' vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using,

offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing products.

69. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

70. Upon information and belief, since at least the filing of this complaint, Defendants actively induce, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '177 patent, to directly infringe one or more claims of the '177 patent. Since at least the filing of this complaint, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent.

71. Upon information and belief, Defendants intend to cause, and take affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to

purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

72. Plaintiff intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement or post-suit infringement of the '177 patent.

73. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of IDT and its licensees to practice the '177 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,404,660

74. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-73 as though fully set forth herein.

75. The '660 patent is valid and enforceable.

76. Defendants have never been licensed, either expressly or impliedly, under the '660 patent.

77. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

78. Upon information and belief, Defendants have been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing,

by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '660 patent, their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '660 patent. To the extent that Defendants have not otherwise been put on notice of their infringement of the '660 patent, the filing of this complaint is notice of Defendants' infringement of the '660 patent.

79. Upon information and belief, distributors and consumers that purchase Defendants' vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing products.

80. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

81. Upon information and belief, since at least the filing of this complaint, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '660 patent, to directly infringe one or more claims of the '660 patent. Since at least the filing of this complaint, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent.

82. Upon information and belief, Defendants intend to cause, and take affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

83. Plaintiff intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement or post-suit infringement of the '660 patent.

84. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of IDT and its licensees to practice the '660 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 7,434,974

85. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-84 as though fully set forth herein.

86. The '974 patent is valid and enforceable.

87. Defendants have never been licensed, either expressly or impliedly, under the '974 patent.

88. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

89. Upon information and belief, Defendants have been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '974 patent, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '974 patent. To the

extent that Defendants have not otherwise been put on notice of their infringement of the '974 patent, the filing of this complaint is notice of Defendants' infringement of the '974 patent.

90. Upon information and belief, distributors and consumers that purchase Defendants' vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

91. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

92. Upon information and belief, since at least the filing of this complaint, Defendants actively induce, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '974 patent, to directly infringe one or more claims of the '974 patent. Since at least the filing of this complaint, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent.

93. Upon information and belief, Defendants intend to cause, and take affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

94. Plaintiff intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement or post-suit infringement of the '974 patent.

95. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of IDT and its licensees to practice the '974 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VIII

Patent Infringement of U.S. Patent No. 8,215,816

96. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-95 as though fully set forth herein.

97. The '816 patent is valid and enforceable.

98. Defendants have never been licensed, either expressly or impliedly, under the '816 patent.

99. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Upon information and belief, IDT

surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

100. Upon information and belief, Defendants have been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '816 patent, their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '816 patent. To the extent that Defendants have not otherwise been put on notice of their infringement of the '816 patent, the filing of this complaint is notice of Defendants' infringement of the '816 patent.

101. Upon information and belief, distributors and consumers that purchase Defendants' vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing products.

102. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

103. Upon information and belief, since at least the filing of this complaint, Defendants actively induce, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell vehicles having displays (including but not limited to the A2C30083500 in-dash display) that include all of the limitations of one or more claims of the '816 patent, to directly infringe one or more claims of the '816 patent. Since at least the filing of this complaint, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent.

104. Upon information and belief, Defendants intend to cause, and take affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

105. Plaintiff intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement or post-suit infringement of the '816 patent.

106. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of IDT and its licensees to practice the '816 patent, for which IDT is entitled to at least a reasonable royalty.

CONCLUSION

107. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of Defendants' wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

108. Plaintiff has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

109. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

110. Plaintiff respectfully requests that the Court find in its favor and against Defendants, and that the Court grant Plaintiff the following relief:

- A. A judgment that Defendants have infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;

- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Defendants;
- C. A judgment and order requiring Defendants to pay Plaintiff damages under 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Defendants to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring Defendants to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: April 24, 2014

Respectfully submitted,

/s/ Jeffrey R. Bragalone

Jeffrey R. Bragalone (lead attorney)

Texas Bar No. 02855775

Patrick J. Conroy

Texas Bar No. 24012448

Justin B. Kimble

Texas Bar No. 24036909

T. William Kennedy, Jr.

Texas Bar No. 24055771

Daniel F. Olejko

Pennsylvania Bar No. 205512

Bragalone Conroy PC

2200 Ross Avenue

Suite 4500W

Dallas, TX 75201

Tel: (214) 785-6670

Fax: (214) 785-6680

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

bkennedy@bcpc-law.com

dolejko@bcpc-law.com

T. John Ward Jr.

Texas Bar No. 00794818

Claire Abernathy Henry

Ward & Smith Law Firm

1127 Judson Road, Suite 220

Longview, TX 75601

Tel: (903) 757-6400

Fax: (903) 757.2323

jw@wsfirm.com

claire@wsfirm.com

Attorneys for Plaintiff

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

JS 44 (Rev. 12-12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

INNOVATIVE DISPLAY TECHNOLOGIES LLC

(b) County of Residence of First Listed Plaintiff Collin
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)
Jeffrey R. Bragalone, Bragalone Conroy PC
2200 Ross Avenue, Suite 4500W
Dallas, TX 75201 214-785-6670

DEFENDANTS

MERCEDES-BENZ U.S. INTERNATIONAL, INC. AND
MERCEDES-BENZ USA, LLC

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business in This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSD Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 420 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS ☐ Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify):
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. § 1, et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285Brief description of cause:
Patent Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.C.P.

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE:

DOCKET NUMBER:

DATE:

04/24/2014

SIGNATURE OF ATTORNEY OF RECORD:

/s/ Jeffrey R. Bragalone

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPEARING FEE

JUDGE

MAG. JUDGE

MBI_000639

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

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC,**

Plaintiff,

v.

MICROSOFT CORPORATION

Defendant.

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C.A. No. _____

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT

Plaintiff Innovative Display Technologies LLC, by and through its undersigned counsel, files this Complaint against Defendant Microsoft Corporation ("Microsoft").

THE PARTIES

1. Innovative Display Technologies LLC is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, TX 75093.

2. Upon information and belief, Microsoft is a Washington corporation with its principal place of business located at One Microsoft Way, Redmond, WA 98052. Upon information and belief, Microsoft may be served with process by serving its registered agent, Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, TX 78701.

3. Upon information and belief, Microsoft has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

5. As further detailed herein, this Court has personal jurisdiction over Microsoft. Microsoft is amenable to service of summons for this action. Furthermore, personal jurisdiction over Microsoft in this action comports with due process. Microsoft maintains an office at 7000 SR-16, Irving, TX 75039. Microsoft also maintains an office at One Briar Lake Plaza, 2000 W. Sam Houston Pkwy, S. #350, Houston, TX 77042. Microsoft also maintains an office at 10900 Stonelake Blvd., Suite 225, Austin, TX 78759. Microsoft also maintains an office at Concord Park II, 401 East Sonterra Blvd., Suite 300, San Antonio, TX 78759. Microsoft has conducted and regularly conducts business within the United States and this District. Microsoft has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. Microsoft has sought protection and benefit from the laws of the State of Texas by maintaining offices in Irving, Houston, Austin, and San Antonio, and/or by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

6. Microsoft – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Microsoft has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this

District. Microsoft knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, Microsoft has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from Microsoft's activities in this District.

7. Venue is proper in this Court according to the venue provisions set forth by 28 U.S.C. §§ 1391(b)-(d) and 1400(b). Microsoft is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue. Upon information and belief, Microsoft has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website, available to persons in this District that advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

8. U.S. Patent No. 6,755,547 titled "Light Emitting Panel Assemblies" ("the '547 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '547 patent. The '547 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '547 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '547 patent is attached as **Exhibit A** and made a part hereof.

9. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’194 patent. The ’194 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’194 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’194 patent is attached as **Exhibit B** and made a part hereof.

10. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’177 patent. The ’177 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’177 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’177 patent is attached as **Exhibit C** and made a part hereof.

11. U.S. Patent No. 7,404,660 titled “Light Emitting Panel Assemblies” (“the ’660 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’660 patent. The ’660 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’660 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’660 patent is attached as **Exhibit D** and made a part hereof.

12. U.S. Patent No. 7,434,974 titled “Light Emitting Panel Assemblies” (“the ’974 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on October 14,

2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '974 patent. The '974 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '974 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '974 patent is attached as **Exhibit E** and made a part hereof.

13. U.S. Patent No. 7,537,370 titled "Light Emitting Panel Assemblies" ("the '370 patent") was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '370 patent. The '370 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '370 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '370 patent is attached as **Exhibit F** and made a part hereof.

14. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '816 patent. The '816 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '816 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '816 patent is attached as **Exhibit G** and made a part hereof.

15. Jeffery R. Parker is the inventor of the '547 patent, the '194 patent, the '177 patent, the '660 patent, the '974 patent, the '370 patent, and the '816 patent (collectively, the "patents-in-suit"). In total, he is a named inventor on over eighty-five (85) U.S. patents.

B. Microsoft's Infringing Conduct.

16. Upon information and belief, Microsoft makes, uses, offers to sell, and/or sells within, and/or imports into the United States display products that incorporate the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display products include, but are not limited to, tablets/laptops and mobile phones (*e.g.*, the Microsoft Surface RT tablet).

17. By incorporating the fundamental inventions covered by the patents-in-suit, Microsoft can make improved products, including but not limited to, longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, and/or a lower power requirement.

18. Upon information and belief, third-party distributors purchase and have purchased Microsoft's infringing display products for sale or importation into the United States, including this District. Upon information and belief, third-party consumers use and have used Microsoft's infringing display products in the United States, including this District.

19. Upon information and belief, Microsoft has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States by third party manufacturers, distributors, and/or importers.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

20. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-19 as though fully set forth herein.

21. The '547 patent is valid and enforceable.

22. Microsoft has never been licensed, either expressly or impliedly, under the '547 patent.

23. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Microsoft of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

24. Upon information and belief, Microsoft has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to tablets/laptops and mobile phones (*e.g.*, the Microsoft Surface RT tablet), their display components, and/or other products made, used, sold, offered for sale, or imported by Microsoft that include all of the limitations of one or more claims of the '547 patent.

25. Upon information and belief, distributors and consumers that purchase Microsoft's products that include all of the limitations of one or more claims of the '547 patent, including but not limited to tablets/laptops and mobile phones (*e.g.*, the Microsoft Surface RT tablet), also directly infringe, either literally or under the doctrine of equivalents, under 35

U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

26. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Microsoft that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling infringing products in the United States and/or importing infringing products into the United States.

27. Upon information and belief, Microsoft had knowledge of the '547 patent and its infringing conduct at least since August 27, 2012, when Microsoft was formally placed on notice of its infringement.

28. Upon information and belief, since at least the above-mentioned date when Microsoft was formally placed on notice of its infringement, Microsoft has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, Microsoft does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent. Upon information and belief, Microsoft intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Microsoft has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these

products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

29. Upon information and belief, Microsoft's acts of infringement of the '547 patent have been willful and intentional. Since at least the above-mentioned date of notice, Microsoft has acted with an objectively high likelihood that its actions constituted infringement of the '547 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to tablets/laptops and mobile phones (*e.g.*, the Microsoft Surface RT tablet), and the objectively-defined risk was either known or so obvious that it should have been known.

30. As a direct and proximate result of these acts of patent infringement, Microsoft has encroached on the exclusive rights of Plaintiff and its licensees to practice the '547 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

31. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-30 as though fully set forth herein.

32. The '194 patent is valid and enforceable.

33. Microsoft has never been licensed, either expressly or impliedly, under the '194 patent.

34. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Microsoft of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods

made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

35. Upon information and belief, Microsoft has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to tablets/laptops and mobile phones (*e.g.*, the Microsoft Surface RT tablet), their display components, and/or other products made, used, sold, offered for sale, or imported by Microsoft that include all of the limitations of one or more claims of the '194 patent.

36. Upon information and belief, distributors and consumers that purchase Microsoft's products that include all of the limitations of one or more claims of the '194 patent, including but not limited to tablets/laptops and mobile phones (*e.g.*, the Microsoft Surface RT tablet), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

37. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Microsoft that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or

selling infringing products in the United States and/or importing infringing products into the United States.

38. Upon information and belief, Microsoft had knowledge of the '194 patent and its infringing conduct at least since August 27, 2012, when Microsoft was formally placed on notice of its infringement.

39. Upon information and belief, since at least the above-mentioned date when Microsoft was formally placed on notice of its infringement, Microsoft has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date, Microsoft does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent. Upon information and belief, Microsoft intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Microsoft has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

40. Upon information and belief, Microsoft's acts of infringement of the '194 patent have been willful and intentional. Since at least the above-mentioned date of notice, Microsoft has acted with an objectively high likelihood that its actions constituted infringement of the '194 patent by refusing to take a license and continuing to make and sell its display

products, including but not limited to tablets/laptops and mobile phones (*e.g.*, the Microsoft Surface RT tablet), and the objectively-defined risk was either known or so obvious that it should have been known.

41. As a direct and proximate result of these acts of patent infringement, Microsoft has encroached on the exclusive rights of Plaintiff and its licensees to practice the '194 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

42. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-41 as though fully set forth herein.

43. The '177 patent is valid and enforceable.

44. Microsoft has never been licensed, either expressly or impliedly, under the '177 patent.

45. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Microsoft of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

46. Upon information and belief, Microsoft has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors,

and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to tablets/laptops and mobile phones (*e.g.*, the Microsoft Surface RT tablet), their display components, and/or other products made, used, sold, offered for sale, or imported by Microsoft that include all of the limitations of one or more claims of the '177 patent.

47. Upon information and belief, distributors and consumers that purchase Microsoft's products that include all of the limitations of one or more claims of the '177 patent, including but not limited to tablets/laptops and mobile phones (*e.g.*, the Microsoft Surface RT tablet), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

48. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Microsoft that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling infringing products in the United States and/or importing infringing products into the United States.

49. Upon information and belief, Microsoft had knowledge of the '177 patent and its infringing conduct at least since August 27, 2012, when Microsoft was formally placed on notice of its infringement.

50. Upon information and belief, since at least the above-mentioned date when Microsoft was formally placed on notice of its infringement, Microsoft has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date, Microsoft does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent. Upon information and belief, Microsoft intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Microsoft has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

51. Upon information and belief, Microsoft's acts of infringement of the '177 patent have been willful and intentional. Since at least the above-mentioned date of notice, Microsoft has acted with an objectively high likelihood that its actions constituted infringement of the '177 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to tablets/laptops and mobile phones (*e.g.*, the Microsoft Surface RT tablet), and the objectively-defined risk was either known or so obvious that it should have been known.

52. As a direct and proximate result of these acts of patent infringement, Microsoft has encroached on the exclusive rights of Plaintiff and its licensees to practice the '177 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

53. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-52 as though fully set forth herein.

54. The '660 patent is valid and enforceable.

55. Microsoft has never been licensed, either expressly or impliedly, under the '660 patent.

56. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Microsoft of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

57. Upon information and belief, Microsoft has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority,

display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to tablets/laptops and mobile phones (*e.g.*, the Microsoft Surface RT tablet), their display components, and/or other products made, used, sold, offered for sale, or imported by Microsoft that include all of the limitations of one or more claims of the '660 patent.

58. Upon information and belief, distributors and consumers that purchase Microsoft's products that include all of the limitations of one or more claims of the '660 patent, including but not limited to tablets/laptops and mobile phones (*e.g.*, the Microsoft Surface RT tablet), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

59. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Microsoft that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling infringing products in the United States and/or importing infringing products into the United States.

60. Upon information and belief, Microsoft had knowledge of the '660 patent and its infringing conduct at least since August 27, 2012, when Microsoft was formally placed on notice of its infringement.

61. Upon information and belief, since at least the above-mentioned date when Microsoft was formally placed on notice of its infringement, Microsoft has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to

directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, Microsoft does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent. Upon information and belief, Microsoft intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Microsoft has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

62. Upon information and belief, Microsoft's acts of infringement of the '660 patent have been willful and intentional. Since at least the above-mentioned date of notice, Microsoft has acted with an objectively high likelihood that its actions constituted infringement of the '660 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to tablets/laptops and mobile phones (*e.g.*, the Microsoft Surface RT tablet), and the objectively-defined risk was either known or so obvious that it should have been known.

63. As a direct and proximate result of these acts of patent infringement, Microsoft has encroached on the exclusive rights of Plaintiff and its licensees to practice the '660 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

64. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-63 as though fully set forth herein.

65. The '974 patent is valid and enforceable.

66. Microsoft has never been licensed, either expressly or impliedly, under the '974 patent.

67. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Microsoft of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

68. Upon information and belief, Microsoft has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to tablets/laptops and mobile phones (*e.g.*, the Microsoft Surface RT tablet), their display components, and/or other products made, used, sold, offered for sale, or

imported by Microsoft that include all of the limitations of one or more claims of the '974 patent.

69. Upon information and belief, distributors and consumers that purchase Microsoft's products that include all of the limitations of one or more claims of the '974 patent, including but not limited to tablets/laptops and mobile phones (*e.g.*, the Microsoft Surface RT tablet), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

70. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Microsoft that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling infringing products in the United States and/or importing infringing products into the United States.

71. Upon information and belief, Microsoft had knowledge of the '974 patent and its infringing conduct at least since August 27, 2012, when Microsoft was formally placed on notice of its infringement.

72. Upon information and belief, since at least the above-mentioned date when Microsoft was formally placed on notice of its infringement, Microsoft has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '974 patent. Since at least the notice provided on the above-mentioned date, Microsoft does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent. Upon information and

belief, Microsoft intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Microsoft has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

73. Upon information and belief, Microsoft's acts of infringement of the '974 patent have been willful and intentional. Since at least the above-mentioned date of notice, Microsoft has acted with an objectively high likelihood that its actions constituted infringement of the '974 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to tablets/laptops and mobile phones (*e.g.*, the Microsoft Surface RT tablet), and the objectively-defined risk was either known or so obvious that it should have been known.

74. As a direct and proximate result of these acts of patent infringement, Microsoft has encroached on the exclusive rights of Plaintiff and its licensees to practice the '974 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,537,370

75. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-74 as though fully set forth herein.

76. The '370 patent is valid and enforceable.

77. Microsoft has never been licensed, either expressly or impliedly, under the '370 patent.

78. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Microsoft of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

79. Upon information and belief, Microsoft has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to tablets/laptops and mobile phones (*e.g.*, the Microsoft Surface RT tablet), their display components, and/or other products made, used, sold, offered for sale, or imported by Microsoft that include all of the limitations of one or more claims of the '370 patent.

80. Upon information and belief, distributors and consumers that purchase Microsoft's products that include all of the limitations of one or more claims of the '370 patent, including but not limited to tablets/laptops and mobile phones (*e.g.*, the Microsoft Surface RT

tablet), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

81. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Microsoft that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling infringing products in the United States and/or importing infringing products into the United States.

82. Upon information and belief, Microsoft had knowledge of the '370 patent and its infringing conduct at least since August 27, 2012, when Microsoft was formally placed on notice of its infringement.

83. Upon information and belief, since at least the above-mentioned date when Microsoft was formally placed on notice of its infringement, Microsoft has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '370 patent. Since at least the notice provided on the above-mentioned date, Microsoft does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent. Upon information and belief, Microsoft intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Microsoft has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with

U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

84. Upon information and belief, Microsoft's acts of infringement of the '370 patent have been willful and intentional. Since at least the above-mentioned date of notice, Microsoft has acted with an objectively high likelihood that its actions constituted infringement of the '370 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to tablets/laptops and mobile phones (*e.g.*, the Microsoft Surface RT tablet), and the objectively-defined risk was either known or so obvious that it should have been known.

85. As a direct and proximate result of these acts of patent infringement, Microsoft has encroached on the exclusive rights of Plaintiff and its licensees to practice the '370 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 8,215,816

86. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-85 as though fully set forth herein.

87. The '816 patent is valid and enforceable.

88. Microsoft has never been licensed, either expressly or impliedly, under the '816 patent.

89. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Microsoft of its alleged infringement. Upon information and

belief, Plaintiff surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

90. Upon information and belief, Microsoft has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to tablets/laptops and mobile phones (*e.g.*, the Microsoft Surface RT tablet), their display components, and/or other products made, used, sold, offered for sale, or imported by Microsoft that include all of the limitations of one or more claims of the '816 patent.

91. Upon information and belief, distributors and consumers that purchase Microsoft's products that include all of the limitations of one or more claims of the '816 patent, including but not limited to tablets/laptops and mobile phones (*e.g.*, the Microsoft Surface RT tablet), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

92. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Microsoft that include all of the limitations of one or

more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling infringing products in the United States and/or importing infringing products into the United States.

93. Upon information and belief, Microsoft had knowledge of the '816 patent and its infringing conduct at least since August 27, 2012, when Microsoft was formally placed on notice of its infringement.

94. Upon information and belief, since at least the above-mentioned date when Microsoft was formally placed on notice of its infringement, Microsoft has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, Microsoft does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent. Upon information and belief, Microsoft intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Microsoft has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

95. Upon information and belief, Microsoft's acts of infringement of the '816 patent have been willful and intentional. Since at least the above-mentioned date of notice,

Microsoft has acted with an objectively high likelihood that its actions constituted infringement of the '816 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to tablets/laptops and mobile phones (*e.g.*, the Microsoft Surface RT tablet), and the objectively-defined risk was either known or so obvious that it should have been known.

96. As a direct and proximate result of these acts of patent infringement, Microsoft has encroached on the exclusive rights of Plaintiff and its licensees to practice the '816 patent, for which Plaintiff is entitled to at least a reasonable royalty.

CONCLUSION

97. Plaintiff is entitled to recover from Microsoft the damages sustained by Plaintiff as a result of Microsoft's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

98. Plaintiff has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

99. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

100. Plaintiff respectfully requests that the Court find in its favor and against Microsoft, and that the Court grant Plaintiff the following relief:

- A. A judgment that Microsoft has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Microsoft;
- C. A judgment and order requiring Microsoft to pay Plaintiff damages under 35 U.S.C. § 284, including up to treble damages for willful infringement as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Microsoft and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Microsoft to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring Microsoft to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: October 1, 2013

Respectfully submitted,

/s/ Jeffrey R. Bragalone

Jeffrey R. Bragalone (lead attorney)

Texas Bar No. 02855775

Patrick J. Conroy

Texas Bar No. 24012448

Justin B. Kimble

Texas Bar No. 24036909

T. William Kennedy, Jr.

Texas Bar No. 24055771

Daniel F. Olejko

Pennsylvania Bar No. 205512

Bragalone Conroy PC

2200 Ross Avenue

Suite 4500W

Dallas, TX 75201

Tel: (214) 785-6670

Fax: (214) 785-6680

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

bkennedy@bcpc-law.com

dolejko@bcpc-law.com

T. John Ward Jr.

Texas Bar No. 00794818

Claire Abernathy Henry

Texas Bar No. 24053063

Ward & Smith Law Firm

1127 Judson Road, Suite 220

Longview, TX 75601

Tel: (903) 757-6400

Fax: (903) 757.2323

jw@wsfirm.com

claire@wsfirm.com

Attorneys for Plaintiff

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

INNOVATIVE DISPLAY TECHNOLOGIES LLC

(b) County of Residence of First Listed Plaintiff Collin
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Jeffrey R. Bragalone, Bragalone Conroy PC
2200 Ross Avenue, Suite 4500W
Dallas, TX 75201 214-785-6670

DEFENDANTS

MICROSOFT CORPORATION

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement	SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. § 1, et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285

Brief description of cause:

Infringement of U.S. Patent Nos. 6,755,547, 7,300,194, 7,384,177, et al

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Hon. Rodney Gilstrap

DOCKET NUMBER 2:13-cv-522,523,524,525,52

DATE 10/01/2013
SIGNATURE OF ATTORNEY OF RECORD
/s/ Jeffrey R. Bragalone

FOR OFFICE USE ONLY

RECEIPT # MBI_000668 AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

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

**INNOVATIVE DISPLAY TECHNOLOGIES
LLC,**

Plaintiff,

v.

**MITAC DIGITAL CORPORATION D/B/A
MAGELLAN AND MITAC INTERNATIONAL
CORPORATION,**

Defendants.

Case No. 2:14-cv-144

JURY TRIAL DEMANDED

PLAINTIFF’S COMPLAINT

Plaintiff Innovative Display Technologies LLC, by and through its undersigned counsel, files this Complaint against Defendants MiTAC Digital Corporation d/b/a Magellan and MiTAC International Corporation (hereinafter referred to collectively as “Defendants”).

THE PARTIES

1. Innovative Display Technologies LLC is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, TX 75093.

2. MiTAC Digital Corporation is a California corporation with its corporate headquarters located at 471 El Camino Real, Suite 101, Santa Clara, CA 95050-4300. MiTAC Digital Corporation may be served with process by serving its registered agent, Peggy Fong, at 471 El Camino Real, Suite 101, Santa Clara, CA 95050.

3. MiTAC International Corporation is a Taiwanese corporation with its principal place of business located at No. 1, Yen-Fa 2nd Rd., Hsin-Chu Science Based Industrial Park, Hsinchu County, Taiwan, R.O.C. MiTAC International Corporation can be served with process

at its principal place of business at No. 1, Yen-Fa 2nd Rd., Hsin-Chu Science Based Industrial Park, Hsinchu County, Taiwan, R.O.C.

4. Defendants have conducted and regularly conduct business within this District, have purposefully availed themselves of the privileges of conducting business in this District, and have sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

5. This action arises under the Patent Law of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. As further detailed herein, this Court has personal jurisdiction over Defendants. Defendants are amenable to service of summons for this action. Furthermore, personal jurisdiction over Defendants in this action comports with due process. Defendants have conducted and regularly conduct business within the United States and this District. Defendants have purposefully availed themselves of the privileges of conducting business in the United States, and more specifically in Texas and this District. Defendants have sought protection and benefit from the laws of the State of Texas by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

7. Defendants directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ship, distribute, offer for sale, and/or sell their products in the United States and this District. Defendants have purposefully and voluntarily placed one or more of their infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this

District. Defendants knowingly and purposefully ship infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Through those activities, Defendants have committed the tort of patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from Defendants' activities in this District.

8. Venue is proper in this Court according to the venue provisions set forth by 28 U.S.C. §§ 1391(b)-(d) and 1400 (b). Defendants are subject to personal jurisdiction in this District, and therefore are deemed to reside in this District for purposes of venue. Defendants have committed acts within this judicial District giving rise to this action and do business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website, available to persons in this District that advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit

9. U.S. Patent No. 7,537,370 titled "Light Emitting Panel Assemblies" ("the '370 patent") was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '370 patent. The '370 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '370 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '370 patent is attached as **Exhibit A** and made a part hereof.

10. U.S. Patent No. 7,300,194 titled "Light Emitting Panel Assemblies" ("the '194 patent") was duly and legally issued by the U.S. Patent and Trademark Office on November 27,

2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '194 patent. The '194 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '194 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '194 patent is attached as **Exhibit B** and made a part hereof.

11. U.S. Patent No. 7,384,177 titled "Light Emitting Panel Assemblies" ("the '177 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '177 patent. The '177 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '177 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '177 patent is attached as **Exhibit C** and made a part hereof.

12. U.S. Patent No. 7,404,660 titled "Light Emitting Panel Assemblies" ("the '660 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '660 patent. The '660 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '660 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '660 patent is attached as **Exhibit D** and made a part hereof.

13. U.S. Patent No. 7,434,974 titled "Light Emitting Panel Assemblies" ("the '974 patent") was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '974 patent. The '974 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and

interest in the '974 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '974 patent is attached as **Exhibit E** and made a part hereof.

14. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '816 patent. The '816 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '816 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '816 patent is attached as **Exhibit F** and made a part hereof.

15. U.S. Patent No. 7,160,015 titled "Light Emitting Panel Assemblies" ("the '015 patent") was duly and legally issued by the U.S. Patent and Trademark Office on January 9, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '015 patent. The '015 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '015 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '015 patent is attached as **Exhibit G** and made a part hereof.

16. U.S. Patent No. 6,079,838 titled "Light Emitting Panel Assemblies" ("the '838 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 27, 2000, after full and fair examination. Jeffery R. Parker, Mark D. Miller, and Daniel N. Kelsch are the named inventors listed on the '838 patent. The '838 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '838 patent, including the right to collect and

receive damages for past, present and future infringements. A true and correct copy of the '838 patent is attached as **Exhibit H** and made a part hereof.

17. U.S. Patent No. 6,755,547 titled "Light Emitting Panel Assemblies" ("the '547 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '547 patent. The '547 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '547 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '547 patent is attached as **Exhibit I** and made a part hereof.

18. U.S. Patent No. 7,165,873 titled "Light Emitting Panel Assemblies" ("the '873 patent") was duly and legally issued by the U.S. Patent and Trademark Office on January 23, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '873 patent. The '873 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '873 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '873 patent is attached as **Exhibit J** and made a part hereof.

19. Jeffery R. Parker is an inventor of the '177 patent, the '660 patent, the '838 patent, the '370 patent, the '974 patent, the '015 patent, the '194 patent, the '547 patent, the '873 patent and the '816 patent (collectively, the "patents-in-suit"). In total, he is a named inventor on over eighty-five (85) U.S. patents.

B. Defendants' Infringing Conduct

20. Defendants make, use, offer to sell, and/or sell within, and/or import into the United States display products that incorporate the fundamental technologies covered by the

patents-in-suit. The infringing display products include, but are not limited to, GPS navigation systems.

21. By incorporating the fundamental inventions covered by the patents-in-suit, Defendants can make improved products, including but not limited to, longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, and/or a lower power requirement.

22. Third-party distributors purchase and have purchased Defendants' infringing display products for sale or importation into the United States, including this District. Third-party consumers use and have used Defendants' infringing display products in the United States, including this District.

23. Defendants have purchased infringing display products that are made, offered for sale, sold within, and/or imported into the United States, including this District by third party manufacturers, distributors, and/or importers.

COUNT I
Patent Infringement of U.S. Patent No. 7,300,194

24. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-23 as though fully set forth herein.

25. The '194 patent is valid and enforceable.

26. Defendants have never been licensed, either expressly or impliedly, under the '194 patent.

27. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of

the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

28. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to GPS navigation systems (*e.g.*, Magellan Commercial 5190T), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '194 patent.

29. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '194 patent, including but not limited to GPS navigation systems (*e.g.*, Magellan Commercial 5190T), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

30. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

31. Defendants had knowledge of the '194 patent since at least the filing of this Complaint or before.

32. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '194 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

33. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '194 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT II
Patent Infringement of U.S. Patent No. 7,384,177

34. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-33 as though fully set forth herein.

35. The '177 patent is valid and enforceable.

36. Defendants have never been licensed, either expressly or impliedly, under the '177 patent.

37. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

38. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to GPS navigation systems (*e.g.*, Magellan Commercial 5190T), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '177 patent.

39. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '177 patent, including but not limited to GPS navigation systems (*e.g.*, Magellan Commercial 5190T), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

40. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

41. Defendants had knowledge of the '177 patent since at least the filing of this Complaint or before.

42. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '177 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

43. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '177 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT III
Patent Infringement of U.S. Patent No. 7,404,660

44. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-43 as though fully set forth herein.

45. The '660 patent is valid and enforceable.

46. Defendants have never been licensed, either expressly or impliedly, under the '660 patent.

47. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

48. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to GPS navigation systems (*e.g.*, Magellan Commercial 5190T), their display components, and/or other products

made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '660 patent.

49. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '660 patent, including but not limited to GPS navigation systems (*e.g.*, Magellan Commercial 5190T), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

50. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

51. Defendants had knowledge of the '660 patent since at least the filing of this Complaint or before.

52. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '660 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established

distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

53. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '660 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT IV
Patent Infringement of U.S. Patent No. 7,434,974

54. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-53 as though fully set forth herein.

55. The '974 patent is valid and enforceable.

56. Defendants have never been licensed, either expressly or impliedly, under the '974 patent.

57. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

58. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell,

and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to GPS navigation systems (*e.g.*, Magellan Commercial 5190T), its display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '974 patent.

59. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '974 patent, including but not limited to GPS navigation systems (*e.g.*, Magellan Commercial 5190T), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

60. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

61. Defendants had knowledge of the '974 patent since at least the filing of this Complaint or before.

62. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '974 patent. Since at least the filing of

this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

63. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '974 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT V
Patent Infringement of U.S. Patent No. 8,215,816

64. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-63 as though fully set forth herein.

65. The '816 patent is valid and enforceable.

66. Defendants have never been licensed, either expressly or impliedly, under the '816 patent.

67. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of

the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

68. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to GPS navigation systems (*e.g.*, Magellan Commercial 5190T), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '816 patent.

69. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '816 patent, including but not limited to GPS navigation systems (*e.g.*, Magellan Commercial 5190T), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

70. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

71. Defendants had knowledge of the application that issued into the '816 patent since at least the filing of this Complaint or before.

72. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '816 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

73. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '816 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VI
Patent Infringement of U.S. Patent No. 7,160,015

74. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-73 as though fully set forth herein.

75. The '015 patent is valid and enforceable.

76. Defendants have never been licensed, either expressly or impliedly, under the '015 patent.

77. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '015 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '015 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

78. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '015 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '015 patent, including but not limited to GPS navigation systems (*e.g.*, Magellan Commercial 5190T), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '015 patent.

79. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '015 patent, including but not limited to GPS navigation systems (*e.g.*, Magellan Commercial 5190T), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '015 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

80. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '015 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '015 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

81. Defendants had knowledge of the application that issued into the '015 patent since at least the filing of this Complaint or before.

82. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '015 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '015 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

83. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '015 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VII
Patent Infringement of U.S. Patent No. 6,079,838

84. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-83 as though fully set forth herein.

85. The '838 patent is valid and enforceable.

86. Defendants have never been licensed, either expressly or impliedly, under the '838 patent.

87. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '838 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '838 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

88. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '838 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '838 patent, including but not limited to GPS navigation systems (*e.g.*, Magellan Commercial 5190T), their display components, and/or other products

made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '838 patent.

89. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '838 patent, including but not limited to GPS navigation systems (*e.g.*, Magellan Commercial 5190T), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '838 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

90. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '838 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '838 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

91. Defendants had knowledge of the application that issued into the '838 patent since at least the filing of this Complaint or before.

92. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '838 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '838 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established

distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

93. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '838 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VIII
Patent Infringement of U.S. Patent No. 7,537,370

94. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-93 as though fully set forth herein.

95. The '370 patent is valid and enforceable.

96. Defendants have never been licensed, either expressly or impliedly, under the '370 patent.

97. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

98. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by making, using, offering to sell,

and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to GPS navigation systems (*e.g.*, Magellan Commercial 5190T), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '370 patent.

99. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '370 patent, including but not limited to GPS navigation systems (*e.g.*, Magellan Commercial 5190T), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

100. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

101. Defendants had knowledge of the '370 patent since at least the filing of this Complaint or before.

102. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '370 patent. Since at least the filing of

this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

103. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '370 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT IX
Patent Infringement of U.S. Patent No. 6,755,547

104. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-103 as though fully set forth herein.

105. The '547 patent is valid and enforceable.

106. Defendants have never been licensed, either expressly or impliedly, under the '547 patent.

107. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice

of the '547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

108. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to, GPS navigation systems (e.g., Magellan Commercial 5190T), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '547 patent.

109. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '547 patent, including but not limited to GPS navigation systems (e.g., Magellan Commercial 5190T), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

110. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

111. Defendants had knowledge of the '547 patent since at least the filing of this Complaint or before.

112. Since at least the filing of this Complaint or before, Defendants have actively induced, under 35 U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '547 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce its infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these productions to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

113. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '547 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT X
Patent Infringement of U.S. Patent No. 7,165,873

114. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-113 as though fully set forth herein.

115. The '873 patent is valid and enforceable.

116. Defendants have never been licensed, either expressly or impliedly, under the '873 patent.

117. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '873 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '873 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

118. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '873 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '873 patent, including but not limited to GPS navigation systems (*e.g.*, Magellan Commercial 5190T), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '873 patent.

119. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '873 patent, including but not limited to GPS navigation systems (*e.g.*, Magellan Commercial 5190T), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '873 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

120. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '873 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '873 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

121. Defendants had knowledge of the application that issued into the '873 patent since at least the filing of this Complaint or before.

122. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '873 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '873 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

123. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '873 patent, for which Plaintiff is entitled to at least a reasonable royalty.

CONCLUSION

124. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of Defendants' wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

125. Plaintiff has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

126. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

127. Plaintiff respectfully requests that the Court find in its favor and against Defendants, and that the Court grant Plaintiff the following relief:

A. A judgment that Defendants have infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;

B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Defendants;

C. A judgment and order requiring Defendants to pay Plaintiff damages under 35 U.S.C. § 284, and any royalties determined to be appropriate;

D. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;

E. A judgment and order requiring Defendants to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;

F. A judgment and order finding this to be an exceptional case and requiring Defendants to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and

G. Such other and further relief as the Court deems just and equitable.

Dated: February 26, 2014

Respectfully submitted,

THE SIMON LAW FIRM, P.C.

/s/ Anthony G. Simon
Anthony G. Simon
Timothy D. Krieger
Michael P. Kella
Benjamin R. Askew
Stephanie H. To
800 Market Street, Suite 1700
St. Louis, MO 63101
P. 314-241-2929
F. 314-241-2029
asimon@simonlawpc.com
tkrieger@simonlawpc.com
mkella@simonlawpc.com
baskew@simonlawpc.com
sto@simonlawpc.com

T. John Ward, Jr.
Ward & Smith Law Firm
1127 Judson Road, Suite 220
Longview, Texas 75601
P. 903-757-6400
F. 903-757-2323
jw@wsfirm.com

***ATTORNEYS FOR PLAINTIFF
INNOVATIVE DISPLAY
TECHNOLOGIES LLC***

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Innovative Display Technologies LLC

(b) County of Residence of First Listed Plaintiff Collin
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Anthony G. Simon, Timothy D. Krieger, Benjamin R. Askew, Stephanie H. To and Michael P. Kella, The Simon Law Firm, P.C., 800 Market Street, Ste. 1700, St. Louis, MO 63101, 314-241-2929

DEFENDANTS

MITAC Digital Corporation d/b/a Magellan and MITAC International Corporation

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. Section 101, et. seq.

Brief description of cause:
Patent Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

02/26/2014

SIGNATURE OF ATTORNEY OF RECORD

/s/ Anthony G. Simon

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

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INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

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

**INNOVATIVE DISPLAY TECHNOLOGIES
LLC,**

Plaintiff,

v.

NIKON INC. AND NIKON CORPORATION,

Defendants.

Case No. 2:14-cv-145

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT

Plaintiff Innovative Display Technologies LLC, by and through its undersigned counsel, files this Complaint against Defendants Nikon Inc. and Nikon Corporation (hereinafter collectively referred to as "Nikon" or "Defendants").

THE PARTIES

1. Innovative Display Technologies LLC is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, TX 75093.
2. Nikon Inc. is a New York corporation with its principal place of business located at 1300 Walt Whitman Rd, Melville, New York 11747-3064. Nikon Inc. can be served with process at its principal place of business at 1300 Walt Whitman Road, Melville, New York 11747.
3. Nikon Corporation is a Japanese corporation with its principal place of business located at Shin-Yurakucho Bldg., 12-1, Yurakucho 1-chome, Chiyoda-ku, Tokyo 100-8331, Japan. Nikon Corporation can be served with process at its principal place of business at Shin-Yurakucho Bldg., 12-1, Yurakucho 1-chome, Chiyoda-ku, Tokyo 100-8331, Japan.

4. Defendants have conducted and regularly conduct business within this District, have purposefully availed themselves of the privileges of conducting business in this District, and have sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

5. This action arises under the Patent Law of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. As further detailed herein, this Court has personal jurisdiction over Defendants. Defendants are amenable to service of summons for this action. Furthermore, personal jurisdiction over Defendants in this action comports with due process. Defendants have conducted and regularly conduct business within the United States and this District. Defendants have purposefully availed themselves of the privileges of conducting business in the United States, and more specifically in Texas and this District. Defendants have sought protection and benefit from the laws of the State of Texas by maintaining offices of Nikon Corporation's United States subsidiaries in Texas and/or by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

7. Defendants directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ship, distribute, offer for sale, and/or sell their products in the United States and this District. Defendants have purposefully and voluntarily placed one or more of their infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. Defendants knowingly and purposefully ship infringing products into and within this

District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Through those activities, Defendants have committed the tort of patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from Defendants' activities in this District

8. Venue is proper in this Court according to the venue provisions set forth by 28 U.S.C. §§ 1391(b)-(d) and 1400 (b). Defendants are subject to personal jurisdiction in this District, and therefore are deemed to reside in this District for purposes of venue. Defendants have committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website, available to persons in this District that advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit

9. U.S. Patent No. 6,755,547 titled "Light Emitting Panel Assemblies" ("the '547 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '547 patent. The '547 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '547 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '547 patent is attached as **Exhibit A** and made a part hereof.

10. U.S. Patent No. 7,300,194 titled "Light Emitting Panel Assemblies" ("the '194 patent") was duly and legally issued by the U.S. Patent and Trademark Office on November 27,

2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '194 patent. The '194 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '194 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '194 patent is attached as **Exhibit B** and made a part hereof.

11. U.S. Patent No. 7,384,177 titled "Light Emitting Panel Assemblies" ("the '177 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '177 patent. The '177 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '177 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '177 patent is attached as **Exhibit C** and made a part hereof.

12. U.S. Patent No. 7,404,660 titled "Light Emitting Panel Assemblies" ("the '660 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '660 patent. The '660 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '660 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '660 patent is attached as **Exhibit D** and made a part hereof.

13. U.S. Patent No. 7,434,974 titled "Light Emitting Panel Assemblies" ("the '974 patent") was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '974 patent. The '974 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and

interest in the '974 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '974 patent is attached as **Exhibit E** and made a part hereof.

14. U.S. Patent No. 7,537,370 titled "Light Emitting Panel Assemblies" ("the '370 patent") was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '370 patent. The '370 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '370 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '370 patent is attached as **Exhibit F** and made a part hereof.

15. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '816 patent. The '816 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '816 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '816 patent is attached as **Exhibit G** and made a part hereof.

16. U.S. Patent No. 7,160,015 titled "Light Emitting Panel Assemblies" ("the '015 patent") was duly and legally issued by the U.S. Patent and Trademark Office on January 9, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '015 patent. The '015 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '015 patent, including the right to collect and receive damages for past, present and

future infringements. A true and correct copy of the '015 patent is attached as **Exhibit H** and made a part hereof.

17. U.S. Patent No. 7,736,043 titled "Light Emitting Panel Assemblies" ("the '043 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 15, 2010, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '043 patent. The '043 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '043 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '043 patent is attached as **Exhibit I** and made a part hereof.

18. U.S. Patent No. 7,963,687 titled "Light Emitting Panel Assemblies" ("the '687 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 21, 2011, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '687 patent. The '687 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '687 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '687 patent is attached as **Exhibit J** and made a part hereof.

19. U.S. Patent No. 8,142,063 titled "Light Emitting Panel Assemblies" ("the '063 patent") was duly and legally issued by the U.S. Patent and Trademark Office on March 27, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '063 patent. The '063 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '063 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '063 patent is attached as **Exhibit K** and made a part hereof.

20. U.S. Patent No. 6,079,838 titled “Light Emitting Panel Assemblies” (“the ‘838 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 27, 2000, after full and fair examination. Jeffery R. Parker, Mark D. Miller, and Daniel N. Kelsch are the named inventors listed on the ‘838 patent. The ‘838 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ‘838 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ‘838 patent is attached as **Exhibit L** and made a part hereof.

21. U.S. Patent No. 7,165,873 titled “Light Emitting Panel Assemblies” (“the ‘873 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on January 23, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ‘873 patent. The ‘873 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ‘873 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ‘873 patent is attached as **Exhibit M** and made a part hereof.

22. Jeffery R. Parker is an inventor of the ‘547 patent, the ‘194 patent, the ‘177 patent, the ‘660 patent, the ‘838 patent, the ‘974 patent, the ‘370 patent, the ‘015 patent, the ‘043 patent, the ‘687 patent, the ‘063 patent, the ‘873 patent and the ‘816 patent (collectively, the “patents-in-suit”). In total, he is a named inventor on over eighty-five (85) U.S. patents.

B. Defendants’ Infringing Conduct

23. Defendants make, use, offer to sell, and/or sell within, and/or import into the United States display products that incorporate the fundamental technologies covered by the patents-in-suit. The infringing display products include, but are not limited to, digital cameras.

24. By incorporating the fundamental inventions covered by the patents-in-suit, Defendants can make improved products, including but not limited to, longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, and/or a lower power requirement.

25. Third-party distributors purchase and have purchased Defendants' infringing display products for sale or importation into the United States, including this District. Third-party consumers use and have used Defendants' infringing display products in the United States, including this District.

26. Defendants have purchased infringing display products that are made, offered for sale, sold within, and/or imported into the United States, including this District by third party manufacturers, distributors, and/or importers.

COUNT I
Patent Infringement of U.S. Patent No. 6,755,547

27. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-26 as though fully set forth herein.

28. The '547 patent is valid and enforceable.

29. Defendants have never been licensed, either expressly or impliedly, under the '547 patent.

30. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

31. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to, digital cameras (e.g., Nikon 1 J1 DSLR Camera and Nikon D3200), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '547 patent.

32. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '547 patent, including but not limited to digital cameras (e.g., Nikon 1 J1 DSLR Camera and Nikon D3200), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

33. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

34. Defendants had knowledge of the '547 patent since at least the filing of this Complaint or before.

35. Since at least the filing of this Complaint or before, Defendants have actively induced, under 35 U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '547 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these productions to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

36. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '547 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT II
Patent Infringement of U.S. Patent No. 7,300,194

37. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-36 as though fully set forth herein.

38. The '194 patent is valid and enforceable.

39. Defendants have never been licensed, either expressly or impliedly, under the '194 patent.

40. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

41. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '194 patent.

42. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '194 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using,

offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

43. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

44. Defendants had knowledge of the '194 patent since at least the filing of this Complaint or before.

45. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '194 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

46. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '194 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT III
Patent Infringement of U.S. Patent No. 7,384,177

47. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-46 as though fully set forth herein.

48. The '177 patent is valid and enforceable.

49. Defendants have never been licensed, either expressly or impliedly, under the '177 patent.

50. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

51. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), their display components, and/or other

products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '177 patent.

52. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '177 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

53. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

54. Defendants had knowledge of the '177 patent since at least the filing of this Complaint or before.

55. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '177 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating

advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

56. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '177 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT IV
Patent Infringement of U.S. Patent No. 7,404,660

57. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-56 as though fully set forth herein.

58. The '660 patent is valid and enforceable.

59. Defendants have never been licensed, either expressly or impliedly, under the '660 patent.

60. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

61. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement

with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '660 patent.

62. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '660 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

63. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

64. Defendants had knowledge of the '660 patent since at least the filing of this Complaint or before.

65. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '660 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

66. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '660 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT V
Patent Infringement of U.S. Patent No. 7,434,974

67. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-66 as though fully set forth herein.

68. The '974 patent is valid and enforceable.

69. Defendants have never been licensed, either expressly or impliedly, under the '974 patent.

70. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

71. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '974 patent.

72. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '974 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

73. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

74. Defendants had knowledge of the '974 patent since at least the filing of this Complaint or before.

75. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '974 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

76. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '974 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VI
Patent Infringement of U.S. Patent No. 7,537,370

77. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-76 as though fully set forth herein.

78. The '370 patent is valid and enforceable.

79. Defendants have never been licensed, either expressly or impliedly, under the '370 patent.

80. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

81. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), their display components, and/or other

products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '370 patent.

82. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '370 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

83. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

84. Defendants had knowledge of the '370 patent since at least the filing of this Complaint or before.

85. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '370 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating

advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

86. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '370 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VII
Patent Infringement of U.S. Patent No. 8,215,816

87. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-86 as though fully set forth herein.

88. The '816 patent is valid and enforceable.

89. Defendants have never been licensed, either expressly or impliedly, under the '816 patent.

90. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

91. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement

with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '816 patent.

92. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '816 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

93. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

94. Defendants had knowledge of the application that issued into the '816 patent since at least the filing of this Complaint or before.

95. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '816 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

96. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '816 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VIII
Patent Infringement of U.S. Patent No. 7,160,015

97. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-96 as though fully set forth herein.

98. The '015 patent is valid and enforceable.

99. Defendants have never been licensed, either expressly or impliedly, under the '015 patent.

100. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '015 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '015 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

101. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '015 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '015 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '015 patent.

102. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '015 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '015 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

103. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '015 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '015 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

104. Defendants had knowledge of the application that issued into the '015 patent since at least the filing of this Complaint or before.

105. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '015 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '015 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

106. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '015 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT IX
Patent Infringement of U.S. Patent No. 7,736,043

107. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-106 as though fully set forth herein.

108. The '043 patent is valid and enforceable.

109. Defendants have never been licensed, either expressly or impliedly, under the '043 patent.

110. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '043 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '043 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

111. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '043 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '043 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), their display components, and/or other

products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '043 patent.

112. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '043 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '043 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

113. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '043 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '043 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

114. Defendants had knowledge of the application that issued into the '043 patent since at least the filing of this Complaint or before.

115. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '043 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '043 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating

advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

116. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '043 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT X
Patent Infringement of U.S. Patent No. 7,963,687

117. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-116 as though fully set forth herein.

118. The '687 patent is valid and enforceable.

119. Defendants have never been licensed, either expressly or impliedly, under the '687 patent.

120. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '687 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '687 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

121. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement

with specific intent under 35 U.S.C. § 271(b), the ‘687 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the ‘687 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the ‘687 patent.

122. Distributors and consumers that purchase Defendants’ products that include all of the limitations of one or more claims of the ‘687 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the ‘687 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

123. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the ‘687 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the ‘687 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

124. Defendants had knowledge of the application that issued into the ‘687 patent since at least the filing of this Complaint or before.

125. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '687 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '687 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

126. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '687 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT XI
Patent Infringement of U.S. Patent No. 8,142,063

127. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-126 as though fully set forth herein.

128. The '063 patent is valid and enforceable.

129. Defendants have never been licensed, either expressly or impliedly, under the '063 patent.

130. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '063 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '063 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

131. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '063 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '063 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '063 patent.

132. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '063 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '063 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

133. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '063 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '063 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

134. Defendants had knowledge of the application that issued into the '063 patent since at least the filing of this Complaint or before.

135. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '063 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '063 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

136. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '063 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT XII
Patent Infringement of U.S. Patent No. 6,079,838

137. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-136 as though fully set forth herein.

138. The '838 patent is valid and enforceable.

139. Defendants have never been licensed, either expressly or impliedly, under the '838 patent.

140. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '838 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '838 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

141. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '838 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '838 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), their display components, and/or other

products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '838 patent.

142. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '838 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '838 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

143. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '838 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '838 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

144. Defendants had knowledge of the application that issued into the '838 patent since at least the filing of this Complaint or before.

145. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '838 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '838 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating

advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

146. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '838 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT XIII
Patent Infringement of U.S. Patent No. 7,165,873

147. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-146 as though fully set forth herein.

148. The '873 patent is valid and enforceable.

149. Defendants have never been licensed, either expressly or impliedly, under the '873 patent.

150. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '873 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '873 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

151. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement

with specific intent under 35 U.S.C. § 271(b), the ‘873 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the ‘873 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the ‘873 patent.

152. Distributors and consumers that purchase Defendants’ products that include all of the limitations of one or more claims of the ‘873 patent, including but not limited to digital cameras (*e.g.*, Nikon 1 J1 DSLR Camera and Nikon D3200), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the ‘873 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

153. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the ‘873 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the ‘873 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

154. Defendants had knowledge of the application that issued into the ‘873 patent since at least the filing of this Complaint or before.

155. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '873 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '873 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

156. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '873 patent, for which Plaintiff is entitled to at least a reasonable royalty.

CONCLUSION

157. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of Defendants' wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

158. Plaintiff has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the

meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

159. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

160. Plaintiff respectfully requests that the Court find in its favor and against Defendants, and that the Court grant Plaintiff the following relief:

- A. A judgment that Defendants have infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Defendants;
- C. A judgment and order requiring Defendants to pay Plaintiff damages under 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Defendants to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring Defendants to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: February 27, 2014

Respectfully submitted,

THE SIMON LAW FIRM, P.C.

/s/ Anthony G. Simon
Anthony G. Simon
Timothy D. Krieger
Michael P. Kella
Benjamin R. Askew
Stephanie H. To
800 Market Street, Suite 1700
St. Louis, MO 63101
P. 314-241-2929
F. 314-241-2029
asimon@simonlawpc.com
tkrieger@simonlawpc.com
mkella@simonlawpc.com
baskew@simonlawpc.com
sto@simonlawpc.com

T. John Ward, Jr.
Ward & Smith Law Firm
1127 Judson Road, Suite 220
Longview, Texas 75601
P. 903-757-6400
F. 903-757-2323
jw@wsfirm.com

**ATTORNEYS FOR PLAINTIFF
INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Innovative Display Technologies LLC

DEFENDANTS

Nikon Inc. and Nikon Corporation

(b) County of Residence of First Listed Plaintiff Collin
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Anthony G. Simon, Timothy D. Krieger, Benjamin R. Askew, Stephanie H. To and Michael P. Kella, The Simon Law Firm, P.C., 800 Market Street, Ste. 1700, St. Louis, MO 63101, 314-241-2929

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. Section 101, et. seq.

Brief description of cause:
Patent Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

02/27/2014

SIGNATURE OF ATTORNEY OF RECORD

/s/ Anthony G. Simon

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

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MBI_000744

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

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

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC,**

Plaintiff,

V.

**NISSAN MOTOR CO., LTD. and
NISSAN NORTH AMERICA, INC.,**

Defendants.

THE UNIVERSITY OF CHICAGO

C.A. No. 2:14-CV-202

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT

Plaintiff Innovative Display Technologies LLC, by and through its undersigned counsel, files this Original Complaint for patent infringement against Defendants Nissan Motor Co., Ltd. and Nissan North America, Inc. (collectively “Nissan”).

THE PARTIES

1. Plaintiff Innovative Display Technologies LLC (“IDT”) is a Texas limited liability company having a principal place of business at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

2. Defendant Nissan Motor Co., Ltd. is a Japanese corporation having a place of business at 1-1, Takashima 1-chome, Nishi-ku, Yokohama-shi, Kanagawa 220-8686, Japan.

3. Defendant Nissan North America, Inc. is a California corporation having a place of business at One Nissan Way, Franklin, TN 37067. On information and belief, Nissan North America, Inc. manufactures automobiles at 983 Nissan Drive, Smyrna, TN 37167, and 300 Nissan Drive, Canton, MS 39046.

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 271 *et seq.*

5. This Court has subject matter jurisdiction over this case for Patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Nissan. On information and belief, Nissan, either directly or through intermediaries, regularly sells products and services into this judicial district and manufactures products intended to be sold and in fact sold into and within this judicial district. Additionally, on information and belief, this Court has personal jurisdiction over Nissan because Nissan has committed, aided, abetted, contributed to, induced, and/or participated in the commission of acts within this judicial district giving rise to this action.

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400 (b).

PATENTS IN SUIT

8. U.S. Patent No. 6,755,547 titled “Light Emitting Panel Assemblies” (“the ’547 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the named inventor of the ’547 Patent. IDT owns the ’547 Patent and holds the right to sue and recover damages for infringement thereof.

9. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the named inventor of the ’194 Patent. IDT owns the ’194 Patent and holds the right to sue and recover damages for infringement thereof.

10. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the ’177 Patent. IDT owns the ’177 Patent and holds the right to sue and recover damages for infringement thereof.

11. U.S. Patent No. 7,404,660 titled “Light Emitting Panel Assemblies” (“the ’660 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the ’660 Patent. IDT owns the ’660 Patent and holds the right to sue and recover damages for infringement thereof.

12. U.S. Patent No. 7,434,974 titled “Light Emitting Panel Assemblies” (“the ’974 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the ’974 Patent. IDT owns the ’974 Patent and holds the right to sue and recover damages for infringement thereof.

13. U.S. Patent No. 7,537,370 titled “Light Emitting Panel Assemblies” (“the ’370 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the named inventor of the ’370 Patent. IDT owns the ’370 Patent and holds the right to sue and recover damages for infringement thereof.

14. U.S. Patent No. 8,215,816 titled “Light Emitting Panel Assemblies” (“the ’816 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the named inventor of the ’816 Patent. IDT owns the ’816 Patent and holds the right to sue and recover damages for infringement thereof.

COUNT 1: Infringement of U.S. Patent No. 6,755,547

15. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-14 as though fully set forth herein.

16. On information and belief, Nissan has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '547 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Nissan's Altima model) having displays (including but not limited to the 259153TA1A navigation system display) that infringe one or more claims of the '547 Patent, all to the injury of IDT. Nissan is thus liable for infringement of the '547 Patent pursuant to 35 U.S.C. § 271.

17. As a result of Nissan's infringement of the '547 Patent, Nissan has damaged IDT. Nissan is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

18. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '547 Patent.

19. As a result of Nissan's infringement of the '547 Patent, IDT has suffered and will continue to suffer loss and injury unless Nissan is enjoined by this Court.

20. At least as early as its receipt of this Complaint, Nissan has had knowledge of the '547 Patent and written notice of the infringement.

COUNT 2: Infringement of U.S. Patent No. 7,300,194

21. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-20 as though fully set forth herein.

22. On information and belief, Nissan has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '194 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Nissan's Altima model) having displays (including but not limited to the 259153TA1A navigation system display) that infringe one or more claims of the '194 Patent, all to the injury of IDT. Nissan is thus liable for infringement of the '194 Patent pursuant to 35 U.S.C. § 271.

23. As a result of Nissan's infringement of the '194 Patent, Nissan has damaged IDT. Nissan is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

24. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '194 Patent.

25. As a result of Nissan's infringement of the '194 Patent, IDT has suffered and will continue to suffer loss and injury unless Nissan is enjoined by this Court.

26. At least as early as its receipt of this Complaint, Nissan has had knowledge of the '194 Patent and written notice of the infringement.

COUNT 3: Infringement of U.S. Patent No. 7,384,177

27. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-26 as though fully set forth herein.

28. On information and belief, Nissan has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '177 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Nissan's Altima model) having displays (including but not limited to the 259153TA1A navigation system display) that infringe one or more claims of the '177 Patent, all to the injury of IDT. Nissan is thus liable for infringement of the '177 Patent pursuant to 35 U.S.C. § 271.

29. As a result of Nissan's infringement of the '177 Patent, Nissan has damaged IDT. Nissan is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

30. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '177 Patent.

31. As a result of Nissan's infringement of the '177 Patent, IDT has suffered and will continue to suffer loss and injury unless Nissan is enjoined by this Court.

32. At least as early as its receipt of this Complaint, Nissan has had knowledge of the '177 Patent and written notice of the infringement.

COUNT 4: Infringement of U.S. Patent No. 7,404,660

33. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-32 as though fully set forth herein

34. On information and belief, Nissan has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '660 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Nissan's Altima model) having displays (including but not limited to the 259153TA1A navigation system display) that infringe one or more claims of the '660 Patent, all to the injury of IDT. Nissan is thus liable for infringement of the '660 Patent pursuant to 35 U.S.C. § 271.

35. As a result of Nissan's infringement of the '660 Patent, Nissan has damaged IDT. Nissan is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

36. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '660 Patent.

37. As a result of Nissan's infringement of the '660 Patent, IDT has suffered and will continue to suffer loss and injury unless Nissan is enjoined by this Court.

38. At least as early as its receipt of this Complaint, Nissan has had knowledge of the '660 Patent and written notice of the infringement.

COUNT 5: Infringement of U.S. Patent No. 7,434,974

39. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-38 as though fully set forth herein

40. On information and belief, Nissan has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '974 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Nissan's Altima model) having displays (including but not limited to the 259153TA1A navigation system display) that infringe one or more claims of the '974 Patent, all to the injury of IDT. Nissan is thus liable for infringement of the '974 Patent pursuant to 35 U.S.C. § 271.

41. As a result of Nissan's infringement of the '974 Patent, Nissan has damaged IDT. Nissan is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

42. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '974 Patent.

43. As a result of Nissan's infringement of the '974 Patent, IDT has suffered and will continue to suffer loss and injury unless Nissan is enjoined by this Court.

44. At least as early as its receipt of this Complaint, Nissan has had knowledge of the '974 Patent and written notice of the infringement.

COUNT 6: Infringement of U.S. Patent No. 7,537,370

45. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-44 as though fully set forth herein.

46. On information and belief, Nissan has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '370 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Nissan's Altima model) having displays (including but not limited to the 259153TA1A navigation system display) that infringe one or more claims of the '370 Patent, all to the injury of IDT. Nissan is thus liable for infringement of the '370 Patent pursuant to 35 U.S.C. § 271.

47. As a result of Nissan's infringement of the '370 Patent, Nissan has damaged IDT. Nissan is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

48. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '370 Patent.

49. As a result of Nissan's infringement of the '370 Patent, IDT has suffered and will continue to suffer loss and injury unless Nissan is enjoined by this Court.

50. At least as early as its receipt of this Complaint, Nissan has had knowledge of the '370 Patent and written notice of the infringement.

COUNT 7: Infringement of U.S. Patent No. 8,215,816

51. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-50 as though fully set forth herein.

52. On information and belief, Nissan has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '816 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Nissan's Altima model) having displays (including but not limited to the 259153TA1A navigation system display) that infringe one or more claims of the '816 Patent, all to the injury of IDT. Nissan is thus liable for infringement of the '816 Patent pursuant to 35 U.S.C. § 271.

53. As a result of Nissan's infringement of the '816 Patent, Nissan has damaged IDT. Nissan is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

54. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '816 Patent.

55. As a result of Nissan's infringement of the '816 Patent, IDT has suffered and will continue to suffer loss and injury unless Nissan is enjoined by this Court.

56. At least as early as its receipt of this Complaint, Nissan has had knowledge of the '816 Patent and written notice of the infringement.

JURY DEMAND

57. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

58. Plaintiff respectfully requests that the Court find in its favor and against Nissan, and that the Court grant Plaintiff the following relief:

- A. A judgment that Nissan has infringed the Patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such Patents;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Nissan;
- C. A judgment and order requiring Nissan to pay Plaintiff damages under 35 U.S.C. § 284, including up to treble damages for willful infringement as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Nissan and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the Patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Nissan to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded; and
- F. Such other and further relief as the Court deems just and equitable.

Dated: March 10, 2014

Respectfully submitted,

/s/ Demetrios Anaipakos

Demetrios Anaipakos
Texas Bar No. 00793258
danaipakos@azalaw.com

Amir Alavi
Texas Bar No. 00793239
aalavi@azalaw.com

Brian E. Simmons
Texas Bar No. 24004922
bsimmons@azalaw.com

George W. Webb III
Texas Bar No. 24003146
gwebb@azalaw.com

AHMAD, ZAVITSANOS, ANAIPAKOS,
ALAVI & MENSING P.C.

1221 McKinney Street, Suite 3460
Houston, TX 77010
Telephone: 713-655-1101
Facsimile: 713-655-0062

**Attorneys for Plaintiff
INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Innovative Display Technologies LLC

DEFENDANTS

Nissan Motor Co., Ltd. and Nissan North America, Inc.

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
Demetrios Anaipakos, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing,
P.C., 1221 McKinney St., Suite 3460, Houston, TX 77010
713-655-110

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. Section 271

Brief description of cause:
Patent Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Rodney Gilstrap

DOCKET NUMBER 2:14-cv-00106-JRG

DATE
03/10/2014SIGNATURE OF ATTORNEY OF RECORD
/s/ Demetrios Anaipakos

FOR OFFICE USE ONLY

RECEIPT # AMOUNT

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INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

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

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC,**

Plaintiff,

v.

NOKIA CORPORATION and

NOKIA INC.,

Defendants.

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§

C.A. No. _____

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT

Plaintiff Innovative Display Technologies LLC, by and through its undersigned counsel, files this Complaint against Nokia Corporation and Nokia Inc. (collectively, "Nokia").

THE PARTIES

1. Innovative Display Technologies LLC is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, TX 75093.

2. Upon information and belief, Nokia Corporation is a corporation organized under the laws of Finland with its principal place of business at Keilalahdentie 2-4, FIN-02150, Espoo, Finland. Upon information and belief, Nokia Corporation may be served with process in Finland pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

3. Upon information and belief, Nokia Inc. is a corporation organized under the laws of Delaware located at 6021 Connection Dr., Irving TX, 75039. Upon information and belief,

Nokia Inc. may be served with process by serving its registered agent, National Registered Agents, Inc., 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201.

4. Upon information and belief, Nokia has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

5. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. As further detailed herein, this Court has personal jurisdiction over Nokia Inc. Nokia Inc. is amenable to service of summons for this action. Furthermore, personal jurisdiction over Nokia Inc. in this action comports with due process. Upon information and belief, Nokia Inc. maintains offices at 6021 Connection Dr., Irving TX, 75039. Upon information and belief, Nokia Inc. is a wholly-owned subsidiary of Nokia Corporation. Nokia Inc. has conducted and regularly conducts business within the United States and this District. Nokia Inc. has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. Nokia Inc. has sought protection and benefit from the laws of the State of Texas by maintaining corporate offices in Texas and by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

7. Nokia Inc. – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Nokia Inc. has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the

awareness and/or intent that they will be purchased by consumers in this District. Nokia Inc. knowingly and purposefully ships infringing products into this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, Nokia Inc. has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from Nokia Inc.'s activities in this District.

8. As further detailed herein, this Court has personal jurisdiction over Nokia Corporation. Nokia Corporation is amenable to service of summons for this action. Furthermore, personal jurisdiction over Nokia Corporation in this action comports with due process. Nokia Corporation has conducted and regularly conducts business within the United States and this District. Nokia Corporation has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. Nokia Corporation has sought protection and benefit from the laws of the State of Texas by maintaining the offices of its United States subsidiary in Texas and/or by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

9. Nokia Corporation – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Nokia Corporation has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. Nokia Corporation knowingly and purposefully ships infringing products into and within

this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, Nokia Corporation has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from Nokia Corporation's activities in this District.

10. Venue is proper in this Court according to the venue provisions set forth by 28 U.S.C. §§ 1391(b)-(d) and 1400(b). Nokia is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue. Upon information and belief, Nokia has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website, available to persons in this District that advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

11. U.S. Patent No. 6,755,547 titled "Light Emitting Panel Assemblies" ("the '547 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '547 patent. The '547 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '547 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '547 patent is attached as **Exhibit A** and made a part hereof.

12. U.S. Patent No. 7,300,194 titled "Light Emitting Panel Assemblies" ("the '194 patent") was duly and legally issued by the U.S. Patent and Trademark Office on November 27,

2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '194 patent. The '194 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '194 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '194 patent is attached as **Exhibit B** and made a part hereof.

13. U.S. Patent No. 7,384,177 titled "Light Emitting Panel Assemblies" ("the '177 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '177 patent. The '177 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '177 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '177 patent is attached as **Exhibit C** and made a part hereof.

14. U.S. Patent No. 7,404,660 titled "Light Emitting Panel Assemblies" ("the '660 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '660 patent. The '660 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '660 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '660 patent is attached as **Exhibit D** and made a part hereof.

15. U.S. Patent No. 7,434,974 titled "Light Emitting Panel Assemblies" ("the '974 patent") was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '974 patent. The '974 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the

'974 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '974 patent is attached as **Exhibit E** and made a part hereof.

16. U.S. Patent No. 7,537,370 titled "Light Emitting Panel Assemblies" ("the '370 patent") was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '370 patent. The '370 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '370 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '370 patent is attached as **Exhibit F** and made a part hereof.

17. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '816 patent. The '816 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '816 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '816 patent is attached as **Exhibit G** and made a part hereof.

18. Jeffery R. Parker is the inventor of the '547 patent, the '194 patent, the '177 patent, the '660 patent, the '974 patent, the '370 patent, and the '816 patent (collectively, the "patents-in-suit"). In total, he is a named inventor on over eighty-five (85) U.S. patents.

B. Nokia's Infringing Conduct.

19. Upon information and belief, Nokia makes, uses, offers to sell, and/or sells within, and/or imports into the United States display products that incorporate the fundamental

technologies covered by the patents-in-suit. Upon information and belief, the infringing display products include, but are not limited to, mobile phones (*e.g.*, the Nokia Lumia 822 and Lumia 920 mobile phones).

20. By incorporating the fundamental inventions covered by the patents-in-suit, Nokia can make improved products, including but not limited to, longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, and/or a lower power requirement.

21. Upon information and belief, third-party distributors purchase and have purchased Nokia's infringing display products for sale or importation into the United States, including this District. Upon information and belief, third-party consumers use and have used Nokia's infringing display products in the United States, including this District.

22. Upon information and belief, Nokia has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States by third party manufacturers, distributors, and/or importers.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

23. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-22 as though fully set forth herein.

24. The '547 patent is valid and enforceable.

25. Nokia has never been licensed, either expressly or impliedly, under the '547 patent.

26. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Nokia of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered

for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

27. Upon information and belief, Nokia has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones (*e.g.*, the Nokia Lumia 822 and Lumia 920 mobile phones), their display components, and/or other products made, used, sold, offered for sale, or imported by Nokia that include all of the limitations of one or more claims of the '547 patent.

28. Upon information and belief, distributors and consumers that purchase Nokia's products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones (*e.g.*, the Nokia Lumia 822 and Lumia 920 mobile phones), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

29. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Nokia that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling infringing products in the United States and/or importing infringing products into the United States.

30. Upon information and belief, Nokia had knowledge of the '547 patent and its infringing conduct at least since October 3, 2012, when Nokia was formally placed on notice of its infringement.

31. Upon information and belief, since at least the above-mentioned date when Nokia was formally placed on notice of its infringement, Nokia has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, Nokia does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent. Upon information and belief, Nokia intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Nokia has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

32. Upon information and belief, Nokia's acts of infringement of the '547 patent have been willful and intentional. Since at least the above-mentioned date of notice, Nokia has acted with an objectively high likelihood that its actions constituted infringement of the '547 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones (*e.g.*, the Nokia Lumia 822 and Lumia 920 mobile phones), and the objectively-defined risk was either known or so obvious that it should have been known.

33. As a direct and proximate result of these acts of patent infringement, Nokia has encroached on the exclusive rights of Plaintiff and its licensees to practice the '547 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

34. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-33 as though fully set forth herein.

35. The '194 patent is valid and enforceable.

36. Nokia has never been licensed, either expressly or impliedly, under the '194 patent.

37. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Nokia of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

38. Upon information and belief, Nokia has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones (*e.g.*, the Nokia Lumia 822 and Lumia 920 mobile phones), their display

components, and/or other products made, used, sold, offered for sale, or imported by Nokia that include all of the limitations of one or more claims of the '194 patent.

39. Upon information and belief, distributors and consumers that purchase Nokia's products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones (*e.g.*, the Nokia Lumia 822 and Lumia 920 mobile phones), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

40. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Nokia that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling infringing products in the United States and/or importing infringing products into the United States.

41. Upon information and belief, Nokia had knowledge of the '194 patent and its infringing conduct at least since October 3, 2012, when Nokia was formally placed on notice of its infringement.

42. Upon information and belief, since at least the above-mentioned date when Nokia was formally placed on notice of its infringement, Nokia has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date, Nokia does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent. Upon information and belief, Nokia intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Nokia has taken

affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

43. Upon information and belief, Nokia's acts of infringement of the '194 patent have been willful and intentional. Since at least the above-mentioned date of notice, Nokia has acted with an objectively high likelihood that its actions constituted infringement of the '194 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones (*e.g.*, the Nokia Lumia 822 and Lumia 920 mobile phones), and the objectively-defined risk was either known or so obvious that it should have been known.

44. As a direct and proximate result of these acts of patent infringement, Nokia has encroached on the exclusive rights of Plaintiff and its licensees to practice the '194 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

45. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-44 as though fully set forth herein.

46. The '177 patent is valid and enforceable.

47. Nokia has never been licensed, either expressly or impliedly, under the '177 patent.

48. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Nokia of its alleged infringement. Upon information and belief, Plaintiff

surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

49. Upon information and belief, Nokia has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones (*e.g.*, the Nokia Lumia 822 and Lumia 920 mobile phones), their display components, and/or other products made, used, sold, offered for sale, or imported by Nokia that include all of the limitations of one or more claims of the '177 patent.

50. Upon information and belief, distributors and consumers that purchase Nokia's products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones (*e.g.*, the Nokia Lumia 822 and Lumia 920 mobile phones), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

51. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Nokia that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents,

under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling infringing products in the United States and/or importing infringing products into the United States.

52. Upon information and belief, Nokia had knowledge of the '177 patent and its infringing conduct at least since October 3, 2012, when Nokia was formally placed on notice of its infringement.

53. Upon information and belief, since at least the above-mentioned date when Nokia was formally placed on notice of its infringement, Nokia has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date, Nokia does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent. Upon information and belief, Nokia intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Nokia has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

54. Upon information and belief, Nokia's acts of infringement of the '177 patent have been willful and intentional. Since at least the above-mentioned date of notice, Nokia has acted with an objectively high likelihood that its actions constituted infringement of the '177 patent by refusing to take a license and continuing to make and sell its display products, including but not

limited to mobile phones (*e.g.*, the Nokia Lumia 822 and Lumia 920 mobile phones), and the objectively-defined risk was either known or so obvious that it should have been known.

55. As a direct and proximate result of these acts of patent infringement, Nokia has encroached on the exclusive rights of Plaintiff and its licensees to practice the '177 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

56. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-55 as though fully set forth herein.

57. The '660 patent is valid and enforceable.

58. Nokia has never been licensed, either expressly or impliedly, under the '660 patent.

59. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Nokia of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

60. Upon information and belief, Nokia has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the

United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones (*e.g.*, the Nokia Lumia 822 and Lumia 920 mobile phones), their display components, and/or other products made, used, sold, offered for sale, or imported by Nokia that include all of the limitations of one or more claims of the '660 patent.

61. Upon information and belief, distributors and consumers that purchase Nokia's products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones (*e.g.*, the Nokia Lumia 822 and Lumia 920 mobile phones), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

62. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Nokia that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling infringing products in the United States and/or importing infringing products into the United States.

63. Upon information and belief, Nokia had knowledge of the '660 patent and its infringing conduct at least since October 3, 2012, when Nokia was formally placed on notice of its infringement.

64. Upon information and belief, since at least the above-mentioned date when Nokia was formally placed on notice of its infringement, Nokia has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date,

Nokia does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent. Upon information and belief, Nokia intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Nokia has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

65. Upon information and belief, Nokia's acts of infringement of the '660 patent have been willful and intentional. Since at least the above-mentioned date of notice, Nokia has acted with an objectively high likelihood that its actions constituted infringement of the '660 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones (*e.g.*, the Nokia Lumia 822 and Lumia 920 mobile phones), and the objectively-defined risk was either known or so obvious that it should have been known.

66. As a direct and proximate result of these acts of patent infringement, Nokia has encroached on the exclusive rights of Plaintiff and its licensees to practice the '660 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

67. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-66 as though fully set forth herein.

68. The '974 patent is valid and enforceable.

69. Nokia has never been licensed, either expressly or impliedly, under the '974 patent.

70. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Nokia of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

71. Upon information and belief, Nokia has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones (*e.g.*, the Nokia Lumia 822 and Lumia 920 mobile phones), their display components, and/or other products made, used, sold, offered for sale, or imported by Nokia that include all of the limitations of one or more claims of the '974 patent.

72. Upon information and belief, distributors and consumers that purchase Nokia's products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones (*e.g.*, the Nokia Lumia 822 and Lumia 920 mobile phones), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

73. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Nokia that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling infringing products in the United States and/or importing infringing products into the United States.

74. Upon information and belief, Nokia had knowledge of the '974 patent and its infringing conduct at least since October 3, 2012, when Nokia was formally placed on notice of its infringement.

75. Upon information and belief, since at least the above-mentioned date when Nokia was formally placed on notice of its infringement, Nokia has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '974 patent. Since at least the notice provided on the above-mentioned date, Nokia does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent. Upon information and belief, Nokia intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Nokia has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

76. Upon information and belief, Nokia's acts of infringement of the '974 patent have been willful and intentional. Since at least the above-mentioned date of notice, Nokia has acted

with an objectively high likelihood that its actions constituted infringement of the '974 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones (*e.g.*, the Nokia Lumia 822 and Lumia 920 mobile phones), and the objectively-defined risk was either known or so obvious that it should have been known.

77. As a direct and proximate result of these acts of patent infringement, Nokia has encroached on the exclusive rights of Plaintiff and its licensees to practice the '974 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,537,370

78. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-77 as though fully set forth herein.

79. The '370 patent is valid and enforceable.

80. Nokia has never been licensed, either expressly or impliedly, under the '370 patent.

81. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Nokia of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

82. Upon information and belief, Nokia has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by making,

using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones (*e.g.*, the Nokia Lumia 822 and Lumia 920 mobile phones), their display components, and/or other products made, used, sold, offered for sale, or imported by Nokia that include all of the limitations of one or more claims of the '370 patent.

83. Upon information and belief, distributors and consumers that purchase Nokia's products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones (*e.g.*, the Nokia Lumia 822 and Lumia 920 mobile phones), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

84. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Nokia that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling infringing products in the United States and/or importing infringing products into the United States.

85. Upon information and belief, Nokia had knowledge of the '370 patent and its infringing conduct at least since October 3, 2012, when Nokia was formally placed on notice of its infringement.

86. Upon information and belief, since at least the above-mentioned date when Nokia was formally placed on notice of its infringement, Nokia has actively induced, under U.S.C. §

271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '370 patent. Since at least the notice provided on the above-mentioned date, Nokia does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent. Upon information and belief, Nokia intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Nokia has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

87. Upon information and belief, Nokia's acts of infringement of the '370 patent have been willful and intentional. Since at least the above-mentioned date of notice, Nokia has acted with an objectively high likelihood that its actions constituted infringement of the '370 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones (*e.g.*, the Nokia Lumia 822 and Lumia 920 mobile phones), and the objectively-defined risk was either known or so obvious that it should have been known.

88. As a direct and proximate result of these acts of patent infringement, Nokia has encroached on the exclusive rights of Plaintiff and its licensees to practice the '370 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 8,215,816

89. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-88 as though fully set forth herein.

90. The '816 patent is valid and enforceable.

91. Nokia has never been licensed, either expressly or impliedly, under the '816 patent.

92. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Nokia of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

93. Upon information and belief, Nokia has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones (*e.g.*, the Nokia Lumia 822 and Lumia 920 mobile phones), their display components, and/or other products made, used, sold, offered for sale, or imported by Nokia that include all of the limitations of one or more claims of the '816 patent.

94. Upon information and belief, distributors and consumers that purchase Nokia's products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones (*e.g.*, the Nokia Lumia 822 and Lumia 920 mobile phones), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

95. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Nokia that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling infringing products in the United States and/or importing infringing products into the United States.

96. Upon information and belief, Nokia had knowledge of the application that issued into the '816 patent and its infringing conduct at least since October 3, 2012, when Nokia was formally placed on notice of its infringement.

97. Upon information and belief, since at least the above-mentioned date when Nokia was formally placed on notice of its infringement, Nokia has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, Nokia does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent. Upon information and belief, Nokia intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Nokia has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products

into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

98. Upon information and belief, Nokia's acts of infringement of the '816 patent have been willful and intentional. Since at least the above-mentioned date of notice, Nokia has acted with an objectively high likelihood that its actions constituted infringement of the '816 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones (*e.g.*, the Nokia Lumia 822 and Lumia 920 mobile phones), and the objectively-defined risk was either known or so obvious that it should have been known.

99. As a direct and proximate result of these acts of patent infringement, Nokia has encroached on the exclusive rights of Plaintiff and its licensees to practice the '816 patent, for which Plaintiff is entitled to at least a reasonable royalty.

CONCLUSION

100. Plaintiff is entitled to recover from Nokia the damages sustained by Plaintiff as a result of Nokia's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

101. Plaintiff has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

102. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

103. Plaintiff respectfully requests that the Court find in its favor and against Nokia, and that the Court grant Plaintiff the following relief:

- A. A judgment that Nokia has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Nokia;
- C. A judgment and order requiring Nokia to pay Plaintiff damages under 35 U.S.C. § 284, including up to treble damages for willful infringement as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Nokia and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Nokia to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring Nokia to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: October 1, 2013

Respectfully submitted,

/s/ Jeffrey R. Bragalone

Jeffrey R. Bragalone (lead attorney)

Texas Bar No. 02855775

Patrick J. Conroy

Texas Bar No. 24012448

Justin B. Kimble

Texas Bar No. 24036909

T. William Kennedy, Jr.

Texas Bar No. 24055771

Daniel F. Olejko

Pennsylvania Bar No. 205512

Bragalone Conroy PC

2200 Ross Avenue

Suite 4500W

Dallas, TX 75201

Tel: (214) 785-6671

Fax: (214) 785-6680

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

bkennedy@bcpc-law.com

dolejko@bcpc-law.com

T. John Ward Jr.

Texas Bar No. 00794818

Claire Abernathy Henry

Texas Bar No. 24053063

Ward & Smith Law Firm

1127 Judson Road, Suite 220

Longview, TX 75601

Tel: (903) 757-6400

Fax: (903) 757.2323

jw@wsfirm.com

claire@wsfirm.com

Attorneys for Plaintiff

INNOVATIVE DISPLAY

TECHNOLOGIES LLC

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

INNOVATIVE DISPLAY TECHNOLOGIES LLC

(b) County of Residence of First Listed Plaintiff Collin
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Jeffrey R. Bragalone, Bragalone Conroy PC
2200 Ross Avenue, Suite 4500W
Dallas, TX 75201 214-785-6670

DEFENDANTS

NOKIA CORPORATION AND NOKIA INC.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. § 1, et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285

Brief description of cause:

Infringement of U.S. Patent Nos. 6,755,547, 7,300,194, 7,384,177, et al

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Hon. Rodney Gilstrap

DOCKET NUMBER 2:13-cv-522,523,524,525,52

DATE 10/01/2013
SIGNATURE OF ATTORNEY OF RECORD
/s/ Jeffrey R. Bragalone

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

MBI_000787

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

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

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC,**

Plaintiff,

V.

RESEARCH IN MOTION LIMITED and

**RESEARCH IN MOTION
CORPORATION,**

Defendants.

C.A. No. _____

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT

Plaintiff Innovative Display Technologies LLC, by and through its undersigned counsel, files this Complaint against Research in Motion Limited (“RIM Canada”) and Research in Motion Corporation (“RIM USA”) (collectively, “RIM”).

THE PARTIES

1. Innovative Display Technologies LLC is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, TX 75093.
2. Upon information and belief, RIM Canada is an Ontario company having its principal place of business at 295 Phillip Street, Waterloo, Ontario, Canada, N2L 3W8. Upon information and belief, RIM may be served with process in Ontario pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

3. Upon information and belief, RIM USA is a Delaware corporation, having a principal place of business at 5000 Riverside Drive, Irving, TX 75039. Upon information and belief, RIM USA is a wholly-owned subsidiary of RIM Canada. Upon information and belief, RIM USA may be served with process by serving its registered agent, C T Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201.

4. Upon information and belief, RIM has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

5. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. As further detailed herein, this Court has personal jurisdiction over RIM Canada. RIM Canada is amenable to service of summons for this action. Furthermore, personal jurisdiction over RIM Canada in this action comports with due process. RIM Canada has conducted and regularly conducts business within the United States and this District. RIM Canada has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. RIM Canada has sought protection and benefit from the laws of the State of Texas by maintaining offices of its United States subsidiary in Texas and/or by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

7. RIM Canada – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. RIM Canada has purposefully and voluntarily

placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. RIM Canada knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, RIM Canada has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from RIM Canada's activities in this District.

8. As further detailed herein, this Court has personal jurisdiction over RIM USA. RIM USA is amenable to service of summons for this action. Furthermore, personal jurisdiction over RIM USA in this action comports with due process. RIM USA maintains headquarters at 5000 Riverside Drive, Irving, TX 75039. RIM USA has conducted and regularly conducts business within the United States and this District. RIM USA has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. RIM USA has sought protection and benefit from the laws of the State of Texas by maintaining corporate headquarters in Texas and by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

9. RIM USA – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. RIM USA has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. RIM USA

knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, RIM USA has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from RIM USA's activities in this District.

10. Venue is proper in this Court according to the venue provisions set forth by 28 U.S.C. §§ 1391(b)-(d) and 1400(b). RIM is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue. Upon information and belief, RIM has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website, available to persons in this District that advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

11. U.S. Patent No. 6,755,547 titled "Light Emitting Panel Assemblies" ("the '547 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '547 patent. The '547 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '547 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '547 patent is attached as **Exhibit A** and made a part hereof.

12. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’194 patent. The ’194 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’194 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’194 patent is attached as **Exhibit B** and made a part hereof.

13. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’177 patent. The ’177 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’177 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’177 patent is attached as **Exhibit C** and made a part hereof.

14. U.S. Patent No. 7,404,660 titled “Light Emitting Panel Assemblies” (“the ’660 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’660 patent. The ’660 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’660 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’660 patent is attached as **Exhibit D** and made a part hereof.

15. U.S. Patent No. 7,434,974 titled “Light Emitting Panel Assemblies” (“the ’974 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008,

after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '974 patent. The '974 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '974 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '974 patent is attached as **Exhibit E** and made a part hereof.

16. U.S. Patent No. 7,537,370 titled "Light Emitting Panel Assemblies" ("the '370 patent") was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '370 patent. The '370 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '370 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '370 patent is attached as **Exhibit F** and made a part hereof.

17. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '816 patent. The '816 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '816 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '816 patent is attached as **Exhibit G** and made a part hereof.

18. Jeffery R. Parker is an inventor of the '547 patent, the '194 patent, the '177 patent, the '660 patent, the '974 patent, the '370 patent, and the '816 patent (collectively, the "patents-in-suit"). In total, he is a named inventor on over eighty-five (85) U.S. patents.

B. RIM's Infringing Conduct.

19. Upon information and belief, RIM makes, uses, offers to sell, and/or sells within, and/or imports into the United States display products that incorporate the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display products include, but are not limited to, mobile phones and tablets.

20. By incorporating the fundamental inventions covered by the patents-in-suit, RIM can make improved products, including but not limited to, longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, and/or a lower power requirement.

21. Upon information and belief, third-party distributors purchase and have purchased RIM's infringing display products for sale or importation into the United States, including this District. Upon information and belief, third-party consumers use and have used RIM's infringing display products in the United States, including this District.

22. Upon information and belief, RIM has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including this District by third party manufacturers, distributors, and/or importers.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

23. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-22 as though fully set forth herein.

24. The '547 patent is valid and enforceable.

25. RIM has never been licensed, either expressly or impliedly, under the '547 patent.

26. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to RIM of its alleged infringement. Upon information and belief, Plaintiff

surmises that any express licensees of the '547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

27. Upon information and belief, RIM has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets, their display components, and/or other products made, used, sold, offered for sale, or imported by RIM that include all of the limitations of one or more claims of the '547 patent.

28. Upon information and belief, distributors and consumers that purchase RIM's products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

29. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to RIM that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling infringing products

in this District and elsewhere within the United States and/or importing infringing products into the United States.

30. Upon information and belief, RIM had knowledge of the '547 patent and its infringing conduct at least since August 1, 2012, when RIM was formally placed on notice of its infringement.

31. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed RIM on notice of its infringement, RIM has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, RIM does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent. Upon information and belief, RIM intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. RIM has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

32. Upon information and belief, RIM's acts of infringement of the '547 patent have been willful and intentional. Since at least the above-mentioned date of notice, RIM has acted with an objectively high likelihood that its actions constituted infringement of the '547 patent by refusing to take a license and continuing to make and sell its display products, including but not

limited to mobile phones and tablets, and the objectively-defined risk was either known or so obvious that it should have been known.

33. As a direct and proximate result of these acts of patent infringement, RIM has encroached on the exclusive rights of Plaintiff and its licensees to practice the '547 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

34. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-33 as though fully set forth herein.

35. The '194 patent is valid and enforceable.

36. RIM has never been licensed, either expressly or impliedly, under the '194 patent.

37. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to RIM of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

38. Upon information and belief, RIM has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that

include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets (*e.g.*, the Blackberry Z10 mobile phone), their display components, and/or other products made, used, sold, offered for sale, or imported by RIM that include all of the limitations of one or more claims of the '194 patent.

39. Upon information and belief, distributors and consumers that purchase RIM's products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets (*e.g.*, the Blackberry Z10 mobile phone), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

40. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to RIM that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

41. Upon information and belief, RIM had knowledge of the '194 patent and its infringing conduct at least since August 1, 2012, when RIM was formally placed on notice of its infringement.

42. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed RIM on notice of its infringement, RIM has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date,

RIM does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent. Upon information and belief, RIM intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. RIM has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

43. Upon information and belief, RIM's acts of infringement of the '194 patent have been willful and intentional. Since at least the above-mentioned date of notice, RIM has acted with an objectively high likelihood that its actions constituted infringement of the '194 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones and tablets (*e.g.*, the Blackberry Z10 mobile phone), and the objectively-defined risk was either known or so obvious that it should have been known.

44. As a direct and proximate result of these acts of patent infringement, RIM has encroached on the exclusive rights of Plaintiff and its licensees to practice the '194 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

45. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-44 as though fully set forth herein.

46. The '177 patent is valid and enforceable.

47. RIM has never been licensed, either expressly or impliedly, under the '177 patent.

48. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to RIM of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

49. Upon information and belief, RIM has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets (*e.g.*, the Blackberry Z10 mobile phone), their display components, and/or other products made, used, sold, offered for sale, or imported by RIM that include all of the limitations of one or more claims of the '177 patent.

50. Upon information and belief, distributors and consumers that purchase RIM's products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets (*e.g.*, the Blackberry Z10 mobile phone), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

51. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to RIM that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

52. Upon information and belief, RIM had knowledge of the '177 patent and its infringing conduct at least since August 1, 2012, when RIM was formally placed on notice of its infringement.

53. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed RIM on notice of its infringement, RIM has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date, RIM does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent. Upon information and belief, RIM intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. RIM has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

54. Upon information and belief, RIM's acts of infringement of the '177 patent have been willful and intentional. Since at least the above-mentioned date of notice, RIM has acted with an objectively high likelihood that its actions constituted infringement of the '177 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones and tablets (*e.g.*, the Blackberry Z10 mobile phone), and the objectively-defined risk was either known or so obvious that it should have been known.

55. As a direct and proximate result of these acts of patent infringement, RIM has encroached on the exclusive rights of Plaintiff and its licensees to practice the '177 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

56. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-55 as though fully set forth herein.

57. The '660 patent is valid and enforceable.

58. RIM has never been licensed, either expressly or impliedly, under the '660 patent.

59. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to RIM of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

60. Upon information and belief, RIM has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones and tablets (*e.g.*, the Blackberry Z10 mobile phone), their display components, and/or other products made, used, sold, offered for sale, or imported by RIM that include all of the limitations of one or more claims of the '660 patent.

61. Upon information and belief, distributors and consumers that purchase RIM's products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones and tablets (*e.g.*, the Blackberry Z10 mobile phone), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

62. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to RIM that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

63. Upon information and belief, RIM had knowledge of the '660 patent and its infringing conduct at least since August 1, 2012, when RIM was formally placed on notice of its infringement.

64. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed RIM on notice of its infringement, RIM has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, RIM does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent. Upon information and belief, RIM intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. RIM has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

65. Upon information and belief, RIM's acts of infringement of the '660 patent have been willful and intentional. Since at least the above-mentioned date of notice, RIM has acted with an objectively high likelihood that its actions constituted infringement of the '660 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones and tablets (*e.g.*, the Blackberry Z10 mobile phone), and the objectively-defined risk was either known or so obvious that it should have been known.

66. As a direct and proximate result of these acts of patent infringement, RIM has encroached on the exclusive rights of Plaintiff and its licensees to practice the '660 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

67. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-66 as though fully set forth herein.

68. The '974 patent is valid and enforceable.

69. RIM has never been licensed, either expressly or impliedly, under the '974 patent.

70. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to RIM of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

71. Upon information and belief, RIM has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones and tablets (*e.g.*, the Blackberry Z10 mobile phone), their display components,

and/or other products made, used, sold, offered for sale, or imported by RIM that include all of the limitations of one or more claims of the '974 patent.

72. Upon information and belief, distributors and consumers that purchase RIM's products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones and tablets (*e.g.*, the Blackberry Z10 mobile phone), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

73. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to RIM that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

74. Upon information and belief, RIM had knowledge of the '974 patent and its infringing conduct at least since August 1, 2012, when RIM was formally placed on notice of its infringement.

75. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed RIM on notice of its infringement, RIM has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '974 patent. Since at least the notice provided on the above-mentioned date, RIM does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent. Upon information and belief, RIM intends to cause infringement

by these third-party manufacturers, distributors, importers, and/or consumers. RIM has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

76. Upon information and belief, RIM's acts of infringement of the '974 patent have been willful and intentional. Since at least the above-mentioned date of notice, RIM has acted with an objectively high likelihood that its actions constituted infringement of the '974 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones and tablets (*e.g.*, the Blackberry Z10 mobile phone), and the objectively-defined risk was either known or so obvious that it should have been known.

77. As a direct and proximate result of these acts of patent infringement, RIM has encroached on the exclusive rights of Plaintiff and its licensees to practice the '974 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,537,370

78. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-77 as though fully set forth herein.

79. The '370 patent is valid and enforceable.

80. RIM has never been licensed, either expressly or impliedly, under the '370 patent.

81. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to RIM of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

82. Upon information and belief, RIM has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones and tablets (*e.g.*, the Blackberry Z10 mobile phone), their display components, and/or other products made, used, sold, offered for sale, or imported by RIM that include all of the limitations of one or more claims of the '370 patent.

83. Upon information and belief, distributors and consumers that purchase RIM's products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones and tablets (*e.g.*, the Blackberry Z10 mobile phone), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

84. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to RIM that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

85. Upon information and belief, RIM had knowledge of the '370 patent and its infringing conduct at least since August 1, 2012, when RIM was formally placed on notice of its infringement.

86. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed RIM on notice of its infringement, RIM has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '370 patent. Since at least the notice provided on the above-mentioned date, RIM does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent. Upon information and belief, RIM intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. RIM has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

87. Upon information and belief, RIM's acts of infringement of the '370 patent have been willful and intentional. Since at least the above-mentioned date of notice, RIM has acted with an objectively high likelihood that its actions constituted infringement of the '370 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones and tablets (*e.g.*, the Blackberry Z10 mobile phone), and the objectively-defined risk was either known or so obvious that it should have been known.

88. As a direct and proximate result of these acts of patent infringement, RIM has encroached on the exclusive rights of Plaintiff and its licensees to practice the '370 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 8,215,816

89. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-88 as though fully set forth herein.

90. The '816 patent is valid and enforceable.

91. RIM has never been licensed, either expressly or impliedly, under the '816 patent.

92. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to RIM of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

93. Upon information and belief, RIM has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets (*e.g.*, the Blackberry Z10 mobile phone), their display components, and/or other products made, used, sold, offered for sale, or imported by RIM that include all of the limitations of one or more claims of the '816 patent.

94. Upon information and belief, distributors and consumers that purchase RIM's products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets (*e.g.*, the Blackberry Z10 mobile phone), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

95. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to RIM that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

96. Upon information and belief, RIM had knowledge of the '816 patent and its infringing conduct at least since August 1, 2012, when RIM was formally placed on notice of its infringement.

97. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed RIM on notice of its infringement, RIM has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, RIM does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent. Upon information and belief, RIM intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. RIM has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

98. Upon information and belief, RIM's acts of infringement of the '816 patent have been willful and intentional. Since at least the above-mentioned date of notice, RIM has acted with an objectively high likelihood that its actions constituted infringement of the '816 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones and tablets (*e.g.*, the Blackberry Z10 mobile phone), and the objectively-defined risk was either known or so obvious that it should have been known.

99. As a direct and proximate result of these acts of patent infringement, RIM has encroached on the exclusive rights of Plaintiff and its licensees to practice the '816 patent, for which Plaintiff is entitled to at least a reasonable royalty.

CONCLUSION

100. Plaintiff is entitled to recover from RIM the damages sustained by Plaintiff as a result of RIM's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

101. Plaintiffs have incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

102. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

103. Plaintiff respectfully request that the Court find in its favor and against RIM, and that the Court grant Plaintiff the following relief:

- A. A judgment that RIM has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by RIM;

- C. A judgment and order requiring RIM to pay Plaintiff damages under 35 U.S.C. § 284, including up to treble damages for willful infringement as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining RIM and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring RIM to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring RIM to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: June 28, 2013

Respectfully submitted,

/s/ Jeffrey R. Bragalone

Jeffrey R. Bragalone
Texas Bar No. 02855775
Patrick J. Conroy
Texas Bar No. 24012448
Justin B. Kimble
Texas Bar No. 24036909
T. William Kennedy, Jr.
Texas Bar No. 24055771
Daniel F. Olejko
Pennsylvania Bar No. 205512
Bragalone Conroy PC
2200 Ross Avenue
Suite 4500W
Dallas, TX 75201
Tel: (214) 785-6670
Fax: (214) 785-6680
jbragalone@bcpc-law.com
pconroy@bcpc-law.com
jkimble@bcpc-law.com
bkennedy@bcpc-law.com
dolejko@bcpc-law.com

T. John Ward Jr.
Texas Bar No. 00794818
Claire Abernathy Henry
Ward & Smith Law Firm
1127 Judson Road, Suite 220
Longview, TX 75601
Tel: (903) 757-6400
Fax: (903) 757.2323
jw@wsfirm.com
claire@wsfirm.com

Attorneys for Plaintiff
**INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

INNOVATIVE DISPLAY TECHNOLOGIES LLC

(b) County of Residence of First Listed Plaintiff Collin
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Jeffrey R. Bragalone, Bragalone Conroy PC
2200 Ross Avenue, Suite 4500W
Dallas, TX 75201 214-785-6670

DEFENDANTS

RESEARCH IN MOTION LIMITED, and RESEARCH IN MOTION CORPORATION

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. § 1, et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285

Brief description of cause:

Infringement of U.S. Patent Nos. 6,755,547, 7,300,194, 7,384,177, et al

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/28/2013

SIGNATURE OF ATTORNEY OF RECORD

/s/ Jeffrey R. Bragalone

FOR OFFICE USE ONLY

RECEIPT #

MBI_000817

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

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

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC AND
DELAWARE DISPLAY GROUP LLC**

Plaintiffs,

V.

**SPRINT CORPORATION, SPRINT
SPECTRUM L.P., and
SPRINT SOLUTIONS, INC.,**

Defendants.

C.A. No. _____

JURY TRIAL DEMANDED

PLAINTIFFS' COMPLAINT

Innovative Display Technologies LLC and Delaware Display Group LLC (collectively, “Plaintiffs”) by and through their undersigned counsel, file this Complaint against Sprint Corporation, Sprint Spectrum L.P., and Sprint Solutions, Inc. (collectively “Sprint”).

THE PARTIES

1. Innovative Display Technologies LLC (“IDT”) is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.
2. Delaware Display Group LLC (“DDG”) is a Delaware limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.
3. On information and belief, Sprint Corporation is a Delaware corporation with its principal place of business at 6200 Sprint Parkway, Overland Park, Kansas 66251. This Defendant may be served with process through its agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

4. Sprint Spectrum L.P. is a Delaware limited partnership with its principal place of business in 6200 Sprint Parkway, Overland Park, Kansas 66251. This Defendant may be served with process through its agent, Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

5. On information and belief, Sprint Solutions, Inc. is a Delaware corporation with its principal place of business at 2001 Edmund Halley Drive, Reston, Virginia 20191. This Defendant may be served with process through its agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

6. Upon information and belief, Sprint has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

7. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

8. As further detailed herein, this Court has personal jurisdiction over Sprint. Sprint is amenable to service of summons for this action. Furthermore, personal jurisdiction over Sprint in this action comports with due process. Sprint has conducted and regularly conducts business within the United States, this State, and this District. Sprint maintains stores in at least thirteen (13) locations in this District. Sprint has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. Sprint has sought protection and benefit from the laws of the State of Texas by maintaining stores in this District and by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

9. Sprint – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Sprint has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. Sprint knowingly and purposefully ships infringing products into this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, Sprint has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff’s cause of action for patent infringement arises directly from Sprint’s activities in this District.

10. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b). One or more of IDT’s witnesses reside in this District. Sprint is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue, and, upon information and belief, Sprint has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website that is available to persons in this District, which website advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

11. U.S. Patent No. 6,755,547 titled “Light Emitting Panel Assemblies” (“the ’547 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’547 patent.

12. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’194 patent.

13. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’177 patent.

14. U.S. Patent No. 7,404,660 titled “Light Emitting Panel Assemblies” (“the ’660 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’660 patent.

15. U.S. Patent No. 7,434,974 titled “Light Emitting Panel Assemblies” (“the ’974 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’974 patent.

16. U.S. Patent No. 7,537,370 titled “Light Emitting Panel Assemblies” (“the ’370 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’370 patent.

17. U.S. Patent No. 7,914,196 titled “Light Redirecting Film Systems Having Pattern of Variable Optical Elements” (“the ’196 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on March 29, 2011, after full and fair examination. Jeffery R. Parker, Timothy A. McCollum, and Robert M. Ezell are the inventors listed on the ’196 patent..

18. U.S. Patent No. 8,215,816 titled “Light Emitting Panel Assemblies” (“the ’816 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’816 patent.

19. The ’196 patent is referred to as the “DDG patent.”

20. The '547 patent, the '194 patent, the '177 patent, the '660 patent, the '974 patent, the '370 patent, and the '816 patent are collectively referred to as the "IDT patents." Together, the "DDG patent" and the "IDT patents" are the "patents-in-suit."

21. On June 26, 2013, IDT was assigned all of the right, title, and interest in the IDT patents, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the IDT patents.

22. On December 20, 2013, DDG was assigned all of the right, title, and interest in the DDG patent, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the DDG patent.

23. The patents-in-suit all share the same ultimate parent patent, U.S. Patent No. 5,613,751. The patents-in-suit share inventors, subject matter, and claim terms. The accused products infringe the patents-in-suit based on the use of the same technology, *e.g.*, backlights for LCDs. And IDT and DDG share a common corporate parent.

B. Sprint's Infringing Conduct.

24. Upon information and belief, Sprint offers to sell and/or sells within and/or imports into the United States display products that use the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display products include, but are not limited to mobile phones and tablets with an LCD.

25. By incorporating the fundamental inventions covered by the patents-in-suit, Sprint can sell improved products, including but not limited to, products with longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, a lower power requirement, and/or a longer battery life.

26. Upon information and belief, third-party distributors purchase and have purchased Sprint's infringing display products for sale or importation into the United States, including in this District.

27. Upon information and belief, Sprint has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including in this District by third party manufacturers, distributors, and/or importers. Upon information and belief, third-party consumers use and have used infringing display products sold by Sprint in the United States, including in this District.

28. Certain infringing display products sold, offered for sale, and/or imported by Sprint are manufactured by Samsung Electronics Co., Ltd. and/or its subsidiaries ("Samsung Manufactured Products"). For only the Samsung Manufactured Products, IDT limits the infringement allegations in this complaint solely to units of those display products that were manufactured after March 2, 2014. For all other display products sold, offered for sale, or imported by Sprint, IDT maintains the infringement allegations in this complaint for the entire pre- and post-lawsuit damages period available under law.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

29. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-28 as though fully set forth herein.

30. The '547 patent is valid and enforceable.

31. Sprint has never been licensed, either expressly or impliedly, under the '547 patent.

32. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Sprint of its alleged infringement. Upon information and belief, IDT

surmises that any express licensees of the '547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

33. Upon information and belief, Sprint has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy Tab 2, Kyocera Hydro Vibe, and Kyocera Torque), their display components, and/or other products sold, offered for sale, or imported by Sprint that include all of the limitations of one or more claims of the '547 patent.

34. Upon information and belief, distributors and consumers that purchase Sprint's display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy Tab 2, Kyocera Hydro Vibe, and Kyocera Torque), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

35. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Sprint that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

36. Upon information and belief, Sprint had knowledge of the '547 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

37. Upon information and belief, since at least the above-mentioned date of notice, Sprint has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy Tab 2, Kyocera Hydro Vibe, and Kyocera Torque), to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, Sprint does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent.

38. Upon information and belief, Sprint intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to

purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

39. As a direct and proximate result of these acts of patent infringement, Sprint has encroached on the exclusive rights of IDT and its licensees to practice the '547 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

40. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-39 as though fully set forth herein

41. The '194 patent is valid and enforceable.

42. Sprint has never been licensed, either expressly or impliedly, under the '194 patent.

43. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Sprint of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

44. Upon information and belief, Sprint has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the

limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy Tab 2, Kyocera Hydro Vibe, and Kyocera Torque), their display components, and/or other products sold, offered for sale, or imported by Sprint that include all of the limitations of one or more claims of the '194 patent.

45. Upon information and belief, distributors and consumers that purchase Sprint's display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy Tab 2, Kyocera Hydro Vibe, and Kyocera Torque), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

46. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Sprint that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

47. Upon information and belief, Sprint had knowledge of the '194 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

48. Upon information and belief, since at least the above-mentioned date of notice, Sprint has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors,

importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy Tab 2, Kyocera Hydro Vibe, and Kyocera Torque), to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date, Sprint does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent.

49. Upon information and belief, Sprint intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

50. As a direct and proximate result of these acts of patent infringement, Sprint has encroached on the exclusive rights of IDT and its licensees to practice the '194 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

51. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-50 as though fully set forth herein.

52. The '177 patent is valid and enforceable.

53. Sprint has never been licensed, either expressly or impliedly, under the '177 patent.

54. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Sprint of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

55. Upon information and belief, Sprint has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy Tab 2, Kyocera Hydro Vibe, and Kyocera Torque), their display components, and/or other products sold, offered for sale, or imported by Sprint that include all of the limitations of one or more claims of the '177 patent.

56. Upon information and belief, distributors and consumers that purchase Sprint's display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy Tab 2, Kyocera Hydro Vibe, and Kyocera Torque), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through

intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

57. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Sprint that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

58. Upon information and belief, Sprint had knowledge of the '177 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

59. Upon information and belief, since at least the above-mentioned date of notice, Sprint has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy Tab 2, Kyocera Hydro Vibe, and Kyocera Torque), to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date, Sprint does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent.

60. Upon information and belief, Sprint intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United

States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

61. As a direct and proximate result of these acts of patent infringement, Sprint has encroached on the exclusive rights of IDT and its licensees to practice the '177 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

62. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-61 as though fully set forth herein.

63. The '660 patent is valid and enforceable.

64. Sprint has never been licensed, either expressly or impliedly, under the '660 patent.

65. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Sprint of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

66. Upon information and belief, Sprint has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through

intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy Tab 2, Kyocera Hydro Vibe, and Kyocera Torque), their display components, and/or other products sold, offered for sale, or imported by Sprint that include all of the limitations of one or more claims of the '660 patent.

67. Upon information and belief, distributors and consumers that purchase Sprint's display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy Tab 2, Kyocera Hydro Vibe, and Kyocera Torque), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

68. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Sprint that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

69. Upon information and belief, Sprint had knowledge of the '660 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

70. Upon information and belief, since at least the above-mentioned date of notice, Sprint has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy Tab 2, Kyocera Hydro Vibe, and Kyocera Torque), to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, Sprint does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent.

71. Upon information and belief, Sprint intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

72. As a direct and proximate result of these acts of patent infringement, Sprint has encroached on the exclusive rights of IDT and its licensees to practice the '660 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

73. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-72 as though fully set forth herein.

74. The '974 patent is valid and enforceable.

75. Sprint has never been licensed, either expressly or impliedly, under the '974 patent.

76. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Sprint of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

77. Upon information and belief, Sprint has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy Tab 2, Kyocera Hydro Vibe, and Kyocera Torque), their display components, and/or other products sold, offered for sale, or imported by Sprint that include all of the limitations of one or more claims of the '974 patent.

78. Upon information and belief, distributors and consumers that purchase Sprint's display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy Tab 2, Kyocera Hydro Vibe, and Kyocera Torque), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using,

offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

79. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Sprint that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

80. Upon information and belief, Sprint had knowledge of the '974 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

81. Upon information and belief, since at least the above-mentioned date of notice, Sprint has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy Tab 2, Kyocera Hydro Vibe, and Kyocera Torque), to directly infringe one or more claims of the '974 patent. Since at least the notice provided on the above-mentioned date, Sprint does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent.

82. Upon information and belief, Sprint intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display

products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

83. As a direct and proximate result of these acts of patent infringement, Sprint has encroached on the exclusive rights of IDT and its licensees to practice the '974 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,537,370

84. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-83 as though fully set forth herein.

85. The '370 patent is valid and enforceable.

86. Sprint has never been licensed, either expressly or impliedly, under the '370 patent.

87. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Sprint of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

88. Upon information and belief, Sprint has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by offering

to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega) their display components, and/or other products sold, offered for sale, or imported by Sprint that include all of the limitations of one or more claims of the '370 patent.

89. Upon information and belief, distributors and consumers that purchase Sprint's display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to, mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

90. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Sprint that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

91. Upon information and belief, Sprint had knowledge of the '370 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

92. Upon information and belief, since at least the above-mentioned date of notice, Sprint has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega), to directly infringe one or more claims of the '370 patent. Since at least the notice provided on the above-mentioned date, Sprint does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent.

93. Upon information and belief, Sprint intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

94. As a direct and proximate result of these acts of patent infringement, Sprint has encroached on the exclusive rights of IDT and its licensees to practice the '370 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 7,914,196

95. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-94 as though fully set forth herein.

96. The '196 patent is valid and enforceable.

97. Sprint has never been licensed, either expressly or impliedly, under the '196 patent.

98. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, DDG has complied with the requirements of that statute by providing actual or constructive notice to Sprint of its alleged infringement. Upon information and belief, DDG surmises that any express licensees of the '196 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '196 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

99. Upon information and belief, Sprint has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '196 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy Tab 2, Kyocera Hydro Vibe, and Kyocera Torque), their display components, and/or other products sold, offered for sale, or imported by Sprint that include all of the limitations of one or more claims of the '196 patent.

100. Upon information and belief, distributors and consumers that purchase Sprint's display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy Tab 2, Kyocera Hydro Vibe, and Kyocera Torque), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by using,

offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

101. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Sprint that include all of the limitations of one or more claims of the '196 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

102. Upon information and belief, Sprint had knowledge of the '196 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

103. Upon information and belief, since at least the above-mentioned date of notice, Sprint has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy Tab 2, Kyocera Hydro Vibe, and Kyocera Torque), to directly infringe one or more claims of the '196 patent. Since at least the notice provided on the above-mentioned date, Sprint does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '196 patent.

104. Upon information and belief, Sprint intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display

products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

105. As a direct and proximate result of these acts of patent infringement, Sprint has encroached on the exclusive rights of DDG and its licensees to practice the '196 patent, for which DDG is entitled to at least a reasonable royalty.

COUNT VIII

Patent Infringement of U.S. Patent No. 8,215,816

106. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-105 as though fully set forth herein.

107. The '816 patent is valid and enforceable.

108. Sprint has never been licensed, either expressly or impliedly, under the '816 patent.

109. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Sprint of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

110. Upon information and belief, Sprint has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by offering

to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy Tab 2, Kyocera Hydro Vibe, and Kyocera Torque), their display components, and/or other products sold, offered for sale, or imported by Sprint that include all of the limitations of one or more claims of the '816 patent.

111. Upon information and belief, distributors and consumers that purchase Sprint's display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy Tab 2, Kyocera Hydro Vibe, and Kyocera Torque), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

112. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Sprint that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

113. Upon information and belief, Sprint had knowledge of the '816 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

114. Upon information and belief, since at least the above-mentioned date of notice, Sprint has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy Tab 2, Kyocera Hydro Vibe, and Kyocera Torque), to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, Sprint does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent.

115. Upon information and belief, Sprint intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

116. As a direct and proximate result of these acts of patent infringement, Sprint has encroached on the exclusive rights of IDT and its licensees to practice the '816 patent, for which IDT is entitled to at least a reasonable royalty.

CONCLUSION

117. Plaintiffs are entitled to recover from Sprint the damages sustained by Plaintiffs as a result of Sprint's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

118. Plaintiffs have incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiffs are entitled to recover their reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

119. Plaintiffs hereby request a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

120. Plaintiffs respectfully request that the Court find in their favor and against Sprint, and that the Court grant Plaintiffs the following relief:

- A. A judgment that Sprint has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiffs as a result of the acts of infringement by Sprint;
- C. A judgment and order requiring Sprint to pay Plaintiffs damages under 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Sprint and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting

in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;

- E. A judgment and order requiring Sprint to pay Plaintiffs pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring Sprint to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: June 25, 2014

Respectfully submitted,

/s/ Jeffrey R. Bragalone

Jeffrey R. Bragalone (lead attorney)

Texas Bar No. 02855775

Patrick J. Conroy

Texas Bar No. 24012448

Justin B. Kimble

Texas Bar No. 24036909

T. William Kennedy, Jr.

Texas Bar No. 24055771

Daniel F. Olejko

Pennsylvania Bar No. 205512

Bragalone Conroy PC

2200 Ross Avenue

Suite 4500W

Dallas, TX 75201

Tel: (214) 785-6671

Fax: (214) 785-6680

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

bkennedy@bcpc-law.com

dolejko@bcpc-law.com

T. John Ward Jr.

Texas Bar No. 00794818

Claire Abernathy Henry

Ward & Smith Law Firm

1127 Judson Road, Suite 220

Longview, TX 75601

Tel: (903) 757-6400

Fax: (903) 757.2323

jw@wsfirm.com

claire@wsfirm.com

Attorneys for Plaintiffs

INNOVATIVE DISPLAY

TECHNOLOGIES LLC AND

DELAWARE DISPLAY GROUP LLC

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

INNOVATIVE DISPLAY TECHNOLOGIES LLC and
DELAWARE DISPLAY GROUP LLC

(b) County of Residence of First Listed Plaintiff Collin
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Bragalone Conroy PC
2200 Ross Avenue, Suite 4500W
Dallas, TX 75201 214-785-6670

DEFENDANTS

SPRINT CORPORATION, SPRINT SPECTRUM L.P., and SPRINT
SOLUTIONS, INC.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. § 1, et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285

Brief description of cause:

Infringement of U.S. Patent Nos. 6,755,547, 7,300,194, 7,384,177, et al

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Hon. Rodney Gilstrap

DOCKET NUMBER 2:13-cv-522-527, and others

DATE 06/25/2014 SIGNATURE OF ATTORNEY OF RECORD

/s/ Jeffrey R. Bragalone

FOR OFFICE USE ONLY

RECEIPT # MBI_000848 AMOUNT APPLYING IFP JUDGE MAG. JUDGE

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

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC AND
DELAWARE DISPLAY GROUP LLC**

Plaintiffs,

V.

**T-MOBILE US, INC. and
T-MOBILE USA, INC.,**

Defendants.

C.A. No. _____

JURY TRIAL DEMANDED

PLAINTIFFS' COMPLAINT

Innovative Display Technologies LLC and Delaware Display Group LLC (collectively, “Plaintiffs”) by and through their undersigned counsel, file this Complaint against T-Mobile US, Inc. and T-Mobile USA, Inc. (collectively “T-Mobile”).

THE PARTIES

1. Innovative Display Technologies LLC (“IDT”) is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.
2. Delaware Display Group LLC (“DDG”) is a Delaware limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.
3. On information and belief, T-Mobile US, Inc. is a Delaware corporation with its principal place of business at 12920 SE 38th Street, Bellevue, Washington 98006. This Defendant may be served with process through its agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

4. On information and belief, T-Mobile USA, Inc. is a Delaware corporation with a principal place of business at 12920 SE 38th Street, Bellevue, Washington 98006. This Defendant may be served with process through its agent, Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

5. Upon information and belief, T-Mobile has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

6. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

7. As further detailed herein, this Court has personal jurisdiction over T-Mobile. T-Mobile is amenable to service of summons for this action. Furthermore, personal jurisdiction over T-Mobile in this action comports with due process. T-Mobile has conducted and regularly conducts business within the United States, this State, and this District. T-Mobile maintains stores in at least fourteen (14) locations in this District. T-Mobile has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. T-Mobile has sought protection and benefit from the laws of the State of Texas by maintaining stores in this District and by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

8. T-Mobile – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. T-Mobile has purposefully and voluntarily placed

one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. T-Mobile knowingly and purposefully ships infringing products into this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, T-Mobile has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from T-Mobile's activities in this District.

9. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b). One or more of IDT's witnesses reside in this District. T-Mobile is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue, and, upon information and belief, T-Mobile has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website that is available to persons in this District, which website advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

10. U.S. Patent No. 6,755,547 titled "Light Emitting Panel Assemblies" ("the '547 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '547 patent.

11. U.S. Patent No. 7,300,194 titled "Light Emitting Panel Assemblies" ("the '194 patent") was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '194 patent.

12. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’177 patent.

13. U.S. Patent No. 7,404,660 titled “Light Emitting Panel Assemblies” (“the ’660 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’660 patent.

14. U.S. Patent No. 7,434,974 titled “Light Emitting Panel Assemblies” (“the ’974 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’974 patent.

15. U.S. Patent No. 7,914,196 titled “Light Redirecting Film Systems Having Pattern of Variable Optical Elements” (“the ’196 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on March 29, 2011, after full and fair examination. Jeffery R. Parker, Timothy A. McCollum, and Robert M. Ezell are the inventors listed on the ’196 patent.

16. U.S. Patent No. 8,215,816 titled “Light Emitting Panel Assemblies” (“the ’816 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’816 patent.

17. The ’196 patent is referred to as the “DDG patent.”

18. The ’547 patent, the ’194 patent, the ’177 patent, the ’660 patent, the ’974 patent, and the ’816 patent are collectively referred to as the “IDT patents.” Together, the “DDG patent” and the “IDT patents” are the “patents-in-suit.”

19. On June 26, 2013, IDT was assigned all of the right, title, and interest in the IDT patents, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the IDT patents.

20. On December 20, 2013, DDG was assigned all of the right, title, and interest in the DDG patent, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the DDG patent.

21. The patents-in-suit all share the same ultimate parent patent, U.S. Patent No. 5,613,751. The patents-in-suit share inventors, subject matter, and claim terms. The accused products infringe the patents-in-suit based on the use of the same technology, *e.g.*, backlights for LCDs. And IDT and DDG share a common corporate parent.

B. T-Mobile's Infringing Conduct.

22. Upon information and belief, T-Mobile offers to sell and/or sells within, and/or imports into the United States display products that use the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display products include, but are not limited to mobile phones and tablets with an LCD.

23. By incorporating the fundamental inventions covered by the patents-in-suit, T-Mobile can sell improved products, including but not limited to, products with longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, a lower power requirement, and/or a longer battery life.

24. Upon information and belief, third-party distributors purchase and have purchased T-Mobile's infringing display products for sale or importation into the United States, including in this District.

25. Upon information and belief, T-Mobile has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including in this District by third party manufacturers, distributors, and/or importers. Upon information and belief, third-party consumers use and have used infringing display products sold by T-Mobile in the United States, including in this District.

26. Certain infringing display products sold, offered for sale, and/or imported by T-Mobile are manufactured by Samsung Electronics Co., Ltd. and/or its subsidiaries (“Samsung Manufactured Products”). For only the Samsung Manufactured Products, IDT limits the infringement allegations in this complaint solely to units of those display products that were manufactured after March 2, 2014. For all other display products sold, offered for sale, or imported by T-Mobile, IDT maintains the infringement allegations in this complaint for the entire pre- and post-lawsuit damages period available under law.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

27. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-26 as though fully set forth herein.

28. The ’547 patent is valid and enforceable.

29. T-Mobile has never been licensed, either expressly or impliedly, under the ’547 patent.

30. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to T-Mobile of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the ’547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the ’547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

31. Upon information and belief, T-Mobile has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the ’547 patent by offering

to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Exhibit and Samsung Galaxy Light), their display components, and/or other products sold, offered for sale, or imported by T-Mobile that include all of the limitations of one or more claims of the '547 patent.

32. Upon information and belief, distributors and consumers that purchase T-Mobile's display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Exhibit and Samsung Galaxy Light), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

33. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to T-Mobile that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

34. Upon information and belief, T-Mobile had knowledge of the '547 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

35. Upon information and belief, since at least the above-mentioned date of notice, T-Mobile has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Exhibit and Samsung Galaxy Light), to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, T-Mobile does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent.

36. Upon information and belief, T-Mobile intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

37. As a direct and proximate result of these acts of patent infringement, T-Mobile has encroached on the exclusive rights of IDT and its licensees to practice the '547 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

38. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-37 as though fully set forth herein

39. The '194 patent is valid and enforceable.

40. T-Mobile has never been licensed, either expressly or impliedly, under the '194 patent.

41. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to T-Mobile of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

42. Upon information and belief, T-Mobile has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Exhibit and Samsung Galaxy Light), their display components, and/or other products sold, offered for sale, or imported by T-Mobile that include all of the limitations of one or more claims of the '194 patent.

43. Upon information and belief, distributors and consumers that purchase T-Mobile's display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Exhibit and Samsung Galaxy Light), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

44. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to T-Mobile that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

45. Upon information and belief, T-Mobile had knowledge of the '194 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

46. Upon information and belief, since at least the above-mentioned date of notice, T-Mobile has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Exhibit and Samsung Galaxy Light), to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date,

T-Mobile does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent.

47. Upon information and belief, T-Mobile intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

48. As a direct and proximate result of these acts of patent infringement, T-Mobile has encroached on the exclusive rights of IDT and its licensees to practice the '194 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

49. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-48 as though fully set forth herein.

50. The '177 patent is valid and enforceable.

51. T-Mobile has never been licensed, either expressly or impliedly, under the '177 patent.

52. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to T-Mobile of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '177 patent have complied with the marking

requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

53. Upon information and belief, T-Mobile has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Exhibit and Samsung Galaxy Light), their display components, and/or other products sold, offered for sale, or imported by T-Mobile that include all of the limitations of one or more claims of the '177 patent.

54. Upon information and belief, distributors and consumers that purchase T-Mobile's display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Exhibit and Samsung Galaxy Light), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

55. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to T-Mobile that include all of the limitations of one or more

claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

56. Upon information and belief, T-Mobile had knowledge of the '177 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

57. Upon information and belief, since at least the above-mentioned date of notice, T-Mobile has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Exhibit and Samsung Galaxy Light), to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date, T-Mobile does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent.

58. Upon information and belief, T-Mobile intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

59. As a direct and proximate result of these acts of patent infringement, T-Mobile has encroached on the exclusive rights of IDT and its licensees to practice the '177 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

60. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-59 as though fully set forth herein.

61. The '660 patent is valid and enforceable.

62. T-Mobile has never been licensed, either expressly or impliedly, under the '660 patent.

63. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to T-Mobile of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

64. Upon information and belief, T-Mobile has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones

and tablets with an LCD (*e.g.*, Samsung Galaxy Exhibit and Samsung Galaxy Light), their display components, and/or other products sold, offered for sale, or imported by T-Mobile that include all of the limitations of one or more claims of the '660 patent.

65. Upon information and belief, distributors and consumers that purchase T-Mobile's display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Exhibit and Samsung Galaxy Light), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

66. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to T-Mobile that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

67. Upon information and belief, T-Mobile had knowledge of the '660 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

68. Upon information and belief, since at least the above-mentioned date of notice, T-Mobile has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations

of one or more claims of the '660 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Exhibit and Samsung Galaxy Light), to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, T-Mobile does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent.

69. Upon information and belief, T-Mobile intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

70. As a direct and proximate result of these acts of patent infringement, T-Mobile has encroached on the exclusive rights of IDT and its licensees to practice the '660 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

71. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-70 as though fully set forth herein.

72. The '974 patent is valid and enforceable.

73. T-Mobile has never been licensed, either expressly or impliedly, under the '974 patent.

74. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to T-Mobile of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

75. Upon information and belief, T-Mobile has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Exhibit and Samsung Galaxy Light), their display components, and/or other products sold, offered for sale, or imported by T-Mobile that include all of the limitations of one or more claims of the '974 patent.

76. Upon information and belief, distributors and consumers that purchase T-Mobile's display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Exhibit and Samsung Galaxy Light), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this

District and elsewhere within the United States and/or importing into the United States, those infringing display products.

77. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to T-Mobile that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

78. Upon information and belief, T-Mobile had knowledge of the '974 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

79. Upon information and belief, since at least the above-mentioned date of notice, T-Mobile has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Exhibit and Samsung Galaxy Light), to directly infringe one or more claims of the '974 patent. Since at least the notice provided on the above-mentioned date, T-Mobile does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent.

80. Upon information and belief, T-Mobile intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United

States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

81. As a direct and proximate result of these acts of patent infringement, T-Mobile has encroached on the exclusive rights of IDT and its licensees to practice the '974 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,914,196

82. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-81 as though fully set forth herein.

83. The '196 patent is valid and enforceable.

84. T-Mobile has never been licensed, either expressly or impliedly, under the '196 patent.

85. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, DDG has complied with the requirements of that statute by providing actual or constructive notice to T-Mobile of its alleged infringement. Upon information and belief, DDG surmises that any express licensees of the '196 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '196 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

86. Upon information and belief, T-Mobile has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '196 patent by offering

to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Exhibit and Samsung Galaxy Light), their display components, and/or other products sold, offered for sale, or imported by T-Mobile that include all of the limitations of one or more claims of the '196 patent.

87. Upon information and belief, distributors and consumers that purchase T-Mobile's display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Exhibit and Samsung Galaxy Light), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

88. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to T-Mobile that include all of the limitations of one or more claims of the '196 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

89. Upon information and belief, T-Mobile had knowledge of the '196 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

90. Upon information and belief, since at least the above-mentioned date of notice, T-Mobile has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Exhibit and Samsung Galaxy Light), to directly infringe one or more claims of the '196 patent. Since at least the notice provided on the above-mentioned date, T-Mobile does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '196 patent.

91. Upon information and belief, T-Mobile intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

92. As a direct and proximate result of these acts of patent infringement, T-Mobile has encroached on the exclusive rights of DDG and its licensees to practice the '196 patent, for which DDG is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 8,215,816

93. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-92 as though fully set forth herein.

94. The '816 patent is valid and enforceable.

95. T-Mobile has never been licensed, either expressly or impliedly, under the '816 patent.

96. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to T-Mobile of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

97. Upon information and belief, T-Mobile has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Exhibit and Samsung Galaxy Light), their display components, and/or other products sold, offered for sale, or imported by T-Mobile that include all of the limitations of one or more claims of the '816 patent.

98. Upon information and belief, distributors and consumers that purchase T-Mobile's display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Exhibit and Samsung Galaxy Light), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

99. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to T-Mobile that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

100. Upon information and belief, T-Mobile had knowledge of the '816 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

101. Upon information and belief, since at least the above-mentioned date of notice, T-Mobile has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Exhibit and Samsung Galaxy Light), to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date,

T-Mobile does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent.

102. Upon information and belief, T-Mobile intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

103. As a direct and proximate result of these acts of patent infringement, T-Mobile has encroached on the exclusive rights of IDT and its licensees to practice the '816 patent, for which IDT is entitled to at least a reasonable royalty.

CONCLUSION

104. Plaintiffs are entitled to recover from T-Mobile the damages sustained by Plaintiffs as a result of T-Mobile's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

105. Plaintiffs have incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiffs are entitled to recover their reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

106. Plaintiffs hereby request a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

107. Plaintiffs respectfully request that the Court find in their favor and against T-Mobile, and that the Court grant Plaintiffs the following relief:

- A. A judgment that T-Mobile has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiffs as a result of the acts of infringement by T-Mobile;
- C. A judgment and order requiring T-Mobile to pay Plaintiffs damages under 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining T-Mobile and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring T-Mobile to pay Plaintiffs pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring T-Mobile to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: June 25, 2014

Respectfully submitted,

/s/ Jeffrey R. Bragalone

Jeffrey R. Bragalone (lead attorney)

Texas Bar No. 02855775

Patrick J. Conroy

Texas Bar No. 24012448

Justin B. Kimble

Texas Bar No. 24036909

T. William Kennedy, Jr.

Texas Bar No. 24055771

Daniel F. Olejko

Pennsylvania Bar No. 205512

Bragalone Conroy PC

2200 Ross Avenue

Suite 4500W

Dallas, TX 75201

Tel: (214) 785-6671

Fax: (214) 785-6680

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

bkennedy@bcpc-law.com

dolejko@bcpc-law.com

T. John Ward Jr.

Texas Bar No. 00794818

Claire Abernathy Henry

Ward & Smith Law Firm

1127 Judson Road, Suite 220

Longview, TX 75601

Tel: (903) 757-6400

Fax: (903) 757.2323

jw@wsfirm.com

claire@wsfirm.com

Attorneys for Plaintiffs

INNOVATIVE DISPLAY

TECHNOLOGIES LLC AND

DELAWARE DISPLAY GROUP LLC

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

INNOVATIVE DISPLAY TECHNOLOGIES LLC and
DELAWARE DISPLAY GROUP LLC

(b) County of Residence of First Listed Plaintiff Collin
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Bragalone Conroy PC
2200 Ross Avenue, Suite 4500W
Dallas, TX 75201 214-785-6670

DEFENDANTS

T-MOBILE USA, INC. and T-MOBILE US, INC.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. § 1, et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285

Brief description of cause:

Infringement of U.S. Patent Nos. 6,755,547, 7,300,194, 7,384,177, et al

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Hon. Rodney Gilstrap

DOCKET NUMBER 2:13-cv-522-527, and others

DATE 06/25/2014 SIGNATURE OF ATTORNEY OF RECORD

/s/ Jeffrey R. Bragalone

FOR OFFICE USE ONLY

RECEIPT # MBI_000875 AMOUNT APPLYING IFP JUDGE MAG. JUDGE

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

**INNOVATIVE DISPLAY TECHNOLOGIES
LLC,**

Plaintiff,

v.

**TOMTOM NORTH AMERICA INC. AND
TOMTOM INTERNATIONAL BV,**

Defendants.

Case No. 2:14-cv-146

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT

Plaintiff Innovative Display Technologies LLC, by and through its undersigned counsel, files this Complaint against Defendants TomTom North America Inc. and TomTom International BV (hereinafter collectively referred to as "TomTom" or "Defendants").

THE PARTIES

1. Innovative Display Technologies LLC is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, TX 75093.

2. TomTom North America Inc. is a New Hampshire corporation with its principal place of business located at 11 Lafayette St., Lebanon, NH 03766. TomTom North America Inc. may be served with process by serving its registered agent at National Registered Agents, Inc., Sulloway & Hollis, 11 Capitol Street, Concord, NH 03301.

3. TomTom International BV is a Netherlands corporation with its principal place of business located at De Ruyterkade 154, 1011 AC Amsterdam, The Netherlands. TomTom International BV can be served with process at its principal place of business at De Ruyterkade 154, 1011 AC Amsterdam, The Netherlands.

4. Defendants have conducted and regularly conduct business within this District, have purposefully availed themselves of the privileges of conducting business in this District, and have sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

5. This action arises under the Patent Law of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. As further detailed herein, this Court has personal jurisdiction over TomTom. TomTom is amenable to service of summons for this action. Furthermore, personal jurisdiction over TomTom in this action comports with due process. TomTom has conducted and regularly conducts business within the United States and this District. TomTom has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. TomTom has sought protection and benefit from the laws of the State of Texas by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

7. TomTom directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. TomTom has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. TomTom knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be

purchased by consumers in this District. Through those activities, TomTom has committed the tort of patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from Defendants' activities in this District.

8. Venue is proper in this Court according to the venue provisions set forth by 28 U.S.C. §§ 1391(b)-(d) and 1400 (b). Defendants are subject to personal jurisdiction in this District, and therefore are deemed to reside in this District for purposes of venue. Defendants have committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website, available to persons in this District that advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit

9. U.S. Patent No. 7,537,370 titled "Light Emitting Panel Assemblies" ("the '370 patent") was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '370 patent. The '370 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '370 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '370 patent is attached as **Exhibit A** and made a part hereof.

10. U.S. Patent No. 7,300,194 titled "Light Emitting Panel Assemblies" ("the '194 patent") was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '194

patent. The '194 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '194 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '194 patent is attached as **Exhibit B** and made a part hereof.

11. U.S. Patent No. 7,384,177 titled "Light Emitting Panel Assemblies" ("the '177 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '177 patent. The '177 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '177 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '177 patent is attached as **Exhibit C** and made a part hereof.

12. U.S. Patent No. 7,404,660 titled "Light Emitting Panel Assemblies" ("the '660 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '660 patent. The '660 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '660 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '660 patent is attached as **Exhibit D** and made a part hereof.

13. U.S. Patent No. 7,434,974 titled "Light Emitting Panel Assemblies" ("the '974 patent") was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '974 patent. The '974 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '974 patent, including the right to collect and receive damages for past, present and

future infringements. A true and correct copy of the '974 patent is attached as **Exhibit E** and made a part hereof.

14. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '816 patent. The '816 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '816 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '816 patent is attached as **Exhibit F** and made a part hereof.

15. U.S. Patent No. 7,160,015 titled "Light Emitting Panel Assemblies" ("the '015 patent") was duly and legally issued by the U.S. Patent and Trademark Office on January 9, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '015 patent. The '015 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '015 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '015 patent is attached as **Exhibit G** and made a part hereof.

16. U.S. Patent No. 7,736,043 titled "Light Emitting Panel Assemblies" ("the '043 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 15, 2010, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '043 patent. The '043 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '043 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '043 patent is attached as **Exhibit H** and made a part hereof.

17. U.S. Patent No. 7,963,687 titled “Light Emitting Panel Assemblies” (“the ‘687 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 21, 2011, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ‘687 patent. The ‘687 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ‘687 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ‘687 patent is attached as **Exhibit I** and made a part hereof.

18. U.S. Patent No. 8,142,063 titled “Light Emitting Panel Assemblies” (“the ‘063 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on March 27, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ‘063 patent. The ‘063 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ‘063 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ‘063 patent is attached as **Exhibit J** and made a part hereof.

19. U.S. Patent No. 6,079,838 titled “Light Emitting Panel Assemblies” (“the ‘838 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 27, 2000, after full and fair examination. Jeffery R. Parker, Mark D. Miller, and Daniel N. Kelsch are the named inventors listed on the ‘838 patent. The ‘838 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ‘838 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ‘838 patent is attached as **Exhibit K** and made a part hereof.

20. Jeffery R. Parker is an inventor of the ‘194 patent, the ‘177 patent, the ‘660 patent, the ‘838 patent, the ‘687 patent, the ‘370 patent, the ‘974 patent, the ‘015 patent, the ‘043

patent, the '063 patent, and the '816 patent (collectively, the "patents-in-suit"). In total, he is a named inventor on over eighty-five (85) U.S. patents.

B. Defendants' Infringing Conduct

21. Defendants make, use, offer to sell, and/or sell within, and/or import into the United States display products that incorporate the fundamental technologies covered by the patents-in-suit. The infringing display products include, but are not limited to, GPS navigation systems.

22. By incorporating the fundamental inventions covered by the patents-in-suit, Defendants can make improved products, including but not limited to, longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, and/or a lower power requirement.

23. Third-party distributors purchase and have purchased Defendants' infringing display products for sale or importation into the United States, including this District. Third-party consumers use and have used Defendants' infringing display products in the United States, including this District.

24. Defendants have purchased infringing display products that are made, offered for sale, sold within, and/or imported into the United States, including this District by third party manufacturers, distributors, and/or importers.

COUNT I
Patent Infringement of U.S. Patent No. 7,300,194

25. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-24 as though fully set forth herein.

26. The '194 patent is valid and enforceable.

27. Defendants have never been licensed, either expressly or impliedly, under the '194 patent.

28. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

29. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to GPS navigation systems (*e.g.*, TomTom VIA 1505), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '194 patent.

30. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '194 patent, including but not limited to GPS navigation systems (*e.g.*, TomTom VIA 1505), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

31. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

32. Defendants had knowledge of the '194 patent since at least the filing of this Complaint or before.

33. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '194 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

34. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '194 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT II
Patent Infringement of U.S. Patent No. 7,384,177

35. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-34 as though fully set forth herein.

36. The '177 patent is valid and enforceable.

37. Defendants have never been licensed, either expressly or impliedly, under the '177 patent.

38. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

39. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to GPS navigation systems (*e.g.*, TomTom VIA 1505), its display components, and/or other products made, used,

sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '177 patent.

40. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '177 patent, including but not limited to GPS navigation systems (*e.g.*, TomTom VIA 1505), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

41. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

42. Defendants had knowledge of the '177 patent since at least the filing of this Complaint or before.

43. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '177 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established

distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

44. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '177 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT III
Patent Infringement of U.S. Patent No. 7,404,660

45. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-44 as though fully set forth herein.

46. The '660 patent is valid and enforceable.

47. Defendants have never been licensed, either expressly or impliedly, under the '660 patent.

48. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

49. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell,

and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to GPS navigation systems (*e.g.*, TomTom VIA 1505), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '660 patent.

50. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '660 patent, including but not limited to GPS navigation systems (*e.g.*, TomTom VIA 1505), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

51. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

52. Defendants had knowledge of the '660 patent since at least the filing of this Complaint or before.

53. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '660 patent. Since at least the filing of

this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

54. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '660 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT IV
Patent Infringement of U.S. Patent No. 7,434,974

55. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-54 as though fully set forth herein.

56. The '974 patent is valid and enforceable.

57. Defendants have never been licensed, either expressly or impliedly, under the '974 patent.

58. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of

the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

59. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to GPS navigation systems (*e.g.*, TomTom VIA 1505), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '974 patent.

60. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '974 patent, including but not limited to GPS navigation systems (*e.g.*, TomTom VIA 1505), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

61. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

62. Defendants had knowledge of the '974 patent since at least the filing of this Complaint or before.

63. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '974 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

64. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '974 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT V
Patent Infringement of U.S. Patent No. 8,215,816

65. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-64 as though fully set forth herein.

66. The '816 patent is valid and enforceable.

67. Defendants have never been licensed, either expressly or impliedly, under the '816 patent.

68. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

69. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to GPS navigation systems (*e.g.*, TomTom VIA 1505), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '816 patent.

70. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '816 patent, including but not limited to GPS navigation systems (*e.g.*, TomTom VIA 1505), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

71. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

72. Defendants had knowledge of the application that issued into the '816 patent since at least the filing of this Complaint or before.

73. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '816 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

74. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '816 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VI
Patent Infringement of U.S. Patent No. 7,160,015

75. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-74 as though fully set forth herein.

76. The '015 patent is valid and enforceable.

77. Defendants have never been licensed, either expressly or impliedly, under the '015 patent.

78. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '015 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '015 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

79. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '015 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '015 patent, including but not limited to GPS navigation systems (*e.g.*, TomTom VIA 1505), their display components, and/or other products made, used,

sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '015 patent.

80. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '015 patent, including but not limited to GPS navigation systems (*e.g.*, TomTom VIA 1505), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '015 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

81. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '015 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '015 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

82. Defendants had knowledge of the application that issued into the '015 patent since at least the filing of this Complaint or before.

83. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '015 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '015 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established

distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

84. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '015 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VII
Patent Infringement of U.S. Patent No. 7,736,043

85. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-84 as though fully set forth herein.

86. The '043 patent is valid and enforceable.

87. Defendants have never been licensed, either expressly or impliedly, under the '043 patent.

88. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '043 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '043 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

89. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '043 patent by making, using, offering to sell,

and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '043 patent, including but not limited to GPS navigation systems (*e.g.*, TomTom VIA 1505), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '043 patent.

90. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '043 patent, including but not limited to GPS navigation systems (*e.g.*, TomTom VIA 1505), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '043 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

91. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '043 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '043 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

92. Defendants had knowledge of the application that issued into the '043 patent since at least the filing of this Complaint or before.

93. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '043 patent. Since at least the filing of

this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '043 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

94. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '043 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VIII
Patent Infringement of U.S. Patent No. 8,142,063

95. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-94 as though fully set forth herein.

96. The '063 patent is valid and enforceable.

97. Defendants have never been licensed, either expressly or impliedly, under the '063 patent.

98. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '063 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of

the '063 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

99. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '063 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '063 patent, including but not limited to GPS navigation systems (*e.g.*, TomTom VIA 1505), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '063 patent.

100. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '063 patent, including but not limited to GPS navigation systems (*e.g.*, TomTom VIA 1505), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '063 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

101. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '063 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '063 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

102. Defendants had knowledge of the application that issued into the '063 patent since at least the filing of this Complaint or before.

103. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '063 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '063 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

104. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '063 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT IX
Patent Infringement of U.S. Patent No. 6,079,838

105. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-104 as though fully set forth herein.

106. The '838 patent is valid and enforceable.

107. Defendants have never been licensed, either expressly or impliedly, under the '838 patent.

108. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '838 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '838 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

109. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '838 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '838 patent, including but not limited to GPS navigation systems (*e.g.*, TomTom VIA 1505), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '838 patent.

110. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '838 patent, including but not limited to GPS navigation systems (*e.g.*, TomTom VIA 1505), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '838 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

111. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '838 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '838 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

112. Defendants had knowledge of the application that issued into the '838 patent since at least the filing of this Complaint or before.

113. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '838 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '838 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

114. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '838 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT X
Patent Infringement of U.S. Patent No. 7,537,370

115. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-114 as though fully set forth herein.

116. The '370 patent is valid and enforceable.

117. Defendants have never been licensed, either expressly or impliedly, under the '370 patent.

118. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

119. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to GPS navigation systems (*e.g.*, TomTom VIA 1505), their display components, and/or other products made, used,

sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '370 patent.

120. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '370 patent, including but not limited to GPS navigation systems (*e.g.*, TomTom VIA 1505), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

121. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

122. Defendants had knowledge of the '370 patent since at least the filing of this Complaint or before.

123. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '370 patent. Since at least the filing of this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established

distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

124. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '370 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT XI
Patent Infringement of U.S. Patent No. 7,963,687

125. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-124 as though fully set forth herein.

126. The '687 patent is valid and enforceable.

127. Defendants have never been licensed, either expressly or impliedly, under the '687 patent.

128. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Defendants of their alleged infringement. Plaintiff surmises that any express licensees of the '687 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '687 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

129. Defendants have been and are directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '687 patent by making, using, offering to sell,

and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '687 patent, including but not limited to GPS navigation systems (*e.g.*, TomTom VIA 1505), their display components, and/or other products made, used, sold, offered for sale, or imported by Defendants that include all of the limitations of one or more claims of the '687 patent.

130. Distributors and consumers that purchase Defendants' products that include all of the limitations of one or more claims of the '687 patent, including but not limited to GPS navigation systems (*e.g.*, TomTom VIA 1505), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '687 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

131. The third-party manufacturers, distributors, and importers that sell display products to Defendants that include all of the limitations of one or more claims of the '687 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '687 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

132. Defendants had knowledge of the application that issued into the '687 patent since at least the filing of this Complaint or before.

133. Since at least the filing of this Complaint or before, Defendants have actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '687 patent. Since at least the filing of

this Complaint or before, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '687 patent. Defendants intend to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Defendants have taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

134. As a direct and proximate result of these acts of patent infringement, Defendants have encroached on the exclusive rights of Plaintiff and its licensees to practice the '687 patent, for which Plaintiff is entitled to at least a reasonable royalty.

CONCLUSION

135. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of Defendants' wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

136. Plaintiff has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

137. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

138. Plaintiff respectfully requests that the Court find in its favor and against Defendants, and that the Court grant Plaintiff the following relief:

- A. A judgment that Defendants have infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Defendants;
- C. A judgment and order requiring Defendants to pay Plaintiff damages under 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Defendants to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring Defendants to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: February 27, 2014

Respectfully submitted,

THE SIMON LAW FIRM, P.C.

/s/ Anthony G. Simon

Anthony G. Simon
Timothy D. Krieger
Michael P. Kella
Benjamin R. Askew
Stephanie H. To
800 Market Street, Suite 1700
St. Louis, MO 63101
P. 314-241-2929
F. 314-241-2029
asimon@simonlawpc.com
tkrieger@simonlawpc.com
mkella@simonlawpc.com
baskew@simonlawpc.com
sto@simonlawpc.com

T. John Ward, Jr.
Ward & Smith Law Firm
1127 Judson Road, Suite 220
Longview, Texas 75601
P. 903-757-6400
F. 903-757-2323
jw@wsfirm.com

**ATTORNEYS FOR PLAINTIFF
INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Innovative Display Technologies LLC

(b) County of Residence of First Listed Plaintiff Collin
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Anthony G. Simon, Timothy D. Krieger, Benjamin R. Askew, Stephanie H. To and Michael P. Kella, The Simon Law Firm, P.C., 800 Market Street, Ste. 1700, St. Louis, MO 63101, 314-241-2929

DEFENDANTS

TomTom North America Inc. and TomTom International BV

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. Section 101, et. seq.

Brief description of cause:
Patent Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

02/27/2014

SIGNATURE OF ATTORNEY OF RECORD

/s/ Anthony G. Simon

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

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MBI_000910

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

THE PARTIES

1. Plaintiff Innovative Display Technologies LLC (“IDT”) is a Texas limited liability company with a place of business at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

2. Defendant Toyota Motor Corporation is a corporation existing under the laws of Japan with its principal place of business at 1 Toyota-cha, Toyota City, Aichi Prefecture 471-8571, Japan.

3. Defendant Toyota Motor Sales U.S.A., Inc. (“TMS”) is a California corporation with its principal place of business at 19001 S. Western Avenue, Torrance, California 90501. TMS is responsible for U.S. sales, marketing and distribution for Toyota Motor Corporation, which is TMS’s corporate parent.

4. Defendant Toyota Motor Manufacturing, Kentucky, Inc. (“TMMK”) is a Kentucky corporation with its principal place of business at in 1001 Cherry Blossom Way, Georgetown, Kentucky 40324. TMMK’s corporate parent is Toyota Motor Corporation.

5. Defendant Toyota Motor Manufacturing, Indiana, Inc. (“TMMI”) is an Indiana corporation with its principal place of business at 4000 Tulip Tree Drive, Princeton, Indiana 47670. TMMI’s corporate parent is Toyota Motor Corporation.

6. Defendant Toyota Motor Manufacturing, Texas, Inc. (“TMMTX”) is a Texas corporation with its principal place of business at One Lone Star Pass, San Antonio, Texas 78264. TMMTX’s corporate parent is Toyota Motor Corporation.

7. Defendant Toyota Motor Manufacturing, Mississippi, Inc. (“TMMMS”) is a Mississippi corporation with its principal place of business at 1200 Magnolia Way, Blue Springs, Mississippi 38828. TMMMS’s corporate parent is Toyota Motor Corporation.

8. Defendant Subaru of Indiana Automotive, Inc. (“SIA”) is an Indiana corporation with its principal place of business at 5500 State Rd. 38 East, Lafayette, Indiana 47903. SIA manufactures Toyota and Subaru automobiles.

9. Defendant Gulf States Toyota, Inc. (“Gulf States”) is a Texas corporation with its principal place of business at 1375 Enclave Parkway, Houston, Texas 77077. Gulf States is a distributor of Toyota automobiles.

JURISDICTION AND VENUE

10. This action arises under the Patent Laws of the United States, 35 U.S.C. § 271 *et seq.*

11. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

12. This Court has personal jurisdiction over Toyota. On information and belief, Toyota, either directly or through intermediaries, regularly sells products and services into this judicial district and manufactures products intended to be sold and in fact sold into and within this judicial district. Additionally, on information and belief, this Court has personal jurisdiction over Toyota because Toyota has committed, aided, abetted, contributed to, induced, and/or participated in the commission of acts within this judicial district giving rise to this action.

13. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400 (b).

PATENTS IN SUIT

14. U.S. Patent No. 6,755,547 titled “Light Emitting Panel Assemblies” (“the ’547 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the named inventor of the ’547 Patent. IDT owns the ’547 Patent and holds the right to sue and recover damages for infringement thereof.

15. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the named inventor of the ’194 Patent. IDT owns the ’194 Patent and holds the right to sue and recover damages for infringement thereof.

16. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the ’177 Patent. IDT owns the ’177 Patent and holds the right to sue and recover damages for infringement thereof.

17. U.S. Patent No. 7,404,660 titled “Light Emitting Panel Assemblies” (“the ’660 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the ’660 Patent. IDT owns the ’660 Patent and holds the right to sue and recover damages for infringement thereof.

18. U.S. Patent No. 7,434,974 titled “Light Emitting Panel Assemblies” (“the ’974 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the ’974 Patent. IDT owns the ’974 Patent and holds the right to sue and recover damages for infringement thereof.

19. U.S. Patent No. 8,215,816 titled “Light Emitting Panel Assemblies” (“the ’816 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the named inventor of the ’816 Patent. IDT owns the ’816 Patent and holds the right to sue and recover damages for infringement thereof.

20. U.S. Patent No. 6,508,563 titled “Light Emitting Panel Assemblies for Use in Automotive Applications and the Like” (“the ’563 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on January 21, 2003, after full and fair examination. Jeffery R. Parker, Mark D. Miller and Thomas A. Hough are the named inventors of the ’563 Patent. IDT owns the ’563 Patent and holds the right to sue and recover damages for infringement thereof.

21. U.S. Patent No. 6,886,956 titled “Light Emitting Panel Assemblies for Use in Automotive Applications and the Like” (“the ’956 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on May 3, 2005, after full and fair examination. Jeffery R. Parker, Mark D. Miller and Thomas A. Hough are the named inventors of the ’956 Patent. IDT owns the ’956 Patent and holds the right to sue and recover damages for infringement thereof.

COUNT 1: Infringement of U.S. Patent No. 6,755,547

22. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-21 as though fully set forth herein.

23. On information and belief, Toyota has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '547 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Toyota's Camry model) having displays (including but not limited to the 86140-06010 navigation system display) that infringe one or more claims of the '547 Patent, all to the injury of IDT. Toyota is thus liable for infringement of the '547 Patent pursuant to 35 U.S.C. § 271.

24. As a result of Toyota's infringement of the '547 Patent, Toyota has damaged IDT. Toyota is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

25. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '547 Patent.

26. As a result of Toyota's infringement of the '547 Patent, IDT has suffered and will continue to suffer loss and injury unless Toyota is enjoined by this Court.

27. At least as early as its receipt of this Complaint, Toyota has had knowledge of the '547 Patent and written notice of the infringement.

COUNT 2: Infringement of U.S. Patent No. 7,300,194

28. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-27 as though fully set forth herein.

29. On information and belief, Toyota has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '194 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Toyota's Camry model) having displays (including but not limited to the 86140-06010 navigation system display) that infringe one or more claims of the '194 Patent, all to the injury of IDT. Toyota is thus liable for infringement of the '194 Patent pursuant to 35 U.S.C. § 271.

30. As a result of Toyota's infringement of the '194 Patent, Toyota has damaged IDT. Toyota is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

31. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '194 Patent.

32. As a result of Toyota's infringement of the '194 Patent, IDT has suffered and will continue to suffer loss and injury unless Toyota is enjoined by this Court.

33. At least as early as its receipt of this Complaint, Toyota has had knowledge of the '194 Patent and written notice of the infringement.

COUNT 3: Infringement of U.S. Patent No. 7,384,177

34. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-33 as though fully set forth herein.

35. On information and belief, Toyota has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '177 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Toyota's Camry model) having displays (including but not limited to the 86140-06010 navigation system display) that infringe one or more claims of the '177 Patent, all to the injury of IDT. Toyota is thus liable for infringement of the '177 Patent pursuant to 35 U.S.C. § 271.

36. As a result of Toyota's infringement of the '177 Patent, Toyota has damaged IDT. Toyota is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

37. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '177 Patent.

38. As a result of Toyota's infringement of the '177 Patent, IDT has suffered and will continue to suffer loss and injury unless Toyota is enjoined by this Court.

39. At least as early as its receipt of this Complaint, Toyota has had knowledge of the '177 Patent and written notice of the infringement.

COUNT 4: Infringement of U.S. Patent No. 7,404,660

40. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-39 as though fully set forth herein.

41. On information and belief, Toyota has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '660 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Toyota's Camry model) having displays (including but not limited to the 86140-06010 navigation system display) that infringe one or more claims of the '660 Patent, all to the injury of IDT. Toyota is thus liable for infringement of the '660 Patent pursuant to 35 U.S.C. § 271.

42. As a result of Toyota's infringement of the '660 Patent, Toyota has damaged IDT. Toyota is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

43. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '660 Patent.

44. As a result of Toyota's infringement of the '660 Patent, IDT has suffered and will continue to suffer loss and injury unless Toyota is enjoined by this Court.

45. At least as early as its receipt of this Complaint, Toyota has had knowledge of the '660 Patent and written notice of the infringement.

COUNT 5: Infringement of U.S. Patent No. 7,434,974

46. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-45 as though fully set forth herein.

47. On information and belief, Toyota has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '974 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Toyota's Camry model) having displays (including but not limited to the 86140-06010 navigation system display) that infringe one or more claims of the '974 Patent, all to the injury of IDT. Toyota is thus liable for infringement of the '974 Patent pursuant to 35 U.S.C. § 271.

48. As a result of Toyota's infringement of the '974 Patent, Toyota has damaged IDT. Toyota is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

49. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '974 Patent.

50. As a result of Toyota's infringement of the '974 Patent, IDT has suffered and will continue to suffer loss and injury unless Toyota is enjoined by this Court.

51. At least as early as its receipt of this Complaint, Toyota has had knowledge of the '974 Patent and written notice of the infringement.

COUNT 6: Infringement of U.S. Patent No. 8,215,816

52. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-51 as though fully set forth herein.

53. On information and belief, Toyota has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '816 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Toyota's Camry model) having displays (including but not limited to the 86140-06010 navigation system display) that infringe one or more claims of the '816 Patent, all to the injury of IDT. Toyota is thus liable for infringement of the '816 Patent pursuant to 35 U.S.C. § 271.

54. As a result of Toyota's infringement of the '816 Patent, Toyota has damaged IDT. Toyota is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

55. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '816 Patent.

56. As a result of Toyota's infringement of the '816 Patent, IDT has suffered and will continue to suffer loss and injury unless Toyota is enjoined by this Court.

57. At least as early as its receipt of this Complaint, Toyota has had knowledge of the '816 Patent and written notice of the infringement.

COUNT 7: Infringement of U.S. Patent No. 6,508,563

58. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-57 as though fully set forth herein.

59. On information and belief, Toyota has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '563 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Toyota's Lexus LS460 model) having lights (including but not limited to the 81551-50160 and 81561-50160 rear combination lamps) that infringe one or more claims of the '563 Patent, all to the injury of IDT. Toyota is thus liable for infringement of the '563 Patent pursuant to 35 U.S.C. § 271.

60. As a result of Toyota's infringement of the '563 Patent, Toyota has damaged IDT. Toyota is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

61. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '563 Patent.

62. As a result of Toyota's infringement of the '563 Patent, IDT has suffered and will continue to suffer loss and injury unless Toyota is enjoined by this Court.

63. At least as early as its receipt of this Complaint, Toyota has had knowledge of the '563 Patent and written notice of the infringement.

COUNT 8: Infringement of U.S. Patent No. 6,886,956

64. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-63 as though fully set forth herein.

65. On information and belief, Toyota has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '956 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Toyota's Lexus LS460 model) having lights (including but not limited to the 81551-50160 and 81561-50160 rear combination lamps) that infringe one or more claims of the '956 Patent, all to the injury of IDT. Toyota is thus liable for infringement of the '956 Patent pursuant to 35 U.S.C. § 271.

66. As a result of Toyota's infringement of the '956 Patent, Toyota has damaged IDT. Toyota is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

67. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '956 Patent.

68. As a result of Toyota's infringement of the '956 Patent, IDT has suffered and will continue to suffer loss and injury unless Toyota is enjoined by this Court.

69. At least as early as its receipt of this Complaint, Toyota has had knowledge of the '956 Patent and written notice of the infringement.

JURY DEMAND

70. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

71. Plaintiff respectfully requests that the Court find in its favor and against Toyota, and that the Court grant Plaintiff the following relief:

- A. A judgment that Toyota has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Toyota;
- C. A judgment and order requiring Toyota to pay Plaintiff damages under 35 U.S.C. § 284, including up to treble damages for willful infringement as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Toyota and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Toyota to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded; and
- F. Such other and further relief as the Court deems just and equitable.

Dated: March 10, 2014

Respectfully submitted,

/s/ Demetrios Anaipakos

Demetrios Anaipakos
Texas Bar No. 00793258
danaipakos@azalaw.com

Amir Alavi
Texas Bar No. 00793239
aalavi@azalaw.com

Brian E. Simmons
Texas Bar No. 24004922
bsimmons@azalaw.com

George W. Webb III
Texas Bar No. 24003146
gwebb@azalaw.com

AHMAD, ZAVITSANOS, ANAIPAKOS,
ALAVI & MENSING P.C.
1221 McKinney Street, Suite 3460
Houston, TX 77010
Telephone: 713-655-1101
Facsimile: 713-655-0062

**Attorneys for Plaintiff
INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Innovative Display Technologies LLC

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Demetrios Anaipakos, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing,
P.C., 1221 McKinney St., Suite 3460, Houston, TX 77010
713-655-110

DEFENDANTS

Toyota Motor Corporation; Toyota Motor Sales, U.S.A., Inc.; Toyota Motor Manufacturing, Kentucky, Inc.; et al.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S. C. Section 271

Brief description of cause:
Patent Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Rodney Gilstrap

DOCKET NUMBER 2:14-cv-00106-JRG

DATE
03/10/2014SIGNATURE OF ATTORNEY OF RECORD
/s/ Demetrios Anaipakos

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

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MBI_000927

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

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

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC AND
DELAWARE DISPLAY GROUP LLC**

Plaintiffs,

V.

**VERIZON COMMUNICATIONS, INC.
AND CELLCO PARTNERSHIP D/B/A
VERIZON WIRELESS,**

Defendants.

§ §

C.A. No. _____

JURY TRIAL DEMANDED

PLAINTIFFS' COMPLAINT

Innovative Display Technologies LLC and Delaware Display Group LLC (collectively, “Plaintiffs”) by and through their undersigned counsel, file this Complaint against Verizon Communications, Inc. and Cellco Partnership d/b/a Verizon Wireless (collectively “Verizon”).

THE PARTIES

1. Innovative Display Technologies LLC (“IDT”) is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

2. Delaware Display Group LLC (“DDG”) is a Delaware limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

3. On information and belief, Verizon Communications, Inc. is a Delaware corporation with its principal place of business at 140 West Street, New York, New York 10007. This Defendant may be served with process through its agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

4. Cellco Partnership d/b/a Verizon Wireless is a Delaware general partnership with its principal place of business at One Verizon Way, Basking Ridge, New Jersey 07920. This Defendant may be served with process through its agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

5. Upon information and belief, Verizon has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

6. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

7. As further detailed herein, this Court has personal jurisdiction over Verizon. Verizon is amenable to service of summons for this action. Furthermore, personal jurisdiction over Verizon in this action comports with due process. Verizon has conducted and regularly conducts business within the United States, this State, and this District. Verizon maintains stores in at least twenty-two (22) locations in this District. Verizon has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. Verizon has sought protection and benefit from the laws of the State of Texas by maintaining stores in this District and by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

8. Verizon – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Verizon has purposefully and voluntarily placed

one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. Verizon knowingly and purposefully ships infringing products into this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, Verizon has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from Verizon's activities in this District.

9. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b). One or more of IDT's witnesses reside in this District. Verizon is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue, and, upon information and belief, Verizon has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website that is available to persons in this District, which website advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

10. U.S. Patent No. 6,755,547 titled "Light Emitting Panel Assemblies" ("the '547 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '547 patent.

11. U.S. Patent No. 7,300,194 titled "Light Emitting Panel Assemblies" ("the '194 patent") was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '194 patent.

12. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’177 patent.

13. U.S. Patent No. 7,404,660 titled “Light Emitting Panel Assemblies” (“the ’660 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’660 patent.

14. U.S. Patent No. 7,434,974 titled “Light Emitting Panel Assemblies” (“the ’974 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’974 patent.

15. U.S. Patent No. 7,914,196 titled “Light Redirecting Film Systems Having Pattern of Variable Optical Elements” (“the ’196 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on March 29, 2011, after full and fair examination. Jeffery R. Parker, Timothy A. McCollum, and Robert M. Ezell are the inventors listed on the ’196 patent.

16. U.S. Patent No. 8,215,816 titled “Light Emitting Panel Assemblies” (“the ’816 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’816 patent.

17. The ’196 patent is referred to as the “DDG patent.”

18. The ’547 patent, the ’194 patent, the ’177 patent, the ’660 patent, the ’974 patent, and the ’816 patent are collectively referred to as the “IDT patents.” Together, the “DDG patent” and the “IDT patents” are the “patents-in-suit.”

19. On June 26, 2013, IDT was assigned all of the right, title, and interest in the IDT patents, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the IDT patents.

20. On December 20, 2013, DDG was assigned all of the right, title, and interest in the DDG patent, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the DDG patent.

21. The patents-in-suit all share the same ultimate parent patent, U.S. Patent No. 5,613,751. The patents-in-suit share inventors, subject matter, and claim terms. The accused products infringe the patents-in-suit based on the use of the same technology, *e.g.*, backlights for LCDs. And IDT and DDG share a common corporate parent.

B. Verizon's Infringing Conduct.

22. Upon information and belief, Verizon offers to sell and/or sells within, and/or imports into the United States display products that use the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display products include, but are not limited to mobile phones and tablets with an LCD.

23. By incorporating the fundamental inventions covered by the patents-in-suit, Verizon can sell improved products, including but not limited to, products with longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, a lower power requirement, and/or a longer battery life.

24. Upon information and belief, third-party distributors purchase and have purchased Verizon's infringing display products for sale or importation into the United States, including in this District.

25. Upon information and belief, Verizon has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including in this District by third party manufacturers, distributors, and/or importers. Upon information and belief, third-party consumers use and have used infringing display products sold by Verizon in the United States, including in this District.

26. Certain infringing display products sold, offered for sale, and/or imported by Verizon are manufactured by Samsung Electronics Co., Ltd. and/or its subsidiaries (“Samsung Manufactured Products”). For only the Samsung Manufactured Products, IDT limits the infringement allegations in this complaint solely to units of those display products that were manufactured after March 2, 2014. For all other display products sold, offered for sale, or imported by Verizon, IDT maintains the infringement allegations in this complaint for the entire pre- and post-lawsuit damages period available under law.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

27. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-26 as though fully set forth herein.

28. The ’547 patent is valid and enforceable.

29. Verizon has never been licensed, either expressly or impliedly, under the ’547 patent.

30. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Verizon of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the ’547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the ’547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

31. Upon information and belief, Verizon has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the ’547 patent by offering

to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Tab 2), their display components, and/or other products sold, offered for sale, or imported by Verizon that include all of the limitations of one or more claims of the '547 patent.

32. Upon information and belief, distributors and consumers that purchase Verizon's display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Tab 2), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

33. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Verizon that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

34. Upon information and belief, Verizon had knowledge of the '547 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

35. Upon information and belief, since at least the above-mentioned date of notice, Verizon has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Tab 2), to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, Verizon does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent.

36. Upon information and belief, Verizon intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

37. As a direct and proximate result of these acts of patent infringement, Verizon has encroached on the exclusive rights of IDT and its licensees to practice the '547 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

38. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-37 as though fully set forth herein

39. The '194 patent is valid and enforceable.

40. Verizon has never been licensed, either expressly or impliedly, under the '194 patent.

41. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Verizon of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

42. Upon information and belief, Verizon has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Tab 2), their display components, and/or other products sold, offered for sale, or imported by Verizon that include all of the limitations of one or more claims of the '194 patent.

43. Upon information and belief, distributors and consumers that purchase Verizon's display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Tab 2), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C.

§ 271(a), the '194 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

44. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Verizon that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

45. Upon information and belief, Verizon had knowledge of the '194 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

46. Upon information and belief, since at least the above-mentioned date of notice, Verizon has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Tab 2), to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date, Verizon does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent.

47. Upon information and belief, Verizon intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display

products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

48. As a direct and proximate result of these acts of patent infringement, Verizon has encroached on the exclusive rights of IDT and its licensees to practice the '194 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

49. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-48 as though fully set forth herein.

50. The '177 patent is valid and enforceable.

51. Verizon has never been licensed, either expressly or impliedly, under the '177 patent.

52. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Verizon of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

53. Upon information and belief, Verizon has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing,

by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Tab 2), their display components, and/or other products sold, offered for sale, or imported by Verizon that include all of the limitations of one or more claims of the '177 patent.

54. Upon information and belief, distributors and consumers that purchase Verizon's display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Tab 2), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

55. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Verizon that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

56. Upon information and belief, Verizon had knowledge of the '177 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

57. Upon information and belief, since at least the above-mentioned date of notice, Verizon has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Tab 2), to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date, Verizon does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent.

58. Upon information and belief, Verizon intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

59. As a direct and proximate result of these acts of patent infringement, Verizon has encroached on the exclusive rights of IDT and its licensees to practice the '177 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

60. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-59 as though fully set forth herein.

61. The '660 patent is valid and enforceable.

62. Verizon has never been licensed, either expressly or impliedly, under the '660 patent.

63. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Verizon of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

64. Upon information and belief, Verizon has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Tab 2), their display components, and/or other products sold, offered for sale, or imported by Verizon that include all of the limitations of one or more claims of the '660 patent.

65. Upon information and belief, distributors and consumers that purchase Verizon's display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Tab 2), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

66. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Verizon that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

67. Upon information and belief, Verizon had knowledge of the '660 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

68. Upon information and belief, since at least the above-mentioned date of notice, Verizon has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Tab 2), to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, Verizon does so with

knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent.

69. Upon information and belief, Verizon intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

70. As a direct and proximate result of these acts of patent infringement, Verizon has encroached on the exclusive rights of IDT and its licensees to practice the '660 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

71. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-70 as though fully set forth herein.

72. The '974 patent is valid and enforceable.

73. Verizon has never been licensed, either expressly or impliedly, under the '974 patent.

74. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Verizon of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '974 patent have complied with the marking

requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

75. Upon information and belief, Verizon has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Tab 2), their display components, and/or other products sold, offered for sale, or imported by Verizon that include all of the limitations of one or more claims of the '974 patent.

76. Upon information and belief, distributors and consumers that purchase Verizon's display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Tab 2), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

77. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Verizon that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents,

under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

78. Upon information and belief, Verizon had knowledge of the '974 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

79. Upon information and belief, since at least the above-mentioned date of notice, Verizon has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Tab 2), to directly infringe one or more claims of the '974 patent. Since at least the notice provided on the above-mentioned date, Verizon does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent.

80. Upon information and belief, Verizon intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

81. As a direct and proximate result of these acts of patent infringement, Verizon has encroached on the exclusive rights of IDT and its licensees to practice the '974 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,914,196

82. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-81 as though fully set forth herein.

83. The '196 patent is valid and enforceable.

84. Verizon has never been licensed, either expressly or impliedly, under the '196 patent.

85. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, DDG has complied with the requirements of that statute by providing actual or constructive notice to Verizon of its alleged infringement. Upon information and belief, DDG surmises that any express licensees of the '196 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '196 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

86. Upon information and belief, Verizon has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '196 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to mobile phones

and tablets with an LCD (*e.g.*, Samsung Galaxy Tab 2), their display components, and/or other products sold, offered for sale, or imported by Verizon that include all of the limitations of one or more claims of the '196 patent.

87. Upon information and belief, distributors and consumers that purchase Verizon's display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Tab 2), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

88. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Verizon that include all of the limitations of one or more claims of the '196 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

89. Upon information and belief, Verizon had knowledge of the '196 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

90. Upon information and belief, since at least the above-mentioned date of notice, Verizon has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to mobile phones and tablets

with an LCD (*e.g.*, Samsung Galaxy Tab 2), to directly infringe one or more claims of the '196 patent. Since at least the notice provided on the above-mentioned date, Verizon does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '196 patent.

91. Upon information and belief, Verizon intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

92. As a direct and proximate result of these acts of patent infringement, Verizon has encroached on the exclusive rights of DDG and its licensees to practice the '196 patent, for which DDG is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 8,215,816

93. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-92 as though fully set forth herein.

94. The '816 patent is valid and enforceable.

95. Verizon has never been licensed, either expressly or impliedly, under the '816 patent.

96. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or

constructive notice to Verizon of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

97. Upon information and belief, Verizon has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Tab 2), their display components, and/or other products sold, offered for sale, or imported by Verizon that include all of the limitations of one or more claims of the '816 patent.

98. Upon information and belief, distributors and consumers that purchase Verizon's display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Tab 2), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

99. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Verizon that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

100. Upon information and belief, Verizon had knowledge of the '816 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

101. Upon information and belief, since at least the above-mentioned date of notice, Verizon has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Tab 2), to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, Verizon does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent.

102. Upon information and belief, Verizon intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to

purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

103. As a direct and proximate result of these acts of patent infringement, Verizon has encroached on the exclusive rights of IDT and its licensees to practice the '816 patent, for which IDT is entitled to at least a reasonable royalty.

CONCLUSION

104. Plaintiffs are entitled to recover from Verizon the damages sustained by Plaintiffs as a result of Verizon's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

105. Plaintiffs have incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiffs are entitled to recover their reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

106. Plaintiffs hereby request a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

107. Plaintiffs respectfully request that the Court find in their favor and against Verizon, and that the Court grant Plaintiffs the following relief:

- A. A judgment that Verizon has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiffs as a result of the acts of infringement by Verizon;

- C. A judgment and order requiring Verizon to pay Plaintiffs damages under 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Verizon and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Verizon to pay Plaintiffs pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring Verizon to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: June 25, 2014

Respectfully submitted,

/s/ Jeffrey R. Bragalone

Jeffrey R. Bragalone (lead attorney)

Texas Bar No. 02855775

Patrick J. Conroy

Texas Bar No. 24012448

Justin B. Kimble

Texas Bar No. 24036909

T. William Kennedy, Jr.

Texas Bar No. 24055771

Daniel F. Olejko

Pennsylvania Bar No. 205512

Bragalone Conroy PC

2200 Ross Avenue

Suite 4500W

Dallas, TX 75201

Tel: (214) 785-6671

Fax: (214) 785-6680

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

bkennedy@bcpc-law.com

dolejko@bcpc-law.com

T. John Ward Jr.

Texas Bar No. 00794818

Claire Abernathy Henry

Ward & Smith Law Firm

1127 Judson Road, Suite 220

Longview, TX 75601

Tel: (903) 757-6400

Fax: (903) 757.2323

jw@wsfirm.com

claire@wsfirm.com

Attorneys for Plaintiffs

INNOVATIVE DISPLAY

TECHNOLOGIES LLC AND

DELAWARE DISPLAY GROUP LLC

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

INNOVATIVE DISPLAY TECHNOLOGIES LLC and
DELAWARE DISPLAY GROUP LLC

(b) County of Residence of First Listed Plaintiff Collin
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Bragalone Conroy PC
2200 Ross Avenue, Suite 4500W
Dallas, TX 75201 214-785-6670

DEFENDANTS

VERIZON COMMUNICATIONS, INC. and CELLCO PARTNERSHIP
d/b/a VERIZON WIRELESS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. § 1, et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285

Brief description of cause:

Infringement of U.S. Patent Nos. 6,755,547, 7,300,194, 7,384,177, et al

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Hon. Rodney Gilstrap

DOCKET NUMBER 2:13-cv-522-527, and others

DATE 06/25/2014 SIGNATURE OF ATTORNEY OF RECORD

/s/ Jeffrey R. Bragalone

FOR OFFICE USE ONLY

RECEIPT # MBI_000955 AMOUNT APPLYING IFP JUDGE MAG. JUDGE

2. Defendant Volkswagen AG, also known as Volkswagen Group, is a German corporation having a place of business in Wolfsburg, Germany.

3. Defendant Volkswagen Group of America, Inc. is a New Jersey corporation having a place of business at 2200 Ferdinand Porsche Dr., Herndon, VA 20171. On information and belief, it is a wholly owned subsidiary of Volkswagen AG and houses the U.S. operations of brands including Volkswagen and Audi. On information and belief, Volkswagen Group of America, Inc. also does business as Audi of America, Inc.

4. Defendant Volkswagen Group of America Chattanooga Operations, LLC is a Tennessee limited liability company with its principal place of business at 8001 Volkswagen Drive, Chattanooga, TN 37421.

5. Defendant Audi AG is a German corporation having a place of business in Ingolstadt, Germany. Audi AG is a subsidiary of Volkswagen Group.

JURISDICTION AND VENUE

6. This action arises under the Patent Laws of the United States, 35 U.S.C. § 271 *et seq.*

7. This Court has subject matter jurisdiction over this case for Patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has personal jurisdiction over Volkswagen. On information and belief, Volkswagen, either directly or through intermediaries, regularly sells products and

services into this judicial district and manufactures products intended to be sold and in fact sold into and within this judicial district. Additionally, on information and belief, this Court has personal jurisdiction over Volkswagen because Volkswagen has committed and/or participated in the commission of acts within this judicial district giving rise to this action.

9. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400 (b).

PATENTS IN SUIT

10. U.S. Patent No. 6,755,547 titled “Light Emitting Panel Assemblies” (“the ’547 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the named inventor of the ’547 Patent. IDT owns the ’547 Patent and holds the right to sue and recover damages for infringement thereof.

11. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the named inventor of the ’194 Patent. IDT owns the ’194 Patent and holds the right to sue and recover damages for infringement thereof.

12. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the ’177 Patent. IDT owns the ’177 Patent and holds the right to sue and recover damages for infringement thereof.

13. U.S. Patent No. 7,404,660 titled “Light Emitting Panel Assemblies” (“the ’660 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the ’660 Patent. IDT owns the ’660 Patent and holds the right to sue and recover damages for infringement thereof.

14. U.S. Patent No. 7,434,974 titled “Light Emitting Panel Assemblies” (“the ’974 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the ’974 Patent. IDT owns the ’974 Patent and holds the right to sue and recover damages for infringement thereof.

15. U.S. Patent No. 8,215,816 titled “Light Emitting Panel Assemblies” (“the ’816 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the named inventor of the ’816 Patent. IDT owns the ’816 Patent and holds the right to sue and recover damages for infringement thereof.

16. U.S. Patent No. 6,886,956 titled “Light Emitting Panel Assemblies for Use in Automotive Applications and the Like” (“the ’956 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on May 3, 2005, after full and fair examination. Jeffery R. Parker, Mark D. Miller and Thomas A. Hough are the named inventors of the ’956 Patent. IDT owns the ’956 Patent and holds the right to sue and recover damages for infringement thereof.

COUNT 1: Infringement of U.S. Patent No. 6,755,547

17. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-16 as though fully set forth herein.

18. On information and belief, Volkswagen has been and now is directly infringing the '547 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of the Audi A4, A4 Quattro, A4 Allroad, A5, Q5, Q7 and RS5) having displays (including but not limited to the 8R0919604 navigation display unit) that infringe one or more claims of the '547 Patent, all to the injury of IDT. Volkswagen is thus liable for infringement of the '547 Patent pursuant to 35 U.S.C. § 271.

19. As a result of Volkswagen's infringement of the '547 Patent, Volkswagen has damaged IDT. Volkswagen is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

20. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '547 Patent.

21. As a result of Volkswagen's infringement of the '547 Patent, IDT has suffered and will continue to suffer loss and injury unless Volkswagen is enjoined by this Court.

COUNT 2: Infringement of U.S. Patent No. 7,300,194

22. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-21 as though fully set forth herein.

23. On information and belief, Volkswagen has been and now is directly infringing the '194 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of the Audi A4, A4 Quattro, A4 Allroad, A5, Q5, Q7 and RS5) having displays (including but not limited to the 8R0919604 navigation display unit) that infringe one or more claims of the '194 Patent, all to the injury of IDT. Volkswagen is thus liable for infringement of the '194 Patent pursuant to 35 U.S.C. § 271.

24. As a result of Volkswagen's infringement of the '194 Patent, Volkswagen has damaged IDT. Volkswagen is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

25. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '194 Patent.

26. As a result of Volkswagen's infringement of the '194 Patent, IDT has suffered and will continue to suffer loss and injury unless Volkswagen is enjoined by this Court.

COUNT 3: Infringement of U.S. Patent No. 7,384,177

27. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-26 as though fully set forth herein.

28. On information and belief, Volkswagen has been and now is directly infringing the '177 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of the Audi A4, A4 Quattro, A4 Allroad, A5, Q5, Q7 and RS5) having displays (including but not limited to the 8R0919604 navigation display unit) that infringe one or more claims of the '177 Patent, all to the injury of IDT. Volkswagen is thus liable for infringement of the '177 Patent pursuant to 35 U.S.C. § 271.

29. As a result of Volkswagen's infringement of the '177 Patent, Volkswagen has damaged IDT. Volkswagen is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

30. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '177 Patent.

31. As a result of Volkswagen's infringement of the '177 Patent, IDT has suffered and will continue to suffer loss and injury unless Volkswagen is enjoined by this Court.

COUNT 4: Infringement of U.S. Patent No. 7,404,660

32. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-31 as though fully set forth herein

33. On information and belief, Volkswagen has been and now is directly infringing the '660 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of the Audi A4, A4 Quattro, A4 Allroad, A5, Q5, Q7 and RS5) having displays (including but not limited to the 8R0919604 navigation display unit) that infringe one or more claims of the '660 Patent, all to the injury of IDT. Volkswagen is thus liable for infringement of the '660 Patent pursuant to 35 U.S.C. § 271.

34. As a result of Volkswagen's infringement of the '660 Patent, Volkswagen has damaged IDT. Volkswagen is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

35. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '660 Patent.

36. As a result of Volkswagen's infringement of the '660 Patent, IDT has suffered and will continue to suffer loss and injury unless Volkswagen is enjoined by this Court.

COUNT 5: Infringement of U.S. Patent No. 7,434,974

37. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-36 as though fully set forth herein

38. On information and belief, Volkswagen has been and now is directly infringing the '974 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of the Audi A4, A4 Quattro, A4 Allroad, A5, Q5, Q7 and RS5) having displays (including but not limited to the 8R0919604 navigation display unit) that infringe one or more claims of the '974 Patent, all to the injury of IDT. Volkswagen is thus liable for infringement of the '974 Patent pursuant to 35 U.S.C. § 271.

39. As a result of Volkswagen's infringement of the '974 Patent, Volkswagen has damaged IDT. Volkswagen is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

40. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '974 Patent.

41. As a result of Volkswagen's infringement of the '974 Patent, IDT has suffered and will continue to suffer loss and injury unless Volkswagen is enjoined by this Court.

COUNT 6: Infringement of U.S. Patent No. 8,215,816

42. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-42 as though fully set forth herein.

43. On information and belief, Volkswagen has been and now is directly infringing the '816 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of the Audi A4, A4 Quattro, A4 Allroad, A5, Q5, Q7 and RS5) having displays (including but not limited to the 8R0919604 navigation display unit) that infringe one or more claims of the '816 Patent, all to the injury of IDT. Volkswagen is thus liable for infringement of the '816 Patent pursuant to 35 U.S.C. § 271.

44. As a result of Volkswagen's infringement of the '816 Patent, Volkswagen has damaged IDT. Volkswagen is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

45. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '816 Patent.

46. As a result of Volkswagen's infringement of the '816 Patent, IDT has suffered and will continue to suffer loss and injury unless Volkswagen is enjoined by this Court.

COUNT 7: Infringement of U.S. Patent No. 6,886,956

47. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-46 as though fully set forth herein.

48. On information and belief, Volkswagen has been and now is directly infringing the '956 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles (including but not limited to various model years of Audi's A4 and S4 models) having lights (including but not limited to the 8K0941005E head light) that infringe one or more claims of the '956 Patent, all to the injury of IDT. Volkswagen is thus liable for infringement of the '956 Patent pursuant to 35 U.S.C. § 271.

49. As a result of Volkswagen's infringement of the '956 Patent, Volkswagen has damaged IDT. Volkswagen is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

50. IDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '956 Patent.

51. As a result of Volkswagen's infringement of the '956 Patent, IDT has suffered and will continue to suffer loss and injury unless Volkswagen is enjoined by this Court.

JURY DEMAND

52. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

53. Plaintiff respectfully requests that the Court find in its favor and against Volkswagen, and that the Court grant Plaintiff the following relief:

- A. A judgment that Volkswagen has infringed the Patents-in-suit as alleged herein,;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Volkswagen;
- C. A judgment and order requiring Volkswagen to pay Plaintiff damages under 35 U.S.C. § 284, including up to treble damages for willful infringement as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Volkswagen and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from infringement of the Patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Volkswagen to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded; and
- F. Such other and further relief as the Court deems just and equitable.

Dated: April 7, 2014

Respectfully submitted,

/s/ Demetrios Anaipakos

Demetrios Anaipakos
Texas Bar No. 00793258
danaipakos@azalaw.com

Amir Alavi
Texas Bar No. 00793239
aalavi@azalaw.com

Brian E. Simmons
Texas Bar No. 24004922
bsimmons@azalaw.com

George W. Webb III
Texas Bar No. 24003146
gwebb@azalaw.com

AHMAD, ZAVITSANOS, ANAIPAKOS,
ALAVI & MENSING P.C.

1221 McKinney Street, Suite 3460
Houston, TX 77010
Telephone: 713-655-1101
Facsimile: 713-655-0062

**Attorneys for Plaintiff
INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Innovative Display Technologies LLC

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Demetrios Anaipakos, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing,
P.C., 1221 McKinney St., Suite 3460, Houston, TX 77010
713-655-1101

DEFENDANTS

Volkswagen AG; Volkswagen Group of America, Inc.; Volkswagen Group of America Chattanooga Operations, LLC and Audi AG

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. Section 271

Brief description of cause:
Patent Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Rodney Gilstrap

2:14-cv-00106-JRG; 2:14-cv-00200-JRG; 2:14-cv-00201-JRG;
2:14-cv-00202-JRG; 2:14-cv-00222-JRG
DOCKET NUMBER

DATE
03/28/2014

SIGNATURE OF ATTORNEY OF RECORD
/s/ Demetrios Anaipakos

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RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

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MBI_000969

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

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC,**

Plaintiff,

v.

ZTE CORPORATION and

ZTE (USA) INC.,

Defendants.

§ §

C.A. No. _____

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT

Plaintiff Innovative Display Technologies LLC, by and through its undersigned counsel, files this Complaint against Defendants ZTE Corporation and ZTE (USA) Inc. (collectively, “ZTE”).

THE PARTIES

1. Innovative Display Technologies LLC is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, TX 75093.
2. Upon information and belief, ZTE Corporation (“ZTE Corp.”) is limited company incorporated in China located at ZTE Plaza, Keji Road South, Hi-Tech Industrial Park, Nanshan District, Shenzhen, Guangdong Province, P.R. China 518057. Upon information and belief, ZTE Corp. may be served with process in P.R. China pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.
3. Upon information and belief, ZTE (USA) Inc. (“ZTE USA”) is a New Jersey Corporation located at 33 Wood Avenue South, 7th Floor, Iselin, NJ 08830 and with headquarters

at 2425 North Central Expressway, Suite 323, Richardson, TX 75080. Upon information and belief, ZTE USA may be served with process by serving its registered agent, Li Mo, 4585 Spencer Dr., Plano, TX 75024.

4. Upon information and belief, ZTE Corp. is the parent of ZTE USA.

5. Upon information and belief, ZTE has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

6. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

7. As further detailed herein, this Court has personal jurisdiction over ZTE USA. ZTE USA is amenable to service of summons for this action. Furthermore, personal jurisdiction over ZTE USA in this action comports with due process. ZTE USA maintains headquarters at 2425 North Central Expressway, Suite 323, Richardson, TX 75080. ZTE USA has conducted and regularly conducts business within the United States and this District. ZTE USA has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. ZTE USA has sought protection and benefit from the laws of the State of Texas by maintaining headquarters in Richardson, TX, and/or by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

8. ZTE USA – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its

products in the United States and this District. ZTE USA has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. ZTE USA knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, ZTE USA has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from ZTE USA's activities in this District.

9. As further detailed herein, this Court has personal jurisdiction over ZTE Corp. ZTE Corp. is amenable to service of summons for this action. Furthermore, personal jurisdiction over ZTE Corp. in this action comports with due process. ZTE Corp. has conducted and regularly conducts business within the United States and this District. ZTE Corp. has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. ZTE Corp. has sought protection and benefit from the laws of the State of Texas by maintaining offices of its United States subsidiaries in Texas and/or by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

10. ZTE Corp. – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. ZTE Corp. has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. ZTE

Corp. knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, ZTE Corp. has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from ZTE Corp.'s activities in this District.

11. Venue is proper in this Court according to the venue provisions set forth by 28 U.S.C. §§ 1391(b)-(d) and 1400(b). ZTE is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue. Upon information and belief, ZTE has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website, available to persons in this District that advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

12. U.S. Patent No. 6,755,547 titled "Light Emitting Panel Assemblies" ("the '547 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '547 patent. The '547 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '547 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '547 patent is attached as **Exhibit A** and made a part hereof.

13. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’194 patent. The ’194 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’194 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’194 patent is attached as **Exhibit B** and made a part hereof.

14. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’177 patent. The ’177 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’177 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’177 patent is attached as **Exhibit C** and made a part hereof.

15. U.S. Patent No. 7,404,660 titled “Light Emitting Panel Assemblies” (“the ’660 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’660 patent. The ’660 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’660 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’660 patent is attached as **Exhibit D** and made a part hereof.

16. U.S. Patent No. 7,434,974 titled “Light Emitting Panel Assemblies” (“the ’974 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008,

after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '974 patent. The '974 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '974 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '974 patent is attached as **Exhibit E** and made a part hereof.

17. U.S. Patent No. 7,537,370 titled "Light Emitting Panel Assemblies" ("the '370 patent") was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '370 patent. The '370 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '370 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '370 patent is attached as **Exhibit F** and made a part hereof.

18. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '816 patent. The '816 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '816 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '816 patent is attached as **Exhibit G** and made a part hereof.

19. Jeffery R. Parker is an inventor of the '547 patent, the '194 patent, the '177 patent, the '660 patent, the '974 patent, the '370 patent, and the '816 patent (collectively, the "patents-in-suit"). In total, he is a named inventor on over eighty-five (85) U.S. patents.

B. ZTE's Infringing Conduct.

20. Upon information and belief, ZTE makes, uses, offers to sell, and/or sells within, and/or imports into the United States display products that incorporate the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display products include, but are not limited to, mobile phones, tablets, and mobile hotspots.

21. By incorporating the fundamental inventions covered by the patents-in-suit, ZTE can make improved products, including but not limited to, longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, and/or a lower power requirement.

22. Upon information and belief, third-party distributors purchase and have purchased ZTE's infringing display products for sale or importation into the United States, including this District. Upon information and belief, third-party consumers use and have used ZTE's infringing display products in the United States, including this District.

23. Upon information and belief, ZTE has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including this District by third party manufacturers, distributors, and/or importers.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

24. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-23 as though fully set forth herein.

25. The '547 patent is valid and enforceable.

26. ZTE has never been licensed, either expressly or impliedly, under the '547 patent.

27. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to ZTE of its alleged infringement. Upon information and belief, Plaintiff

surmises that any express licensees of the '547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

28. Upon information and belief, ZTE has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the ZTE N910 mobile phone), their display components, and/or other products made, used, sold, offered for sale, or imported by ZTE that include all of the limitations of one or more claims of the '547 patent.

29. Upon information and belief, distributors and consumers that purchase ZTE's products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the ZTE N910 mobile phone), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

30. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to ZTE that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under

35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

31. Upon information and belief, ZTE had knowledge of the '547 patent and its infringing conduct at least since June 15, 2012, when ZTE was formally placed on notice of its infringement.

32. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed ZTE on notice of its infringement, ZTE has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, ZTE does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent. Upon information and belief, ZTE intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. ZTE has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

33. Upon information and belief, ZTE's acts of infringement of the '547 patent have been willful and intentional. Since at least the above-mentioned date of notice, ZTE has acted with an objectively high likelihood that its actions constituted infringement of the '547 patent by refusing to take a license and continuing to make and sell its display products, including but not

limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the ZTE N910 mobile phone), and the objectively-defined risk was either known or so obvious that it should have been known.

34. As a direct and proximate result of these acts of patent infringement, ZTE has encroached on the exclusive rights of Plaintiff and its licensees to practice the '547 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

35. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-34 as though fully set forth herein.

36. The '194 patent is valid and enforceable.

37. ZTE has never been licensed, either expressly or impliedly, under the '194 patent.

38. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to ZTE of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

39. Upon information and belief, ZTE has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that

include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the ZTE N910 mobile phone), their display components, and/or other products made, used, sold, offered for sale, or imported by ZTE that include all of the limitations of one or more claims of the '194 patent.

40. Upon information and belief, distributors and consumers that purchase ZTE's products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the ZTE N910 mobile phone), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

41. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to ZTE that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

42. Upon information and belief, ZTE had knowledge of the '194 patent and its infringing conduct at least since June 15, 2012, when ZTE was formally placed on notice of its infringement.

43. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed ZTE on notice of its infringement, ZTE has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date,

ZTE does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent. Upon information and belief, ZTE intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. ZTE has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

44. Upon information and belief, ZTE's acts of infringement of the '194 patent have been willful and intentional. Since at least the above-mentioned date of notice, ZTE has acted with an objectively high likelihood that its actions constituted infringement of the '194 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the ZTE N910 mobile phone), and the objectively-defined risk was either known or so obvious that it should have been known.

45. As a direct and proximate result of these acts of patent infringement, ZTE has encroached on the exclusive rights of Plaintiff and its licensees to practice the '194 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

46. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-45 as though fully set forth herein.

47. The '177 patent is valid and enforceable.

48. ZTE has never been licensed, either expressly or impliedly, under the '177 patent.

49. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to ZTE of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

50. Upon information and belief, ZTE has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the ZTE N910 mobile phone), their display components, and/or other products made, used, sold, offered for sale, or imported by ZTE that include all of the limitations of one or more claims of the '177 patent.

51. Upon information and belief, distributors and consumers that purchase ZTE's products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the ZTE N910 mobile phone), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

52. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to ZTE that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

53. Upon information and belief, ZTE had knowledge of the '177 patent and its infringing conduct at least since June 15, 2012, when ZTE was formally placed on notice of its infringement.

54. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed ZTE on notice of its infringement, ZTE has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date, ZTE does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent. Upon information and belief, ZTE intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. ZTE has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

55. Upon information and belief, ZTE's acts of infringement of the '177 patent have been willful and intentional. Since at least the above-mentioned date of notice, ZTE has acted with an objectively high likelihood that its actions constituted infringement of the '177 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the ZTE N910 mobile phone), and the objectively-defined risk was either known or so obvious that it should have been known.

56. As a direct and proximate result of these acts of patent infringement, ZTE has encroached on the exclusive rights of Plaintiff and its licensees to practice the '177 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

57. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-56 as though fully set forth herein.

58. The '660 patent is valid and enforceable.

59. ZTE has never been licensed, either expressly or impliedly, under the '660 patent.

60. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to ZTE of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

61. Upon information and belief, ZTE has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the ZTE N910 mobile phone), their display components, and/or other products made, used, sold, offered for sale, or imported by ZTE that include all of the limitations of one or more claims of the '660 patent.

62. Upon information and belief, distributors and consumers that purchase ZTE's products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the ZTE N910 mobile phone), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

63. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to ZTE that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

64. Upon information and belief, ZTE had knowledge of the '660 patent and its infringing conduct at least since June 15, 2012, when ZTE was formally placed on notice of its infringement.

65. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed ZTE on notice of its infringement, ZTE has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, ZTE does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent. Upon information and belief, ZTE intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. ZTE has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

66. Upon information and belief, ZTE's acts of infringement of the '660 patent have been willful and intentional. Since at least the above-mentioned date of notice, ZTE has acted with an objectively high likelihood that its actions constituted infringement of the '660 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the ZTE N910 mobile phone), and the objectively-defined risk was either known or so obvious that it should have been known.

67. As a direct and proximate result of these acts of patent infringement, ZTE has encroached on the exclusive rights of Plaintiff and its licensees to practice the '660 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

68. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-67 as though fully set forth herein.

69. The '974 patent is valid and enforceable.

70. ZTE has never been licensed, either expressly or impliedly, under the '974 patent.

71. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to ZTE of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

72. Upon information and belief, ZTE has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the ZTE N910 mobile phone), their display

components, and/or other products made, used, sold, offered for sale, or imported by ZTE that include all of the limitations of one or more claims of the '974 patent.

73. Upon information and belief, distributors and consumers that purchase ZTE's products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the ZTE N910 mobile phone), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

74. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to ZTE that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

75. Upon information and belief, ZTE had knowledge of the '974 patent and its infringing conduct at least since June 15, 2012, when ZTE was formally placed on notice of its infringement.

76. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed ZTE on notice of its infringement, ZTE has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '974 patent. Since at least the notice provided on the above-mentioned date, ZTE does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent. Upon information and belief, ZTE intends to cause infringement

by these third-party manufacturers, distributors, importers, and/or consumers. ZTE has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

77. Upon information and belief, ZTE's acts of infringement of the '974 patent have been willful and intentional. Since at least the above-mentioned date of notice, ZTE has acted with an objectively high likelihood that its actions constituted infringement of the '974 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the ZTE N910 mobile phone), and the objectively-defined risk was either known or so obvious that it should have been known.

78. As a direct and proximate result of these acts of patent infringement, ZTE has encroached on the exclusive rights of Plaintiff and its licensees to practice the '974 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,537,370

79. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-78 as though fully set forth herein.

80. The '370 patent is valid and enforceable.

81. ZTE has never been licensed, either expressly or impliedly, under the '370 patent.

82. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to ZTE of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

83. Upon information and belief, ZTE has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the ZTE N910 mobile phone), their display components, and/or other products made, used, sold, offered for sale, or imported by ZTE that include all of the limitations of one or more claims of the '370 patent.

84. Upon information and belief, distributors and consumers that purchase ZTE's products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the ZTE N910 mobile phone), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

85. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to ZTE that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

86. Upon information and belief, ZTE had knowledge of the '370 patent and its infringing conduct at least since June 15, 2012, when ZTE was formally placed on notice of its infringement.

87. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed ZTE on notice of its infringement, ZTE has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '370 patent. Since at least the notice provided on the above-mentioned date, ZTE does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent. Upon information and belief, ZTE intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. ZTE has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

88. Upon information and belief, ZTE's acts of infringement of the '370 patent have been willful and intentional. Since at least the above-mentioned date of notice, ZTE has acted with an objectively high likelihood that its actions constituted infringement of the '370 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the ZTE N910 mobile phone), and the objectively-defined risk was either known or so obvious that it should have been known.

89. As a direct and proximate result of these acts of patent infringement, ZTE has encroached on the exclusive rights of Plaintiff and its licensees to practice the '370 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 8,215,816

90. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-89 as though fully set forth herein.

91. The '816 patent is valid and enforceable.

92. ZTE has never been licensed, either expressly or impliedly, under the '816 patent.

93. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to ZTE of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

94. Upon information and belief, ZTE has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the ZTE N910 mobile phone), their display components, and/or other products made, used, sold, offered for sale, or imported by ZTE that include all of the limitations of one or more claims of the '816 patent.

95. Upon information and belief, distributors and consumers that purchase ZTE's products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the ZTE N910 mobile phone), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

96. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to ZTE that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

97. Upon information and belief, ZTE had knowledge of the application that issued into the '816 patent and its infringing conduct at least since June 15, 2012, when ZTE was formally placed on notice of its infringement.

98. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed ZTE on notice of its infringement, ZTE has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, ZTE does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent. Upon information and belief, ZTE intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. ZTE has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

99. Upon information and belief, ZTE's acts of infringement of the '816 patent have been willful and intentional. Since at least the above-mentioned date of notice, ZTE has acted with an objectively high likelihood that its actions constituted infringement of the '816 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to mobile phones, tablets, and mobile hotspots (*e.g.*, the ZTE N910 mobile phone), and the objectively-defined risk was either known or so obvious that it should have been known.

100. As a direct and proximate result of these acts of patent infringement, ZTE has encroached on the exclusive rights of Plaintiff and its licensees to practice the '816 patent, for which Plaintiff is entitled to at least a reasonable royalty.

CONCLUSION

101. Plaintiff is entitled to recover from ZTE the damages sustained by Plaintiff as a result of ZTE's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

102. Plaintiffs have incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

103. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

104. Plaintiff respectfully request that the Court find in its favor and against ZTE, and that the Court grant Plaintiff the following relief:

- A. A judgment that ZTE has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by ZTE;

- C. A judgment and order requiring ZTE to pay Plaintiff damages under 35 U.S.C. § 284, including up to treble damages for willful infringement as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining ZTE and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring ZTE to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring ZTE to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: June 28, 2013

Respectfully submitted,

/s/ Jeffrey R. Bragalone

Jeffrey R. Bragalone (lead attorney)

Texas Bar No. 02855775

Patrick J. Conroy

Texas Bar No. 24012448

Justin B. Kimble

Texas Bar No. 24036909

T. William Kennedy, Jr.

Texas Bar No. 24055771

Daniel F. Olejko

Pennsylvania Bar No. 205512

Bragalone Conroy PC

2200 Ross Avenue

Suite 4500W

Dallas, TX 75201

Tel: (214) 785-6670

Fax: (214) 785-6680

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

bkennedy@bcpc-law.com

dolejko@bcpc-law.com

T. John Ward Jr.

Texas Bar No. 00794818

Claire Abernathy Henry

Ward & Smith Law Firm

1127 Judson Road, Suite 220

Longview, TX 75601

Tel: (903) 757-6400

Fax: (903) 757.2323

jw@wsfirm.com

claire@wsfirm.com

Attorneys for Plaintiff

INNOVATIVE DISPLAY

TECHNOLOGIES LLC

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

INNOVATIVE DISPLAY TECHNOLOGIES LLC

(b) County of Residence of First Listed Plaintiff Collin
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Jeffrey R. Bragalone, Bragalone Conroy PC
2200 Ross Avenue, Suite 4500W
Dallas, TX 75201 214-785-6670

DEFENDANTS

ZTE CORPORATION, and ZTE (USA) INC.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. § 1, et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285

Brief description of cause:

Infringement of U.S. Patent Nos. 6,755,547, 7,300,194, 7,384,177, et al

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/28/2013

SIGNATURE OF ATTORNEY OF RECORD

/s/ Jeffrey R. Bragalone

FOR OFFICE USE ONLY

RECEIPT #

MBI_000998

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**DELAWARE DISPLAY GROUP LLC
AND INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

Plaintiffs,

V.

AMAZON.COM, INC.,

Defendant.

THE UNIVERSITY OF CHICAGO

C.A. No. _____

JURY TRIAL DEMANDED

PLAINTIFFS' COMPLAINT

Delaware Display Group LLC and Innovative Display Technologies LLC (collectively, “Plaintiffs”) by and through their undersigned counsel, file this Complaint against Amazon.com, Inc. (“Amazon.com”).

THE PARTIES

1. Delaware Display Group LLC (“DDG”) is a Delaware limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

2. Innovative Display Technologies LLC (“IDT”) is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

3. Upon information and belief, Amazon.com, Inc., is a Delaware corporation with offices at 410 Terry Avenue North, Seattle, Washington 98109. Upon information and belief, Amazon.com may be served with process by serving its registered agent, Corporation Service Company, 2711 Centerville Rd., Suite 400, Wilmington, Delaware 19808.

4. Upon information and belief, Amazon.com has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Delaware.

JURISDICTION AND VENUE

5. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. As further detailed herein, this Court has personal jurisdiction over Amazon.com. Amazon.com is amenable to service of summons for this action. Furthermore, personal jurisdiction over Amazon.com in this action comports with due process. Amazon.com has conducted and regularly conducts business within the United States and this District. Amazon.com has purposefully availed itself of the privileges of conducting business in the United States and, more specifically, in this District. Amazon.com has sought protection and benefit from the laws of the State of Delaware by incorporating in the state of Delaware and/or by placing infringing products into the stream of commerce through an established distribution channel with the expectation and/or knowledge that they will be purchased by consumers in this District. Plaintiffs' causes of action arise directly from Amazon.com's business contacts and other activities in this District.

7. Amazon.com – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Amazon.com has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the expectation and/or knowledge that they will be purchased by consumers in this District.

Amazon.com knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, Amazon.com has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District.

8. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b), in that Amazon.com is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue, and, upon information and belief, Amazon.com has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website that is available to persons in this District, which website advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

9. U.S. Patent No. 6,755,547 titled “Light Emitting Panel Assemblies” (“the ’547 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’547 patent. A true and correct copy of the ’547 patent is attached as **Exhibit A** and made a part hereof.

10. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’194 patent. A true and correct copy of the ’194 patent is attached as **Exhibit B** and made a part hereof.

11. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’177 patent. A true and correct copy of the ’177 patent is attached as **Exhibit C** and made a part hereof.

12. U.S. Patent No. 7,404,660 titled “Light Emitting Panel Assemblies” (“the ’660 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’660 patent. A true and correct copy of the ’660 patent is attached as **Exhibit D** and made a part hereof.

13. U.S. Patent No. 7,434,974 titled “Light Emitting Panel Assemblies” (“the ’974 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’974 patent. A true and correct copy of the ’974 patent is attached as **Exhibit E** and made a part hereof.

14. U.S. Patent No. 7,537,370 titled “Light Emitting Panel Assemblies” (“the ’370 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’370 patent. A true and correct copy of the ’370 patent is attached as **Exhibit F** and made a part hereof.

15. U.S. Patent No. 7,914,196 titled “Light Redirecting Film Systems Having Pattern of Variable Optical Elements” (“the ’196 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on March 29, 2011, after full and fair examination. Jeffery R. Parker, Timothy A. McCollum, and Robert M. Ezell are the inventors listed on the ’196 patent. A true and correct copy of the ’196 patent is attached as **Exhibit G** and made a part hereof.

16. U.S. Patent No. 8,215,816 titled “Light Emitting Panel Assemblies” (“the ’816 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’816 patent. A true and correct copy of the ’816 patent is attached as **Exhibit H** and made a part hereof.

17. The ’196 patent is referred to as the “DDG patent.”

18. The ’547 patent, the ’194 patent, the ’177 patent, the ’660 patent, the ’974 patent, the ’370 patent, and the ’816 patent are collectively referred to as the “IDT patents.” Together, the “DDG patent” and the “IDT patents” are the “patents-in-suit.”

19. On July 26, 2013, IDT was assigned all of the right, title, and interest in the IDT patents, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the IDT patents.

20. On December 20, 2013, DDG was assigned all of the right, title, and interest in the DDG patent, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the DDG patent.

21. The patents-in-suit all share the same ultimate parent patent, U.S. Patent No. 5,613,751. The patents-in-suit share inventors, subject matter, and claim terms. The accused products infringe the patents-in-suit based on the use of the same technology, *e.g.*, backlights for LCDs. And IDT and DDG share a common corporate parent.

B. Amazon.com’s Infringing Conduct.

22. Upon information and belief, Amazon.com makes, uses, offers to sell, and/or sells within, and/or imports into the United States display products that use the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display products include, but are not limited to, tablets with an LCD. By way of example only, Plaintiffs identify the Kindle Fire HD as an infringing product of the patents-in-suit.

23. By incorporating the fundamental inventions covered by the patents-in-suit, Amazon.com can make improved products, including but not limited to, products with longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, a lower power requirement, and/or a longer battery life.

24. Upon information and belief, third-party distributors purchase and have purchased Amazon.com's infringing display products for sale or importation into the United States, including in this District. Upon information and belief, third-party consumers use and have used Amazon.com's infringing display products in the United States, including in this District.

25. Upon information and belief, Amazon.com has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including in this District by third party manufacturers, distributors, and/or importers.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

26. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-25 as though fully set forth herein.

27. The '547 patent is valid and enforceable.

28. Amazon.com has never been licensed, either expressly or impliedly, under the '547 patent.

29. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Amazon.com of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made,

offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

30. Upon information and belief, Amazon.com has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Amazon.com that include all of the limitations of one or more claims of the '547 patent.

31. Upon information and belief, distributors and consumers that purchase Amazon.com's display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

32. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Amazon.com that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling

(directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

33. Upon information and belief, Amazon.com had knowledge of the '547 patent and its infringing conduct at least since the filing of this lawsuit, when Amazon.com was formally placed on notice of its infringement.

34. Upon information and belief, since at least the above-mentioned date when IDT formally placed Amazon.com on notice of its infringement, Amazon.com has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to tablets with an LCD, to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, Amazon.com does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent. Upon information and belief, Amazon.com intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

35. As a direct and proximate result of these acts of patent infringement, Amazon.com has encroached on the exclusive rights of IDT and its licensees to practice the '547 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

36. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-35 as though fully set forth herein

37. The '194 patent is valid and enforceable.

38. Amazon.com has never been licensed, either expressly or impliedly, under the '194 patent.

39. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Amazon.com of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

40. Upon information and belief, Amazon.com has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '194 patent, including but not limited

to tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Amazon.com that include all of the limitations of one or more claims of the '194 patent.

41. Upon information and belief, distributors and consumers that purchase Amazon.com's display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

42. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Amazon.com that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

43. Upon information and belief, Amazon.com had knowledge of the '194 patent and its infringing conduct at least since the filing of this lawsuit, when Amazon.com was formally placed on notice of its infringement.

44. Upon information and belief, since at least the above-mentioned date when IDT formally placed Amazon.com on notice of its infringement, Amazon.com has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the

'194 patent, including but not limited to tablets with an LCD, to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date, Amazon.com does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent. Upon information and belief, Amazon.com intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

45. As a direct and proximate result of these acts of patent infringement, Amazon.com has encroached on the exclusive rights of IDT and its licensees to practice the '194 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

46. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-45 as though fully set forth herein.

47. The '177 patent is valid and enforceable.

48. Amazon.com has never been licensed, either expressly or impliedly, under the '177 patent.

49. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or

constructive notice to Amazon.com of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

50. Upon information and belief, Amazon.com has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Amazon.com that include all of the limitations of one or more claims of the '177 patent.

51. Upon information and belief, distributors and consumers that purchase Amazon.com's display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

52. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Amazon.com that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

53. Upon information and belief, Amazon.com had knowledge of the '177 patent and its infringing conduct at least since the filing of this lawsuit, when Amazon.com was formally placed on notice of its infringement.

54. Upon information and belief, since at least the above-mentioned date when IDT formally placed Amazon.com on notice of its infringement, Amazon.com has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to tablets with an LCD, to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date, Amazon.com does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent. Upon information and belief, Amazon.com intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing

technical support, replacement parts, or services for these products to these purchasers in the United States.

55. As a direct and proximate result of these acts of patent infringement, Amazon.com has encroached on the exclusive rights of IDT and its licensees to practice the '177 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

56. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-55 as though fully set forth herein.

57. The '660 patent is valid and enforceable.

58. Amazon.com has never been licensed, either expressly or impliedly, under the '660 patent.

59. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Amazon.com of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

60. Upon information and belief, Amazon.com has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the

United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Amazon.com that include all of the limitations of one or more claims of the '660 patent.

61. Upon information and belief, distributors and consumers that purchase Amazon.com's display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

62. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Amazon.com that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

63. Upon information and belief, Amazon.com had knowledge of the '660 patent and its infringing conduct at least since the filing of this lawsuit, when Amazon.com was formally placed on notice of its infringement.

64. Upon information and belief, since at least the above-mentioned date when IDT formally placed Amazon.com on notice of its infringement, Amazon.com has actively induced,

under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to tablets with an LCD, to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, Amazon.com does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent. Upon information and belief, Amazon.com intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

65. As a direct and proximate result of these acts of patent infringement, Amazon.com has encroached on the exclusive rights of IDT and its licensees to practice the '660 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

66. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-65 as though fully set forth herein.

67. The '974 patent is valid and enforceable.

68. Amazon.com has never been licensed, either expressly or impliedly, under the '974 patent.

69. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Amazon.com of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

70. Upon information and belief, Amazon.com has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Amazon.com that include all of the limitations of one or more claims of the '974 patent.

71. Upon information and belief, distributors and consumers that purchase Amazon.com's display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through

intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

72. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Amazon.com that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

73. Upon information and belief, Amazon.com had knowledge of the '974 patent and its infringing conduct at least since the filing of this lawsuit, when Amazon.com was formally placed on notice of its infringement.

74. Upon information and belief, since at least the above-mentioned date when IDT formally placed Amazon.com on notice of its infringement, Amazon.com has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to tablets with an LCD, to directly infringe one or more claims of the '974 patent. Since at least the notice provided on the above-mentioned date, Amazon.com does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent. Upon information and belief, Amazon.com intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these

products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

75. As a direct and proximate result of these acts of patent infringement, Amazon.com has encroached on the exclusive rights of IDT and its licensees to practice the '974 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,537,370

76. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-75 as though fully set forth herein.

77. The '370 patent is valid and enforceable.

78. Amazon.com has never been licensed, either expressly or impliedly, under the '370 patent.

79. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Amazon.com of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

80. Upon information and belief, Amazon.com has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent

by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Amazon.com that include all of the limitations of one or more claims of the '370 patent.

81. Upon information and belief, distributors and consumers that purchase Amazon.com's display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

82. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Amazon.com that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

83. Upon information and belief, Amazon.com had knowledge of the '370 patent and its infringing conduct at least since the filing of this lawsuit, when Amazon.com was formally placed on notice of its infringement.

84. Upon information and belief, since at least the above-mentioned date when IDT formally placed Amazon.com on notice of its infringement, Amazon.com has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to tablets with an LCD, to directly infringe one or more claims of the '370 patent. Since at least the notice provided on the above-mentioned date, Amazon.com does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent. Upon information and belief, Amazon.com intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

85. As a direct and proximate result of these acts of patent infringement, Amazon.com has encroached on the exclusive rights of IDT and its licensees to practice the '370 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 7,914,196

86. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-85 as though fully set forth herein.

87. The '196 patent is valid and enforceable.

88. Amazon.com has never been licensed, either expressly or impliedly, under the '196 patent.

89. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, DDG has complied with the requirements of that statute by providing actual or constructive notice to Amazon.com of its alleged infringement. Upon information and belief, DDG surmises that any express licensees of the '196 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '196 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

90. Upon information and belief, Amazon.com has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '196 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Amazon.com that include all of the limitations of one or more claims of the '196 patent.

91. Upon information and belief, distributors and consumers that purchase Amazon.com's display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by using,

offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

92. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Amazon.com that include all of the limitations of one or more claims of the '196 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

93. Upon information and belief, Amazon.com had knowledge of the '196 patent and its infringing conduct at least since the filing of this lawsuit, when Amazon.com was formally placed on notice of its infringement.

94. Upon information and belief, since at least the above-mentioned date when DDG formally placed Amazon.com on notice of its infringement, Amazon.com has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to tablets with an LCD, to directly infringe one or more claims of the '196 patent. Since at least the notice provided on the above-mentioned date, Amazon.com does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '196 patent. Upon information and belief, Amazon.com intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for

these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

95. As a direct and proximate result of these acts of patent infringement, Amazon.com has encroached on the exclusive rights of DDG and its licensees to practice the '196 patent, for which DDG is entitled to at least a reasonable royalty.

COUNT VIII

Patent Infringement of U.S. Patent No. 8,215,816

96. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-95 as though fully set forth herein.

97. The '816 patent is valid and enforceable.

98. Amazon.com has never been licensed, either expressly or impliedly, under the '816 patent.

99. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Amazon.com of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

100. Upon information and belief, Amazon.com has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly

infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Amazon.com that include all of the limitations of one or more claims of the '816 patent.

101. Upon information and belief, distributors and consumers that purchase Amazon.com's display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

102. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Amazon.com that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

103. Upon information and belief, Amazon.com had knowledge of the '816 patent and its infringing conduct at least since the filing of this lawsuit, when Amazon.com was formally placed on notice of its infringement.

104. Upon information and belief, since at least the above-mentioned date when IDT formally placed Amazon.com on notice of its infringement, Amazon.com has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to tablets with an LCD, to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, Amazon.com does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent. Upon information and belief, Amazon.com intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

105. As a direct and proximate result of these acts of patent infringement, Amazon.com has encroached on the exclusive rights of IDT and its licensees to practice the '816 patent, for which IDT is entitled to at least a reasonable royalty.

CONCLUSION

106. Plaintiffs are entitled to recover from Amazon.com the damages sustained by Plaintiffs as a result of Amazon.com's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

107. Plaintiffs have incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiffs are entitled to recover their reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

108. Plaintiffs hereby request a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

109. Plaintiffs respectfully request that the Court find in its favor and against Amazon.com, and that the Court grant Plaintiffs the following relief:

- A. A judgment that Amazon.com has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiffs as a result of the acts of infringement by Amazon.com;
- C. A judgment and order requiring Amazon.com to pay Plaintiffs damages under 35 U.S.C. § 284 and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Amazon.com and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all

others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;

- E. A judgment and order requiring Amazon.com to pay Plaintiffs pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring Amazon.com to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: December 31, 2013

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

Joseph J. Farnan, Jr. (Bar No. 100245)

Brian E. Farnan (Bar No. 4089)

919 North Market Street, 12th Floor

Wilmington, Delaware 19801

302-777-0300 Telephone

302-777-0301 Facsimile

farnan@farnanlaw.com

bfarnan@farnanlaw.com

Of Counsel:

Jeffrey R. Bragalone

Patrick J. Conroy

Justin B. Kimble

Daniel F. Olejko

T. William Kennedy, Jr.

BRAGALONE CONROY P.C.

Chase Tower,

2200 Ross Ave., Suite 4500W

Dallas, Texas 75201

214-785-6670 Telephone

214-785-6680 Facsimile

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

dolejko@bcpc-law.com

Attorneys for Plaintiffs

DELAWARE DISPLAY GROUP LLC and

INNOVATIVE DISPLAY

TECHNOLOGIES LLC

4. Upon information and belief, HTC America, Inc. (“HTC America”) is a Washington corporation with offices at 13920 S.E. Eastgate Way, Suite 200, Bellevue, Washington 98005. Upon information and belief, HTC America may be served with process by serving its registered agent, National Registered Agents Inc., 505 Union Ave. SE, Suite 120, Olympia, Washington 98501. Upon information and belief, HTC America is a wholly-owned subsidiary of HTC Corp.

5. Upon information and belief, HTC has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Delaware.

JURISDICTION AND VENUE

6. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

7. As further detailed herein, this Court has personal jurisdiction over HTC. HTC is amenable to service of summons for this action. Furthermore, personal jurisdiction over HTC in this action comports with due process. HTC has conducted and regularly conducts business within the United States and this District. HTC has purposefully availed itself of the privileges of conducting business in the United States and, more specifically, in this District. HTC has sought protection and benefit from the laws of the State of Delaware by placing infringing products into the stream of commerce through an established distribution channel with the expectation and/or knowledge that they will be purchased by consumers in this District. Plaintiffs’ causes of action arise directly from HTC’s business contacts and other activities in this District.

8. HTC – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its

products in the United States and this District. HTC has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the expectation and/or knowledge that they will be purchased by consumers in this District. HTC knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, HTC has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District.

9. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b), in that HTC is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue, and, upon information and belief, HTC has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website that is available to persons in this District, which website advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

10. U.S. Patent No. 6,755,547 titled “Light Emitting Panel Assemblies” (“the ’547 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’547 patent. A true and correct copy of the ’547 patent is attached as **Exhibit A** and made a part hereof.

11. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on November 27,

2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '194 patent. A true and correct copy of the '194 patent is attached as **Exhibit B** and made a part hereof.

12. U.S. Patent No. 7,384,177 titled "Light Emitting Panel Assemblies" ("the '177 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '177 patent. A true and correct copy of the '177 patent is attached as **Exhibit C** and made a part hereof.

13. U.S. Patent No. 7,404,660 titled "Light Emitting Panel Assemblies" ("the '660 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '660 patent. A true and correct copy of the '660 patent is attached as **Exhibit D** and made a part hereof.

14. U.S. Patent No. 7,434,974 titled "Light Emitting Panel Assemblies" ("the '974 patent") was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '974 patent. A true and correct copy of the '974 patent is attached as **Exhibit E** and made a part hereof.

15. U.S. Patent No. 7,537,370 titled "Light Emitting Panel Assemblies" ("the '370 patent") was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '370 patent. A true and correct copy of the '370 patent is attached as **Exhibit F** and made a part hereof.

16. U.S. Patent No. 7,914,196 titled "Light Redirecting Film Systems Having Pattern of Variable Optical Elements" ("the '196 patent") was duly and legally issued by the U.S. Patent and Trademark Office on March 29, 2011, after full and fair examination. Jeffery R. Parker,

Timothy A. McCollum, and Robert M. Ezell are the inventors listed on the '196 patent. A true and correct copy of the '196 patent is attached as Exhibit G and made a part hereof.

17. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '816 patent. A true and correct copy of the '816 patent is attached as Exhibit H and made a part hereof.

18. The '196 patent is referred to as the "DDG patent."

19. The '547 patent, the '194 patent, the '177 patent, the '660 patent, the '974 patent, the '370 patent, and the '816 patent are collectively referred to as the "IDT patents." Together, the "DDG patent" and the "IDT patents" are the "patents-in-suit."

20. On July 26, 2013, IDT was assigned all of the right, title, and interest in the IDT patents, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the IDT patents.

21. On December 20, 2013, DDG was assigned all of the right, title, and interest in the DDG patent, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the DDG patent.

22. The patents-in-suit all share the same ultimate parent patent, U.S. Patent No. 5,613,751. The patents-in-suit share inventors, subject matter, and claim terms. The accused products infringe the patents-in-suit based on the use of the same technology, *e.g.*, backlights for LCDs. And IDT and DDG share a common corporate parent.

B. HTC's Infringing Conduct

23. Upon information and belief, HTC makes, uses, offers to sell, and/or sells within, and/or imports into the United States display products that use the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display products

include, but are not limited to, mobile phones with an LCD. By way of example only, Plaintiffs identify the PJ83100 mobile phone as an infringing product of the patents-in-suit.

24. By incorporating the fundamental inventions covered by the patents-in-suit, HTC can make improved products, including but not limited to, products with longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, a lower power requirement, and/or a longer battery life.

25. Upon information and belief, third-party distributors purchase and have purchased HTC's infringing display products for sale or importation into the United States, including in this District. Upon information and belief, third-party consumers use and have used HTC's infringing display products in the United States, including in this District.

26. Upon information and belief, HTC has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including in this District by third party manufacturers, distributors, and/or importers.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

27. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-26 as though fully set forth herein.

28. The '547 patent is valid and enforceable.

29. HTC has never been licensed, either expressly or impliedly, under the '547 patent.

30. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to HTC of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made,

offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

31. Upon information and belief, HTC has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by HTC that include all of the limitations of one or more claims of the '547 patent.

32. Upon information and belief, distributors and consumers that purchase HTC's display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

33. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to HTC that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling

(directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

34. Upon information and belief, HTC had knowledge of the '547 patent and its infringing conduct at least since the filing of this lawsuit, when HTC was formally placed on notice of its infringement.

35. Upon information and belief, since at least the above-mentioned date when IDT formally placed HTC on notice of its infringement, HTC has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones with an LCD, to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, HTC does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent. Upon information and belief, HTC intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

36. As a direct and proximate result of these acts of patent infringement, HTC has encroached on the exclusive rights of IDT and its licensees to practice the '547 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

37. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-36 as though fully set forth herein

38. The '194 patent is valid and enforceable.

39. HTC has never been licensed, either expressly or impliedly, under the '194 patent.

40. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to HTC of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

41. Upon information and belief, HTC has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by HTC that include all of the limitations of one or more claims of the '194 patent.

42. Upon information and belief, distributors and consumers that purchase HTC's display products that include all of the limitations of one or more claims of the '194 patent,

including but not limited to mobile phones with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

43. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to HTC that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

44. Upon information and belief, HTC had knowledge of the '194 patent and its infringing conduct at least since the filing of this lawsuit, when HTC was formally placed on notice of its infringement.

45. Upon information and belief, since at least the above-mentioned date when IDT formally placed HTC on notice of its infringement, HTC has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones with an LCD, to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date, HTC does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent. Upon information and belief, HTC intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors,

importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

46. As a direct and proximate result of these acts of patent infringement, HTC has encroached on the exclusive rights of IDT and its licensees to practice the '194 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

47. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-46 as though fully set forth herein.

48. The '177 patent is valid and enforceable.

49. HTC has never been licensed, either expressly or impliedly, under the '177 patent.

50. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to HTC of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

51. Upon information and belief, HTC has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing,

by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by HTC that include all of the limitations of one or more claims of the '177 patent.

52. Upon information and belief, distributors and consumers that purchase HTC's display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

53. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to HTC that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

54. Upon information and belief, HTC had knowledge of the '177 patent and its infringing conduct at least since the filing of this lawsuit, when HTC was formally placed on notice of its infringement.

55. Upon information and belief, since at least the above-mentioned date when IDT formally placed HTC on notice of its infringement, HTC has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones with an LCD, to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date, HTC does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent. Upon information and belief, HTC intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

56. As a direct and proximate result of these acts of patent infringement, HTC has encroached on the exclusive rights of IDT and its licensees to practice the '177 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

57. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-56 as though fully set forth herein.

58. The '660 patent is valid and enforceable.

59. HTC has never been licensed, either expressly or impliedly, under the '660 patent.

60. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to HTC of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

61. Upon information and belief, HTC has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by HTC that include all of the limitations of one or more claims of the '660 patent.

62. Upon information and belief, distributors and consumers that purchase HTC's display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

63. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to HTC that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

64. Upon information and belief, HTC had knowledge of the '660 patent and its infringing conduct at least since the filing of this lawsuit, when HTC was formally placed on notice of its infringement.

65. Upon information and belief, since at least the above-mentioned date when IDT formally placed HTC on notice of its infringement, HTC has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones with an LCD, to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, HTC does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent. Upon information and belief, HTC intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these

products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

66. As a direct and proximate result of these acts of patent infringement, HTC has encroached on the exclusive rights of IDT and its licensees to practice the '660 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

67. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-66 as though fully set forth herein.

68. The '974 patent is valid and enforceable.

69. HTC has never been licensed, either expressly or impliedly, under the '974 patent.

70. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to HTC of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

71. Upon information and belief, HTC has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the

limitations of one or more claims of the '974 patent, including but not limited to mobile phones with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by HTC that include all of the limitations of one or more claims of the '974 patent.

72. Upon information and belief, distributors and consumers that purchase HTC's display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

73. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to HTC that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

74. Upon information and belief, HTC had knowledge of the '974 patent and its infringing conduct at least since the filing of this lawsuit, when HTC was formally placed on notice of its infringement.

75. Upon information and belief, since at least the above-mentioned date when IDT formally placed HTC on notice of its infringement, HTC has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '974 patent,

including but not limited to mobile phones with an LCD, to directly infringe one or more claims of the '974 patent. Since at least the notice provided on the above-mentioned date, HTC does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent. Upon information and belief, HTC intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

76. As a direct and proximate result of these acts of patent infringement, HTC has encroached on the exclusive rights of IDT and its licensees to practice the '974 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,537,370

77. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-76 as though fully set forth herein.

78. The '370 patent is valid and enforceable.

79. HTC has never been licensed, either expressly or impliedly, under the '370 patent.

80. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to HTC of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '370 patent have complied with the marking

requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

81. Upon information and belief, HTC has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by HTC that include all of the limitations of one or more claims of the '370 patent.

82. Upon information and belief, distributors and consumers that purchase HTC's display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

83. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to HTC that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling

(directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

84. Upon information and belief, HTC had knowledge of the '370 patent and its infringing conduct at least since the filing of this lawsuit, when HTC was formally placed on notice of its infringement.

85. Upon information and belief, since at least the above-mentioned date when IDT formally placed HTC on notice of its infringement, HTC has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones with an LCD, to directly infringe one or more claims of the '370 patent. Since at least the notice provided on the above-mentioned date, HTC does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent. Upon information and belief, HTC intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

86. As a direct and proximate result of these acts of patent infringement, HTC has encroached on the exclusive rights of IDT and its licensees to practice the '370 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 7,914,196

87. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-86 as though fully set forth herein.

88. The '196 patent is valid and enforceable.

89. HTC has never been licensed, either expressly or impliedly, under the '196 patent.

90. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, DDG has complied with the requirements of that statute by providing actual or constructive notice to HTC of its alleged infringement. Upon information and belief, DDG surmises that any express licensees of the '196 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '196 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

91. Upon information and belief, HTC has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '196 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to mobile phones with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by HTC that include all of the limitations of one or more claims of the '196 patent.

92. Upon information and belief, distributors and consumers that purchase HTC's display products that include all of the limitations of one or more claims of the '196 patent,

including but not limited to mobile phones with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

93. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to HTC that include all of the limitations of one or more claims of the '196 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

94. Upon information and belief, HTC had knowledge of the '196 patent and its infringing conduct at least since the filing of this lawsuit, when HTC was formally placed on notice of its infringement.

95. Upon information and belief, since at least the above-mentioned date when DDG formally placed HTC on notice of its infringement, HTC has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to mobile phones with an LCD, to directly infringe one or more claims of the '196 patent. Since at least the notice provided on the above-mentioned date, HTC does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '196 patent. Upon information and belief, HTC intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors,

importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

96. As a direct and proximate result of these acts of patent infringement, HTC has encroached on the exclusive rights of DDG and its licensees to practice the '196 patent, for which DDG is entitled to at least a reasonable royalty.

COUNT VIII

Patent Infringement of U.S. Patent No. 8,215,816

97. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-96 as though fully set forth herein.

98. The '816 patent is valid and enforceable.

99. HTC has never been licensed, either expressly or impliedly, under the '816 patent.

100. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to HTC of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

101. Upon information and belief, HTC has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing,

by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by HTC that include all of the limitations of one or more claims of the '816 patent.

102. Upon information and belief, distributors and consumers that purchase HTC's display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

103. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to HTC that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

104. Upon information and belief, HTC had knowledge of the '816 patent and its infringing conduct at least since the filing of this lawsuit, when HTC was formally placed on notice of its infringement.

105. Upon information and belief, since at least the above-mentioned date when IDT formally placed HTC on notice of its infringement, HTC has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones with an LCD, to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, HTC does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent. Upon information and belief, HTC intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

106. As a direct and proximate result of these acts of patent infringement, HTC has encroached on the exclusive rights of IDT and its licensees to practice the '816 patent, for which IDT is entitled to at least a reasonable royalty.

CONCLUSION

107. Plaintiffs are entitled to recover from HTC the damages sustained by Plaintiffs as a result of HTC's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

108. Plaintiffs have incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiffs are entitled to recover their reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

109. Plaintiffs hereby request a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

110. Plaintiffs respectfully request that the Court find in its favor and against HTC, and that the Court grant Plaintiffs the following relief:

- A. A judgment that HTC has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiffs as a result of the acts of infringement by HTC;
- C. A judgment and order requiring HTC to pay Plaintiffs damages under 35 U.S.C. § 284 and any royalties determined to be appropriate;
- D. A permanent injunction enjoining HTC and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring HTC to pay Plaintiffs pre-judgment and post-judgment interest on the damages awarded;

- F. A judgment and order finding this to be an exceptional case and requiring HTC to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: December 31, 2013

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

Joseph J. Farnan, Jr. (Bar No. 100245)

Brian E. Farnan (Bar No. 4089)

919 North Market Street, 12th Floor

Wilmington, Delaware 19801

302-777-0300 Telephone

302-777-0301 Facsimile

farnan@farnanlaw.com

bfarnan@farnanlaw.com

Of Counsel:

Jeffrey R. Bragalone

Patrick J. Conroy

Justin B. Kimble

Daniel F. Olejko

T. William Kennedy, Jr.

BRAGALONE CONROY P.C.

Chase Tower,

2200 Ross Ave., Suite 4500W

Dallas, Texas 75201

214-785-6670 Telephone

214-785-6680 Facsimile

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

dolejko@bcpc-law.com

Attorneys for Plaintiffs

DELAWARE DISPLAY GROUP LLC and

INNOVATIVE DISPLAY

TECHNOLOGIES LLC

may be served with process in Hong Kong pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

4. Upon information and belief, Lenovo Holding Co., Inc. (“Lenovo Holding”) is a Delaware Corporation with offices at 1009 Think Place, Morrisville, North Carolina 27560. Upon information and belief, Lenovo Holding may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, Delaware 19801. Upon information and belief, Lenovo Holding is a subsidiary of LGL.

5. Upon information and belief, Lenovo (United States) Inc. (“Lenovo U.S.”) is a Delaware Corporation with offices at 1009 Think Place, Morrisville, North Carolina 27560. Upon information and belief, Lenovo U.S. may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, Delaware 19801. Upon information and belief, Lenovo U.S. is a subsidiary of Lenovo Holding.

6. Upon information and belief, Lenovo has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Delaware.

JURISDICTION AND VENUE

7. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

8. As further detailed herein, this Court has personal jurisdiction over Lenovo. Lenovo is amenable to service of summons for this action. Furthermore, personal jurisdiction

over Lenovo in this action comports with due process. Lenovo has conducted and regularly conducts business within the United States and this District. Lenovo has purposefully availed itself of the privileges of conducting business in the United States and, more specifically, in this District. Lenovo has sought protection and benefit from the laws of the State of Delaware by incorporating in the state of Delaware, incorporating a subsidiary in the State of Delaware, and/or by placing infringing products into the stream of commerce through an established distribution channel with the expectation and/or knowledge that they will be purchased by consumers in this District. Plaintiffs' causes of action arise directly from Lenovo's business contacts and other activities in this District.

9. Lenovo – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Lenovo has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the expectation and/or knowledge that they will be purchased by consumers in this District. Lenovo knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, Lenovo has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District.

10. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b), in that Lenovo is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue, and, upon information and belief, Lenovo has committed acts within this judicial District giving rise to this action and does

business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website that is available to persons in this District, which website advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

11. U.S. Patent No. 6,755,547 titled “Light Emitting Panel Assemblies” (“the ’547 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’547 patent. A true and correct copy of the ’547 patent is attached as **Exhibit A** and made a part hereof.

12. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’194 patent. A true and correct copy of the ’194 patent is attached as **Exhibit B** and made a part hereof.

13. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’177 patent. A true and correct copy of the ’177 patent is attached as **Exhibit C** and made a part hereof.

14. U.S. Patent No. 7,404,660 titled “Light Emitting Panel Assemblies” (“the ’660 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’660 patent. A true and correct copy of the ’660 patent is attached as **Exhibit D** and made a part hereof.

15. U.S. Patent No. 7,434,973 titled “Light Emitting Panel Assemblies” (“the ’973 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker, Gregory A. Coghlan, and Robert M. Ezell are the inventors listed on the ’973 patent. A true and correct copy of the ’973 patent is attached as **Exhibit E** and made a part hereof.

16. U.S. Patent No. 7,434,974 titled “Light Emitting Panel Assemblies” (“the ’974 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’974 patent. A true and correct copy of the ’974 patent is attached as **Exhibit F** and made a part hereof.

17. U.S. Patent No. 7,537,370 titled “Light Emitting Panel Assemblies” (“the ’370 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’370 patent. A true and correct copy of the ’370 patent is attached as **Exhibit G** and made a part hereof.

18. U.S. Patent No. 7,914,196 titled “Light Redirecting Film Systems Having Pattern of Variable Optical Elements” (“the ’196 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on March 29, 2011, after full and fair examination. Jeffery R. Parker, Timothy A. McCollum, and Robert M. Ezell are the inventors listed on the ’196 patent. A true and correct copy of the ’196 patent is attached as **Exhibit H** and made a part hereof.

19. U.S. Patent No. 8,215,816 titled “Light Emitting Panel Assemblies” (“the ’816 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’816 patent. A true and correct copy of the ’816 patent is attached as **Exhibit I** and made a part hereof.

20. The '973 patent and the '196 patent are collectively referred to as the "DDG patents."

21. The '547 patent, the '194 patent, the '177 patent, the '660 patent, the '974 patent, the '370 patent, and the '816 patent are collectively referred to as the "IDT patents." Together, the "DDG patents" and the "IDT patents" are the "patents-in-suit."

22. On July 26, 2013, IDT was assigned all of the right, title, and interest in the IDT patents, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the IDT patents.

23. On December 20, 2013, DDG was assigned all of the right, title, and interest in the DDG patents, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the DDG patents.

24. The patents-in-suit all share the same ultimate parent patent, U.S. Patent No. 5,613,751. The patents-in-suit share inventors, subject matter, and claim terms. The accused products infringe the patents-in-suit based on the use of the same technology, *e.g.*, backlights for LCDs. And IDT and DDG share a common corporate parent.

B. Lenovo's Infringing Conduct.

25. Upon information and belief, Lenovo makes, uses, offers to sell, and/or sells within, and/or imports into the United States display products that use the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display products include, but are not limited to, laptops, desktops, and tablets with an LCD. By way of example only, Plaintiffs identify the IdeaPad N580 as an infringing product of the patents-in-suit.

26. By incorporating the fundamental inventions covered by the patents-in-suit, Lenovo can make improved products, including but not limited to, products with longer displays,

thinner displays, and/or displays with a higher light output, a more uniform light output, a lower power requirement, and/or a longer battery life.

27. Upon information and belief, third-party distributors purchase and have purchased Lenovo's infringing display products for sale or importation into the United States, including in this District. Upon information and belief, third-party consumers use and have used Lenovo's infringing display products in the United States, including in this District.

28. Upon information and belief, Lenovo has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including in this District by third party manufacturers, distributors, and/or importers.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

29. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-28 as though fully set forth herein.

30. The '547 patent is valid and enforceable.

31. Lenovo has never been licensed, either expressly or impliedly, under the '547 patent.

32. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Lenovo of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

33. Upon information and belief, Lenovo has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to laptops, desktops, and tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Lenovo that include all of the limitations of one or more claims of the '547 patent.

34. Upon information and belief, distributors and consumers that purchase Lenovo's display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to laptops, desktops, and tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

35. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Lenovo that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

36. Upon information and belief, Lenovo had knowledge of the '547 patent and its infringing conduct at least since the filing of this lawsuit, when Lenovo was formally placed on notice of its infringement.

37. Upon information and belief, since at least the above-mentioned date when IDT formally placed Lenovo on notice of its infringement, Lenovo has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to laptops, desktops, and tablets with an LCD, to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, Lenovo does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent. Upon information and belief, Lenovo intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

38. As a direct and proximate result of these acts of patent infringement, Lenovo has encroached on the exclusive rights of IDT and its licensees to practice the '547 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

39. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-38 as though fully set forth herein

40. The '194 patent is valid and enforceable.

41. Lenovo has never been licensed, either expressly or impliedly, under the '194 patent.

42. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Lenovo of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

43. Upon information and belief, Lenovo has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to laptops, desktops, and tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Lenovo that include all of the limitations of one or more claims of the '194 patent.

44. Upon information and belief, distributors and consumers that purchase Lenovo's display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to laptops, desktops, and tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

45. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Lenovo that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

46. Upon information and belief, Lenovo had knowledge of the '194 patent and its infringing conduct at least since the filing of this lawsuit, when Lenovo was formally placed on notice of its infringement.

47. Upon information and belief, since at least the above-mentioned date when IDT formally placed Lenovo on notice of its infringement, Lenovo has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to laptops, desktops, and tablets with an LCD, to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date, Lenovo does so with knowledge, or with willful blindness of the fact, that the induced acts

constitute infringement of the '194 patent. Upon information and belief, Lenovo intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

48. As a direct and proximate result of these acts of patent infringement, Lenovo has encroached on the exclusive rights of IDT and its licensees to practice the '194 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

49. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-48 as though fully set forth herein.

50. The '177 patent is valid and enforceable.

51. Lenovo has never been licensed, either expressly or impliedly, under the '177 patent.

52. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Lenovo of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made,

offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

53. Upon information and belief, Lenovo has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to laptops, desktops, and tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Lenovo that include all of the limitations of one or more claims of the '177 patent.

54. Upon information and belief, distributors and consumers that purchase Lenovo's display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to laptops, desktops, and tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

55. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Lenovo that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling

(directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

56. Upon information and belief, Lenovo had knowledge of the '177 patent and its infringing conduct at least since the filing of this lawsuit, when Lenovo was formally placed on notice of its infringement.

57. Upon information and belief, since at least the above-mentioned date when IDT formally placed Lenovo on notice of its infringement, Lenovo has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to laptops, desktops, and tablets with an LCD, to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date, Lenovo does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent. Upon information and belief, Lenovo intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

58. As a direct and proximate result of these acts of patent infringement, Lenovo has encroached on the exclusive rights of IDT and its licensees to practice the '177 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

59. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-58 as though fully set forth herein.

60. The '660 patent is valid and enforceable.

61. Lenovo has never been licensed, either expressly or impliedly, under the '660 patent.

62. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Lenovo of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

63. Upon information and belief, Lenovo has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to laptops,

desktops, and tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Lenovo that include all of the limitations of one or more claims of the '660 patent.

64. Upon information and belief, distributors and consumers that purchase Lenovo's display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to laptops, desktops, and tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

65. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Lenovo that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

66. Upon information and belief, Lenovo had knowledge of the '660 patent and its infringing conduct at least since the filing of this lawsuit, when Lenovo was formally placed on notice of its infringement.

67. Upon information and belief, since at least the above-mentioned date when IDT formally placed Lenovo on notice of its infringement, Lenovo has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '660 patent,

including but not limited to laptops, desktops, and tablets with an LCD, to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, Lenovo does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent. Upon information and belief, Lenovo intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

68. As a direct and proximate result of these acts of patent infringement, Lenovo has encroached on the exclusive rights of IDT and its licensees to practice the '660 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,973

69. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-68 as though fully set forth herein.

70. The '973 patent is valid and enforceable.

71. Lenovo has never been licensed, either expressly or impliedly, under the '973 patent.

72. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, DDG has complied with the requirements of that statute by providing actual or

constructive notice to Lenovo of its alleged infringement. Upon information and belief, DDG surmises that any express licensees of the '973 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '973 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

73. Upon information and belief, Lenovo has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '973 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '973 patent, including but not limited to laptops, desktops, and tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Lenovo that include all of the limitations of one or more claims of the '973 patent.

74. Upon information and belief, distributors and consumers that purchase Lenovo's display products that include all of the limitations of one or more claims of the '973 patent, including but not limited to laptops, desktops, and tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '973 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

75. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Lenovo that include all of the limitations of one or more claims of the '973 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '973 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

76. Upon information and belief, Lenovo had knowledge of the '973 patent and its infringing conduct at least since the filing of this lawsuit, when Lenovo was formally placed on notice of its infringement.

77. Upon information and belief, since at least the above-mentioned date when DDG formally placed Lenovo on notice of its infringement, Lenovo has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '973 patent, including but not limited to laptops, desktops, and tablets with an LCD, to directly infringe one or more claims of the '973 patent. Since at least the notice provided on the above-mentioned date, Lenovo does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '973 patent. Upon information and belief, Lenovo intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical

support, replacement parts, or services for these products to these purchasers in the United States.

78. As a direct and proximate result of these acts of patent infringement, Lenovo has encroached on the exclusive rights of DDG and its licensees to practice the '973 patent, for which DDG is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,434,974

79. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-78 as though fully set forth herein.

80. The '974 patent is valid and enforceable.

81. Lenovo has never been licensed, either expressly or impliedly, under the '974 patent.

82. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Lenovo of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

83. Upon information and belief, Lenovo has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States

and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to laptops, desktops, and tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Lenovo that include all of the limitations of one or more claims of the '974 patent.

84. Upon information and belief, distributors and consumers that purchase Lenovo's display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to laptops, desktops, and tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

85. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Lenovo that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

86. Upon information and belief, Lenovo had knowledge of the '974 patent and its infringing conduct at least since the filing of this lawsuit, when Lenovo was formally placed on notice of its infringement.

87. Upon information and belief, since at least the above-mentioned date when IDT formally placed Lenovo on notice of its infringement, Lenovo has actively induced, under U.S.C.

§ 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to laptops, desktops, and tablets with an LCD, to directly infringe one or more claims of the '974 patent. Since at least the notice provided on the above-mentioned date, Lenovo does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent. Upon information and belief, Lenovo intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

88. As a direct and proximate result of these acts of patent infringement, Lenovo has encroached on the exclusive rights of IDT and its licensees to practice the '974 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 7,537,370

89. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-88 as though fully set forth herein.

90. The '370 patent is valid and enforceable.

91. Lenovo has never been licensed, either expressly or impliedly, under the '370 patent.

92. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Lenovo of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

93. Upon information and belief, Lenovo has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to laptops, desktops, and tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Lenovo that include all of the limitations of one or more claims of the '370 patent.

94. Upon information and belief, distributors and consumers that purchase Lenovo's display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to laptops, desktops, and tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through

intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

95. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Lenovo that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

96. Upon information and belief, Lenovo had knowledge of the '370 patent and its infringing conduct at least since the filing of this lawsuit, when Lenovo was formally placed on notice of its infringement.

97. Upon information and belief, since at least the above-mentioned date when IDT formally placed Lenovo on notice of its infringement, Lenovo has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to laptops, desktops, and tablets with an LCD, to directly infringe one or more claims of the '370 patent. Since at least the notice provided on the above-mentioned date, Lenovo does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent. Upon information and belief, Lenovo intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in

conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

98. As a direct and proximate result of these acts of patent infringement, Lenovo has encroached on the exclusive rights of IDT and its licensees to practice the '370 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VIII

Patent Infringement of U.S. Patent No. 7,914,196

99. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-98 as though fully set forth herein.

100. The '196 patent is valid and enforceable.

101. Lenovo has never been licensed, either expressly or impliedly, under the '196 patent.

102. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, DDG has complied with the requirements of that statute by providing actual or constructive notice to Lenovo of its alleged infringement. Upon information and belief, DDG surmises that any express licensees of the '196 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '196 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

103. Upon information and belief, Lenovo has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '196 patent by making,

using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to laptops, desktops, and tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Lenovo that include all of the limitations of one or more claims of the '196 patent.

104. Upon information and belief, distributors and consumers that purchase Lenovo's display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to laptops, desktops, and tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

105. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Lenovo that include all of the limitations of one or more claims of the '196 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

106. Upon information and belief, Lenovo had knowledge of the '196 patent and its infringing conduct at least since the filing of this lawsuit, when Lenovo was formally placed on notice of its infringement.

107. Upon information and belief, since at least the above-mentioned date when DDG formally placed Lenovo on notice of its infringement, Lenovo has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to laptops, desktops, and tablets with an LCD, to directly infringe one or more claims of the '196 patent. Since at least the notice provided on the above-mentioned date, Lenovo does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '196 patent. Upon information and belief, Lenovo intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

108. As a direct and proximate result of these acts of patent infringement, Lenovo has encroached on the exclusive rights of DDG and its licensees to practice the '196 patent, for which DDG is entitled to at least a reasonable royalty.

COUNT IX

Patent Infringement of U.S. Patent No. 8,215,816

109. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-108 as though fully set forth herein.

110. The '816 patent is valid and enforceable.

111. Lenovo has never been licensed, either expressly or impliedly, under the '816 patent.

112. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Lenovo of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

113. Upon information and belief, Lenovo has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to laptops, desktops, and tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Lenovo that include all of the limitations of one or more claims of the '816 patent.

114. Upon information and belief, distributors and consumers that purchase Lenovo's display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to laptops, desktops, and tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by

using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

115. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Lenovo that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

116. Upon information and belief, Lenovo had knowledge of the '816 patent and its infringing conduct at least since the filing of this lawsuit, when Lenovo was formally placed on notice of its infringement.

117. Upon information and belief, since at least the above-mentioned date when IDT formally placed Lenovo on notice of its infringement, Lenovo has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to laptops, desktops, and tablets with an LCD, to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, Lenovo does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent. Upon information and belief, Lenovo intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products

into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

118. As a direct and proximate result of these acts of patent infringement, Lenovo has encroached on the exclusive rights of IDT and its licensees to practice the '816 patent, for which IDT is entitled to at least a reasonable royalty.

CONCLUSION

119. Plaintiffs are entitled to recover from Lenovo the damages sustained by Plaintiffs as a result of Lenovo's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

120. Plaintiffs have incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiffs are entitled to recover their reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

121. Plaintiffs hereby request a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

122. Plaintiffs respectfully request that the Court find in its favor and against Lenovo, and that the Court grant Plaintiffs the following relief:

- A. A judgment that Lenovo has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiffs as a result of the acts of infringement by Lenovo;
- C. A judgment and order requiring Lenovo to pay Plaintiffs damages under 35 U.S.C. § 284 and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Lenovo and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Lenovo to pay Plaintiffs pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring Lenovo to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: December 31, 2013

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

Joseph J. Farnan, Jr. (Bar No. 100245)

Brian E. Farnan (Bar No. 4089)

919 North Market Street, 12th Floor

Wilmington, Delaware 19801

302-777-0300 Telephone

302-777-0301 Facsimile

farnan@farnanlaw.com

bfarnan@farnanlaw.com

Of Counsel:

Jeffrey R. Bragalone

Patrick J. Conroy

Justin B. Kimble

Daniel F. Olejko

T. William Kennedy, Jr.

BRAGALONE CONROY P.C.

Chase Tower,

2200 Ross Ave., Suite 4500W

Dallas, Texas 75201

214-785-6670 Telephone

214-785-6680 Facsimile

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

dolejko@bcpc-law.com

Attorneys for Plaintiffs

DELAWARE DISPLAY GROUP LLC and

INNOVATIVE DISPLAY

TECHNOLOGIES LLC

Seoul, 150-721, South Korea. Upon information and belief, LG Electronics may be served with process in South Korea pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

4. Upon information and belief, LG Electronics U.S.A., Inc. (“LG Electronics U.S.A.”) is a Delaware Corporation with offices at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. Upon information and belief, LG Electronics U.S.A. may be served with process by serving its registered agent, United States Corporation Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808. Upon information and belief, LG Electronics U.S.A. is a subsidiary of LG Electronics.

5. Upon information and belief, LG Display Co., Ltd. (“LG Display”) is a corporation in South Korea located at LG U+ Bldg., Hangang-ro 3-ga, Yongsan-gu, Seoul, Korea. Upon information and belief, LG Display may be served with process in South Korea pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. Upon information and belief, LG Display is a subsidiary of LG Electronics.

6. Upon information and belief, LG Display America, Inc. (“LG Display America”) is a California Corporation with its principal place of business at 2540 North First Street, Suite 400, San Jose, California 95131. Upon information and belief, LG Display America may be served with process by serving its Agent for Service, Dong Hoon Han, LG Display America, Inc., 2540 North First Street, Suite 400, San Jose, California 95131. Upon information and belief, LG Display America is a subsidiary of LG Display.

7. Upon information and belief, LG has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Delaware.

JURISDICTION AND VENUE

8. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

9. As further detailed herein, this Court has personal jurisdiction over LG. LG is amenable to service of summons for this action. Furthermore, personal jurisdiction over LG in this action comports with due process. LG has conducted and regularly conducts business within the United States and this District. LG has purposefully availed itself of the privileges of conducting business in the United States and, more specifically, in this District. LG has sought protection and benefit from the laws of the State of Delaware by incorporating in the state of Delaware, incorporating a subsidiary in the State of Delaware, and/or by placing infringing products into the stream of commerce through an established distribution channel with the expectation and/or knowledge that they will be purchased by consumers in this District. Plaintiffs' causes of action arise directly from LG's business contacts and other activities in this District.

10. LG – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. LG has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the expectation and/or knowledge that they will be purchased by consumers in this District. LG knowingly and purposefully ships infringing products into and within this District through an

established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, LG has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District.

11. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b), in that LG is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue, and, upon information and belief, LG has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website that is available to persons in this District, which website advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

12. U.S. Patent No. 6,755,547 titled “Light Emitting Panel Assemblies” (“the ’547 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’547 patent. A true and correct copy of the ’547 patent is attached as **Exhibit A** and made a part hereof.

13. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’194 patent. A true and correct copy of the ’194 patent is attached as **Exhibit B** and made a part hereof.

14. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’177 patent. A true and correct copy of the ’177 patent is attached as **Exhibit C** and made a part hereof.

15. U.S. Patent No. 7,404,660 titled “Light Emitting Panel Assemblies” (“the ’660 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’660 patent. A true and correct copy of the ’660 patent is attached as **Exhibit D** and made a part hereof.

16. U.S. Patent No. 7,434,974 titled “Light Emitting Panel Assemblies” (“the ’974 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’974 patent. A true and correct copy of the ’974 patent is attached as **Exhibit E** and made a part hereof.

17. U.S. Patent No. 7,537,370 titled “Light Emitting Panel Assemblies” (“the ’370 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’370 patent. A true and correct copy of the ’370 patent is attached as **Exhibit F** and made a part hereof.

18. U.S. Patent No. 7,914,196 titled “Light Redirecting Film Systems Having Pattern of Variable Optical Elements” (“the ’196 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on March 29, 2011, after full and fair examination. Jeffery R. Parker, Timothy A. McCollum, and Robert M. Ezell are the inventors listed on the ’196 patent. A true and correct copy of the ’196 patent is attached as **Exhibit G** and made a part hereof.

19. U.S. Patent No. 8,215,816 titled “Light Emitting Panel Assemblies” (“the ’816 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’816 patent. A true and correct copy of the ’816 patent is attached as **Exhibit H** and made a part hereof.

20. The ’196 patent is referred to as the “DDG patent.”

21. The ’547 patent, the ’194 patent, the ’177 patent, the ’660 patent, the ’974 patent, the ’370 patent, and the ’816 patent are collectively referred to as the “IDT patents.” Together, the “DDG patent” and the “IDT patents” are the “patents-in-suit.”

22. On July 26, 2013, IDT was assigned all of the right, title, and interest in the IDT patents, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the IDT patents.

23. On December 20, 2013, DDG was assigned all of the right, title, and interest in the DDG patent, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the DDG patent.

24. The patents-in-suit all share the same ultimate parent patent, U.S. Patent No. 5,613,751. The patents-in-suit share inventors, subject matter, and claim terms. The accused products infringe the patents-in-suit based on the use of the same technology, *e.g.*, backlights for LCDs. And IDT and DDG share a common corporate parent.

B. LG’s Infringing Conduct.

25. Upon information and belief, LG makes, uses, offers to sell, and/or sells within, and/or imports into the United States display products that use the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display products include, but are not limited to, mobile phones, tablets, televisions, and monitors with an LCD. By

way of example only, Plaintiffs identify the Optimus E970 mobile phone as an infringing product of the patents-in-suit.

26. By incorporating the fundamental inventions covered by the patents-in-suit, LG can make improved products, including but not limited to, products with longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, a lower power requirement, and/or a longer battery life.

27. Upon information and belief, third-party distributors purchase and have purchased LG's infringing display products for sale or importation into the United States, including in this District. Upon information and belief, third-party consumers use and have used LG's infringing display products in the United States, including in this District.

28. Upon information and belief, LG has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including in this District by third party manufacturers, distributors, and/or importers.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

29. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-28 as though fully set forth herein.

30. The '547 patent is valid and enforceable.

31. LG has never been licensed, either expressly or impliedly, under the '547 patent.

32. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to LG of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '547 patent have complied with the marking requirements of 35

U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

33. Upon information and belief, LG has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by LG that include all of the limitations of one or more claims of the '547 patent.

34. Upon information and belief, distributors and consumers that purchase LG's display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

35. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to LG that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling (directly or

through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

36. Upon information and belief, LG had knowledge of the '547 patent and its infringing conduct at least since the filing of this lawsuit, when LG was formally placed on notice of its infringement.

37. Upon information and belief, since at least the above-mentioned date when IDT formally placed LG on notice of its infringement, LG has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, LG does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent. Upon information and belief, LG intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

38. As a direct and proximate result of these acts of patent infringement, LG has encroached on the exclusive rights of IDT and its licensees to practice the '547 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

39. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-38 as though fully set forth herein

40. The '194 patent is valid and enforceable.

41. LG has never been licensed, either expressly or impliedly, under the '194 patent.

42. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to LG of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

43. Upon information and belief, LG has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, their display components, and/or other products

made, used, sold, offered for sale, or imported by LG that include all of the limitations of one or more claims of the '194 patent.

44. Upon information and belief, distributors and consumers that purchase LG's display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

45. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to LG that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

46. Upon information and belief, LG had knowledge of the '194 patent and its infringing conduct at least since the filing of this lawsuit, when LG was formally placed on notice of its infringement.

47. Upon information and belief, since at least the above-mentioned date when IDT formally placed LG on notice of its infringement, LG has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, to

directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date, LG does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent. Upon information and belief, LG intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

48. As a direct and proximate result of these acts of patent infringement, LG has encroached on the exclusive rights of IDT and its licensees to practice the '194 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

49. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-48 as though fully set forth herein.

50. The '177 patent is valid and enforceable.

51. LG has never been licensed, either expressly or impliedly, under the '177 patent.

52. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to LG of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '177 patent have complied with the marking requirements of 35

U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

53. Upon information and belief, LG has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by LG that include all of the limitations of one or more claims of the '177 patent.

54. Upon information and belief, distributors and consumers that purchase LG's display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

55. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to LG that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling (directly or

through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

56. Upon information and belief, LG had knowledge of the '177 patent and its infringing conduct at least since the filing of this lawsuit, when LG was formally placed on notice of its infringement.

57. Upon information and belief, since at least the above-mentioned date when IDT formally placed LG on notice of its infringement, LG has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date, LG does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent. Upon information and belief, LG intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

58. As a direct and proximate result of these acts of patent infringement, LG has encroached on the exclusive rights of IDT and its licensees to practice the '177 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

59. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-58 as though fully set forth herein.

60. The '660 patent is valid and enforceable.

61. LG has never been licensed, either expressly or impliedly, under the '660 patent.

62. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to LG of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

63. Upon information and belief, LG has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, their display components, and/or other products

made, used, sold, offered for sale, or imported by LG that include all of the limitations of one or more claims of the '660 patent.

64. Upon information and belief, distributors and consumers that purchase LG's display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

65. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to LG that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

66. Upon information and belief, LG had knowledge of the '660 patent and its infringing conduct at least since the filing of this lawsuit, when LG was formally placed on notice of its infringement.

67. Upon information and belief, since at least the above-mentioned date when IDT formally placed LG on notice of its infringement, LG has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, to

directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, LG does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent. Upon information and belief, LG intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

68. As a direct and proximate result of these acts of patent infringement, LG has encroached on the exclusive rights of IDT and its licensees to practice the '660 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

69. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-68 as though fully set forth herein.

70. The '974 patent is valid and enforceable.

71. LG has never been licensed, either expressly or impliedly, under the '974 patent.

72. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to LG of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '974 patent have complied with the marking requirements of 35

U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

73. Upon information and belief, LG has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by LG that include all of the limitations of one or more claims of the '974 patent.

74. Upon information and belief, distributors and consumers that purchase LG's display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

75. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to LG that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling (directly or

through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

76. Upon information and belief, LG had knowledge of the '974 patent and its infringing conduct at least since the filing of this lawsuit, when LG was formally placed on notice of its infringement.

77. Upon information and belief, since at least the above-mentioned date when IDT formally placed LG on notice of its infringement, LG has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, to directly infringe one or more claims of the '974 patent. Since at least the notice provided on the above-mentioned date, LG does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent. Upon information and belief, LG intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

78. As a direct and proximate result of these acts of patent infringement, LG has encroached on the exclusive rights of IDT and its licensees to practice the '974 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,537,370

79. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-78 as though fully set forth herein.

80. The '370 patent is valid and enforceable.

81. LG has never been licensed, either expressly or impliedly, under the '370 patent.

82. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to LG of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

83. Upon information and belief, LG has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, their display components, and/or other products

made, used, sold, offered for sale, or imported by LG that include all of the limitations of one or more claims of the '370 patent.

84. Upon information and belief, distributors and consumers that purchase LG's display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

85. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to LG that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

86. Upon information and belief, LG had knowledge of the '370 patent and its infringing conduct at least since the filing of this lawsuit, when LG was formally placed on notice of its infringement.

87. Upon information and belief, since at least the above-mentioned date when IDT formally placed LG on notice of its infringement, LG has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, to

directly infringe one or more claims of the '370 patent. Since at least the notice provided on the above-mentioned date, LG does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent. Upon information and belief, LG intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

88. As a direct and proximate result of these acts of patent infringement, LG has encroached on the exclusive rights of IDT and its licensees to practice the '370 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 7,914,196

89. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-88 as though fully set forth herein.

90. The '196 patent is valid and enforceable.

91. LG has never been licensed, either expressly or impliedly, under the '196 patent.

92. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, DDG has complied with the requirements of that statute by providing actual or constructive notice to LG of its alleged infringement. Upon information and belief, DDG surmises that any express licensees of the '196 patent have complied with the marking

requirements of 35 U.S.C. § 287 by placing a notice of the '196 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

93. Upon information and belief, LG has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '196 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by LG that include all of the limitations of one or more claims of the '196 patent.

94. Upon information and belief, distributors and consumers that purchase LG's display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

95. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to LG that include all of the limitations of one or more claims of the '196 patent, also directly infringe, either literally or under the doctrine of equivalents,

under 35 U.S.C. § 271(a), the '196 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

96. Upon information and belief, LG had knowledge of the '196 patent and its infringing conduct at least since the filing of this lawsuit, when LG was formally placed on notice of its infringement.

97. Upon information and belief, since at least the above-mentioned date when DDG formally placed LG on notice of its infringement, LG has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, to directly infringe one or more claims of the '196 patent. Since at least the notice provided on the above-mentioned date, LG does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '196 patent. Upon information and belief, LG intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

98. As a direct and proximate result of these acts of patent infringement, LG has encroached on the exclusive rights of DDG and its licensees to practice the '196 patent, for which DDG is entitled to at least a reasonable royalty.

COUNT VIII

Patent Infringement of U.S. Patent No. 8,215,816

99. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-98 as though fully set forth herein.

100. The '816 patent is valid and enforceable.

101. LG has never been licensed, either expressly or impliedly, under the '816 patent.

102. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to LG of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

103. Upon information and belief, LG has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, their display components, and/or other products

made, used, sold, offered for sale, or imported by LG that include all of the limitations of one or more claims of the '816 patent.

104. Upon information and belief, distributors and consumers that purchase LG's display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

105. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to LG that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

106. Upon information and belief, LG had knowledge of the '816 patent and its infringing conduct at least since the filing of this lawsuit, when LG was formally placed on notice of its infringement.

107. Upon information and belief, since at least the above-mentioned date when IDT formally placed LG on notice of its infringement, LG has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones, tablets, televisions, and monitors with an LCD, to

directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, LG does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent. Upon information and belief, LG intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

108. As a direct and proximate result of these acts of patent infringement, LG has encroached on the exclusive rights of IDT and its licensees to practice the '816 patent, for which IDT is entitled to at least a reasonable royalty.

CONCLUSION

109. Plaintiffs are entitled to recover from LG the damages sustained by Plaintiffs as a result of LG's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

110. Plaintiffs have incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiffs are entitled to recover their reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

111. Plaintiffs hereby request a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

112. Plaintiffs respectfully request that the Court find in its favor and against LG, and that the Court grant Plaintiffs the following relief:

- A. A judgment that LG has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiffs as a result of the acts of infringement by LG;
- C. A judgment and order requiring LG to pay Plaintiffs damages under 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining LG and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring LG to pay Plaintiffs pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring LG to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: December 31, 2013

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

Joseph J. Farnan, Jr. (Bar No. 100245)

Brian E. Farnan (Bar No. 4089)

919 North Market Street, 12th Floor

Wilmington, Delaware 19801

302-777-0300 Telephone

302-777-0301 Facsimile

farnan@farnanlaw.com

bfarnan@farnanlaw.com

Of Counsel:

Jeffrey R. Bragalone

Patrick J. Conroy

Justin B. Kimble

Daniel F. Olejko

T. William Kennedy, Jr.

BRAGALONE CONROY P.C.

Chase Tower,

2200 Ross Ave., Suite 4500W

Dallas, Texas 75201

214-785-6670 Telephone

214-785-6680 Facsimile

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

dolejko@bcpc-law.com

Attorneys for Plaintiffs

DELAWARE DISPLAY GROUP LLC and

INNOVATIVE DISPLAY

TECHNOLOGIES LLC

process in South Korea pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

4. Upon information and belief, Pantech Wireless, Inc. (“Pantech Wireless”) is a Georgia corporation with offices at 5607 Glenridge Drive, Suite 500, Atlanta, Georgia 30342. Upon information and belief, Pantech Wireless may be served with process by serving it to Kathleen Elizabeth Jones, Secretary, Pantech Wireless, Inc., 5607 Glenridge Drive, Suite 500, Atlanta, Georgia 30342. Upon information and belief, Pantech Wireless is a wholly-owned subsidiary of Pantech Co.

5. Upon information and belief, Pantech has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Delaware.

JURISDICTION AND VENUE

6. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

7. As further detailed herein, this Court has personal jurisdiction over Pantech. Pantech is amenable to service of summons for this action. Furthermore, personal jurisdiction over Pantech in this action comports with due process. Pantech has conducted and regularly conducts business within the United States and this District. Pantech has purposefully availed itself of the privileges of conducting business in the United States and, more specifically, in this District. Pantech has sought protection and benefit from the laws of the State of Delaware by placing infringing products into the stream of commerce through an established distribution channel with the expectation and/or knowledge that they will be purchased by consumers in this

District. Plaintiffs' causes of action arise directly from Pantech's business contacts and other activities in this District.

8. Pantech – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Pantech has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the expectation and/or knowledge that they will be purchased by consumers in this District. Pantech knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, Pantech has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District.

9. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b), in that Pantech is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue, and, upon information and belief, Pantech has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website that is available to persons in this District, which website advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

10. U.S. Patent No. 6,755,547 titled "Light Emitting Panel Assemblies" ("the '547 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004,

after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '547 patent. A true and correct copy of the '547 patent is attached as **Exhibit A** and made a part hereof.

11. U.S. Patent No. 7,300,194 titled "Light Emitting Panel Assemblies" ("the '194 patent") was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '194 patent. A true and correct copy of the '194 patent is attached as **Exhibit B** and made a part hereof.

12. U.S. Patent No. 7,384,177 titled "Light Emitting Panel Assemblies" ("the '177 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '177 patent. A true and correct copy of the '177 patent is attached as **Exhibit C** and made a part hereof.

13. U.S. Patent No. 7,404,660 titled "Light Emitting Panel Assemblies" ("the '660 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '660 patent. A true and correct copy of the '660 patent is attached as **Exhibit D** and made a part hereof.

14. U.S. Patent No. 7,434,974 titled "Light Emitting Panel Assemblies" ("the '974 patent") was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '974 patent. A true and correct copy of the '974 patent is attached as **Exhibit E** and made a part hereof.

15. U.S. Patent No. 7,537,370 titled "Light Emitting Panel Assemblies" ("the '370 patent") was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009,

after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '370 patent. A true and correct copy of the '370 patent is attached as **Exhibit F** and made a part hereof.

16. U.S. Patent No. 7,914,196 titled "Light Redirecting Film Systems Having Pattern of Variable Optical Elements" ("the '196 patent") was duly and legally issued by the U.S. Patent and Trademark Office on March 29, 2011, after full and fair examination. Jeffery R. Parker, Timothy A. McCollum, and Robert M. Ezell are the inventors listed on the '196 patent. A true and correct copy of the '196 patent is attached as **Exhibit G** and made a part hereof.

17. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '816 patent. A true and correct copy of the '816 patent is attached as **Exhibit H** and made a part hereof.

18. The '196 patent is referred to as the "DDG patent."

19. The '547 patent, the '194 patent, the '177 patent, the '660 patent, the '974 patent, the '370 patent, and the '816 patent are collectively referred to as the "IDT patents." Together, the "DDG patent" and the "IDT patents" are the "patents-in-suit."

20. On July 26, 2013, IDT was assigned all of the right, title, and interest in the IDT patents, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the IDT patents.

21. On December 20, 2013, DDG was assigned all of the right, title, and interest in the DDG patent, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the DDG patent.

22. The patents-in-suit all share the same ultimate parent patent, U.S. Patent No. 5,613,751. The patents-in-suit share inventors, subject matter, and claim terms. The accused

products infringe the patents-in-suit based on the use of the same technology, *e.g.*, backlights for LCDs. And IDT and DDG share a common corporate parent.

B. Pantech's Infringing Conduct.

23. Upon information and belief, Pantech makes, uses, offers to sell, and/or sells within, and/or imports into the United States display products that use the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display products include, but are not limited to, mobile phones and tablets with an LCD. By way of example only, Plaintiffs identify the P9090 mobile phone as an infringing product of the patents-in-suit.

24. By incorporating the fundamental inventions covered by the patents-in-suit, Pantech can make improved products, including but not limited to, products with longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, a lower power requirement, and/or a longer battery life.

25. Upon information and belief, third-party distributors purchase and have purchased Pantech's infringing display products for sale or importation into the United States, including in this District. Upon information and belief, third-party consumers use and have used Pantech's infringing display products in the United States, including in this District.

26. Upon information and belief, Pantech has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including in this District by third party manufacturers, distributors, and/or importers.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

27. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-26 as though fully set forth herein.

28. The '547 patent is valid and enforceable.

29. Pantech has never been licensed, either expressly or impliedly, under the '547 patent.

30. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Pantech of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

31. Upon information and belief, Pantech has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Pantech that include all of the limitations of one or more claims of the '547 patent.

32. Upon information and belief, distributors and consumers that purchase Pantech's display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets with an LCD, also directly infringe, either

literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

33. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Pantech that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

34. Upon information and belief, Pantech had knowledge of the '547 patent and its infringing conduct at least since the filing of this lawsuit, when Pantech was formally placed on notice of its infringement.

35. Upon information and belief, since at least the above-mentioned date when IDT formally placed Pantech on notice of its infringement, Pantech has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets with an LCD, to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, Pantech does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent. Upon information and belief, Pantech intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements

that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

36. As a direct and proximate result of these acts of patent infringement, Pantech has encroached on the exclusive rights of IDT and its licensees to practice the '547 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

37. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-36 as though fully set forth herein

38. The '194 patent is valid and enforceable.

39. Pantech has never been licensed, either expressly or impliedly, under the '194 patent.

40. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Pantech of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

41. Upon information and belief, Pantech has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Pantech that include all of the limitations of one or more claims of the '194 patent.

42. Upon information and belief, distributors and consumers that purchase Pantech's display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

43. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Pantech that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

44. Upon information and belief, Pantech had knowledge of the '194 patent and its infringing conduct at least since the filing of this lawsuit, when Pantech was formally placed on notice of its infringement.

45. Upon information and belief, since at least the above-mentioned date when IDT formally placed Pantech on notice of its infringement, Pantech has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets with an LCD, to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date, Pantech does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent. Upon information and belief, Pantech intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

46. As a direct and proximate result of these acts of patent infringement, Pantech has encroached on the exclusive rights of IDT and its licensees to practice the '194 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

47. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-46 as though fully set forth herein.

48. The '177 patent is valid and enforceable.

49. Pantech has never been licensed, either expressly or impliedly, under the '177 patent.

50. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Pantech of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

51. Upon information and belief, Pantech has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Pantech that include all of the limitations of one or more claims of the '177 patent.

52. Upon information and belief, distributors and consumers that purchase Pantech's display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

53. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Pantech that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

54. Upon information and belief, Pantech had knowledge of the '177 patent and its infringing conduct at least since the filing of this lawsuit, when Pantech was formally placed on notice of its infringement.

55. Upon information and belief, since at least the above-mentioned date when IDT formally placed Pantech on notice of its infringement, Pantech has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets with an LCD, to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date, Pantech does so with knowledge, or with willful blindness of the fact, that the

induced acts constitute infringement of the '177 patent. Upon information and belief, Pantech intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

56. As a direct and proximate result of these acts of patent infringement, Pantech has encroached on the exclusive rights of IDT and its licensees to practice the '177 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

57. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-56 as though fully set forth herein.

58. The '660 patent is valid and enforceable.

59. Pantech has never been licensed, either expressly or impliedly, under the '660 patent.

60. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Pantech of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made,

offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

61. Upon information and belief, Pantech has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones and tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Pantech that include all of the limitations of one or more claims of the '660 patent.

62. Upon information and belief, distributors and consumers that purchase Pantech's display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones and tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

63. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Pantech that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling

(directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

64. Upon information and belief, Pantech had knowledge of the '660 patent and its infringing conduct at least since the filing of this lawsuit, when Pantech was formally placed on notice of its infringement.

65. Upon information and belief, since at least the above-mentioned date when IDT formally placed Pantech on notice of its infringement, Pantech has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones and tablets with an LCD, to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, Pantech does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent. Upon information and belief, Pantech intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

66. As a direct and proximate result of these acts of patent infringement, Pantech has encroached on the exclusive rights of IDT and its licensees to practice the '660 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

67. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-66 as though fully set forth herein.

68. The '974 patent is valid and enforceable.

69. Pantech has never been licensed, either expressly or impliedly, under the '974 patent.

70. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Pantech of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

71. Upon information and belief, Pantech has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones

and tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Pantech that include all of the limitations of one or more claims of the '974 patent.

72. Upon information and belief, distributors and consumers that purchase Pantech's display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones and tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

73. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Pantech that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

74. Upon information and belief, Pantech had knowledge of the '974 patent and its infringing conduct at least since the filing of this lawsuit, when Pantech was formally placed on notice of its infringement.

75. Upon information and belief, since at least the above-mentioned date when IDT formally placed Pantech on notice of its infringement, Pantech has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the

'974 patent, including but not limited to mobile phones and tablets with an LCD, to directly infringe one or more claims of the '974 patent. Since at least the notice provided on the above-mentioned date, Pantech does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent. Upon information and belief, Pantech intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

76. As a direct and proximate result of these acts of patent infringement, Pantech has encroached on the exclusive rights of IDT and its licensees to practice the '974 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,537,370

77. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-76 as though fully set forth herein.

78. The '370 patent is valid and enforceable.

79. Pantech has never been licensed, either expressly or impliedly, under the '370 patent.

80. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or

constructive notice to Pantech of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

81. Upon information and belief, Pantech has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones and tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Pantech that include all of the limitations of one or more claims of the '370 patent.

82. Upon information and belief, distributors and consumers that purchase Pantech's display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones and tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

83. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Pantech that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

84. Upon information and belief, Pantech had knowledge of the '370 patent and its infringing conduct at least since the filing of this lawsuit, when Pantech was formally placed on notice of its infringement.

85. Upon information and belief, since at least the above-mentioned date when IDT formally placed Pantech on notice of its infringement, Pantech has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones and tablets with an LCD, to directly infringe one or more claims of the '370 patent. Since at least the notice provided on the above-mentioned date, Pantech does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent. Upon information and belief, Pantech intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing

technical support, replacement parts, or services for these products to these purchasers in the United States.

86. As a direct and proximate result of these acts of patent infringement, Pantech has encroached on the exclusive rights of IDT and its licensees to practice the '370 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 7,914,196

87. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-86 as though fully set forth herein.

88. The '196 patent is valid and enforceable.

89. Pantech has never been licensed, either expressly or impliedly, under the '196 patent.

90. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, DDG has complied with the requirements of that statute by providing actual or constructive notice to Pantech of its alleged infringement. Upon information and belief, DDG surmises that any express licensees of the '196 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '196 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

91. Upon information and belief, Pantech has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '196 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States

and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to mobile phones and tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Pantech that include all of the limitations of one or more claims of the '196 patent.

92. Upon information and belief, distributors and consumers that purchase Pantech's display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to mobile phones and tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

93. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Pantech that include all of the limitations of one or more claims of the '196 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

94. Upon information and belief, Pantech had knowledge of the '196 patent and its infringing conduct at least since the filing of this lawsuit, when Pantech was formally placed on notice of its infringement.

95. Upon information and belief, since at least the above-mentioned date when DDG formally placed Pantech on notice of its infringement, Pantech has actively induced, under

U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to mobile phones and tablets with an LCD, to directly infringe one or more claims of the '196 patent. Since at least the notice provided on the above-mentioned date, Pantech does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '196 patent. Upon information and belief, Pantech intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

96. As a direct and proximate result of these acts of patent infringement, Pantech has encroached on the exclusive rights of DDG and its licensees to practice the '196 patent, for which DDG is entitled to at least a reasonable royalty.

COUNT VIII

Patent Infringement of U.S. Patent No. 8,215,816

97. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-96 as though fully set forth herein.

98. The '816 patent is valid and enforceable.

99. Pantech has never been licensed, either expressly or impliedly, under the '816 patent.

100. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Pantech of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

101. Upon information and belief, Pantech has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Pantech that include all of the limitations of one or more claims of the '816 patent.

102. Upon information and belief, distributors and consumers that purchase Pantech's display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through

intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

103. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Pantech that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

104. Upon information and belief, Pantech had knowledge of the '816 patent and its infringing conduct at least since the filing of this lawsuit, when Pantech was formally placed on notice of its infringement.

105. Upon information and belief, since at least the above-mentioned date when IDT formally placed Pantech on notice of its infringement, Pantech has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets with an LCD, to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, Pantech does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent. Upon information and belief, Pantech intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these

products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

106. As a direct and proximate result of these acts of patent infringement, Pantech has encroached on the exclusive rights of IDT and its licensees to practice the '816 patent, for which IDT is entitled to at least a reasonable royalty.

CONCLUSION

107. Plaintiffs are entitled to recover from Pantech the damages sustained by Plaintiffs as a result of Pantech's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

108. Plaintiffs have incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiffs are entitled to recover their reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

109. Plaintiffs hereby request a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

110. Plaintiffs respectfully request that the Court find in its favor and against Pantech, and that the Court grant Plaintiffs the following relief:

- A. A judgment that Pantech has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;

- B. A judgment for an accounting of all damages sustained by Plaintiffs as a result of the acts of infringement by Pantech;
- C. A judgment and order requiring Pantech to pay Plaintiffs damages under 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Pantech and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Pantech to pay Plaintiffs pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring Pantech to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: December 31, 2013

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

Joseph J. Farnan, Jr. (Bar No. 100245)

Brian E. Farnan (Bar No. 4089)

919 North Market Street, 12th Floor

Wilmington, Delaware 19801

302-777-0300 Telephone

302-777-0301 Facsimile

farnan@farnanlaw.com

bfarnan@farnanlaw.com

Of Counsel:

Jeffrey R. Bragalone

Patrick J. Conroy

Justin B. Kimble

Daniel F. Olejko

T. William Kennedy, Jr.

BRAGALONE CONROY P.C.

Chase Tower,

2200 Ross Ave., Suite 4500W

Dallas, Texas 75201

214-785-6670 Telephone

214-785-6680 Facsimile

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

dolejko@bcpc-law.com

Attorneys for Plaintiffs

DELAWARE DISPLAY GROUP LLC and

INNOVATIVE DISPLAY

TECHNOLOGIES LLC

3. Upon information and belief, Sony Corporation is a company incorporated in Japan with offices at 1-7-1 Konan, Minato-ku, Tokyo 108-0075, Japan. Upon information and belief, Sony Corporation may be served with process in Japan pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

4. Sony Corporation of America (“Sony America”) is a New York corporation with offices at 550 Madison Avenue, New York, New York 10022. Sony America may be served with process through its registered agent, The Corporation Trust Company, Corporation Trust Center 1209 Orange St, Wilmington, Delaware, 19801. Upon information and belief, Sony America is a subsidiary of Sony Corporation.

5. Upon information and belief, Sony Electronics Inc. (“Sony Electronics”) is a Delaware corporation with offices at 16450 W. Bernardo Dr., San Diego, California 92127. Upon information and belief, Sony Electronics may be served with process by serving its registered agent, Corporation Service Company, 2711 Centerville Rd., Suite 400, Wilmington, Delaware 19808. Upon information and belief, Sony Electronics is a subsidiary of Sony Corporation.

6. Sony Mobile Communications (USA) Inc. (“Sony Mobile”) is a Delaware corporation with offices at 3333 Piedmont Road, NE, Suite 600, Atlanta, Georgia 30305. Sony Mobile may be served with process through its registered agent, Capitol Services, Inc., 1675 S. State Street, Suite B, Dover, Delaware, 19901. Upon information and belief, Sony Mobile is a subsidiary of Sony America.

7. Upon information and belief, Sony has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Delaware.

JURISDICTION AND VENUE

8. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

9. As further detailed herein, this Court has personal jurisdiction over Sony. Sony is amenable to service of summons for this action. Furthermore, personal jurisdiction over Sony in this action comports with due process. Sony has conducted and regularly conducts business within the United States and this District. Sony has purposefully availed itself of the privileges of conducting business in the United States and, more specifically, in this District. Sony has sought protection and benefit from the laws of the State of Delaware by incorporating in the state of Delaware, incorporating a subsidiary in the State of Delaware, and/or by placing infringing products into the stream of commerce through an established distribution channel with the expectation and/or knowledge that they will be purchased by consumers in this District. Plaintiffs' causes of action arise directly from Sony's business contacts and other activities in this District.

10. Sony – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Sony has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the expectation and/or knowledge that they will be purchased by consumers in this District. Sony knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, Sony has committed the

tort of patent infringement in this District and/or has induced others to commit patent infringement in this District.

11. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b), in that Sony is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue, and, upon information and belief, Sony has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website that is available to persons in this District, which website advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

12. U.S. Patent No. 6,755,547 titled “Light Emitting Panel Assemblies” (“the ’547 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’547 patent. A true and correct copy of the ’547 patent is attached as **Exhibit A** and made a part hereof.

13. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’194 patent. A true and correct copy of the ’194 patent is attached as **Exhibit B** and made a part hereof.

14. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008,

after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '177 patent. A true and correct copy of the '177 patent is attached as **Exhibit C** and made a part hereof.

15. U.S. Patent No. 7,404,660 titled "Light Emitting Panel Assemblies" ("the '660 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '660 patent. A true and correct copy of the '660 patent is attached as **Exhibit D** and made a part hereof.

16. U.S. Patent No. 7,434,974 titled "Light Emitting Panel Assemblies" ("the '974 patent") was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '974 patent. A true and correct copy of the '974 patent is attached as **Exhibit E** and made a part hereof.

17. U.S. Patent No. 7,537,370 titled "Light Emitting Panel Assemblies" ("the '370 patent") was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '370 patent. A true and correct copy of the '370 patent is attached as **Exhibit F** and made a part hereof.

18. U.S. Patent No. 7,914,196 titled "Light Redirecting Film Systems Having Pattern of Variable Optical Elements" ("the '196 patent") was duly and legally issued by the U.S. Patent and Trademark Office on March 29, 2011, after full and fair examination. Jeffery R. Parker, Timothy A. McCollum, and Robert M. Ezell are the inventors listed on the '196 patent. A true and correct copy of the '196 patent is attached as **Exhibit G** and made a part hereof.

19. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012,

after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '816 patent. A true and correct copy of the '816 patent is attached as **Exhibit H** and made a part hereof.

20. The '196 patent is referred to as the "DDG patent."

21. The '547 patent, the '194 patent, the '177 patent, the '660 patent, the '974 patent, the '370 patent, and the '816 patent are collectively referred to as the "IDT patents." Together, the "DDG patent" and the "IDT patents" are the "patents-in-suit."

22. On July 26, 2013, IDT was assigned all of the right, title, and interest in the IDT patents, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the IDT patents.

23. On December 20, 2013, DDG was assigned all of the right, title, and interest in the DDG patent, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the DDG patent.

24. The patents-in-suit all share the same ultimate parent patent, U.S. Patent No. 5,613,751. The patents-in-suit share inventors, subject matter, and claim terms. The accused products infringe the patents-in-suit based on the use of the same technology, *e.g.*, backlights for LCDs. And IDT and DDG share a common corporate parent.

B. Sony's Infringing Conduct.

25. Upon information and belief, Sony makes, uses, offers to sell, and/or sells within, and/or imports into the United States display products that use the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display products include, but are not limited to, laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD. By way of example only, Plaintiffs identify the Mobile Xperia TL phone, the VAIO SVE11135CXW laptop, and the Cyber-shot DSC-W620 camera infringing products of the patents-in-suit.

26. By incorporating the fundamental inventions covered by the patents-in-suit, Sony can make improved products, including but not limited to, products with longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, a lower power requirement, and/or a longer battery life.

27. Upon information and belief, third-party distributors purchase and have purchased Sony's infringing display products for sale or importation into the United States, including in this District. Upon information and belief, third-party consumers use and have used Sony's infringing display products in the United States, including in this District.

28. Upon information and belief, Sony has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including in this District by third party manufacturers, distributors, and/or importers.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

29. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-28 as though fully set forth herein.

30. The '547 patent is valid and enforceable.

31. Sony has never been licensed, either expressly or impliedly, under the '547 patent.

32. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Sony of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made,

offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

33. Upon information and belief, Sony has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Sony that include all of the limitations of one or more claims of the '547 patent.

34. Upon information and belief, distributors and consumers that purchase Sony's display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

35. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Sony that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of

equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

36. Upon information and belief, Sony had knowledge of the '547 patent and its infringing conduct at least since the filing of this lawsuit, when Sony was formally placed on notice of its infringement.

37. Upon information and belief, since at least the above-mentioned date when IDT formally placed Sony on notice of its infringement, Sony has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, Sony does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent. Upon information and belief, Sony intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

38. As a direct and proximate result of these acts of patent infringement, Sony has encroached on the exclusive rights of IDT and its licensees to practice the '547 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

39. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-38 as though fully set forth herein

40. The '194 patent is valid and enforceable.

41. Sony has never been licensed, either expressly or impliedly, under the '194 patent.

42. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Sony of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

43. Upon information and belief, Sony has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to laptops,

desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Sony that include all of the limitations of one or more claims of the '194 patent.

44. Upon information and belief, distributors and consumers that purchase Sony's display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

45. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Sony that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

46. Upon information and belief, Sony had knowledge of the '194 patent and its infringing conduct at least since the filing of this lawsuit, when Sony was formally placed on notice of its infringement.

47. Upon information and belief, since at least the above-mentioned date when IDT formally placed Sony on notice of its infringement, Sony has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell

display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date, Sony does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent. Upon information and belief, Sony intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

48. As a direct and proximate result of these acts of patent infringement, Sony has encroached on the exclusive rights of IDT and its licensees to practice the '194 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

49. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-48 as though fully set forth herein.

50. The '177 patent is valid and enforceable.

51. Sony has never been licensed, either expressly or impliedly, under the '177 patent.

52. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Sony of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

53. Upon information and belief, Sony has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Sony that include all of the limitations of one or more claims of the '177 patent.

54. Upon information and belief, distributors and consumers that purchase Sony's display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or

subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

55. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Sony that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

56. Upon information and belief, Sony had knowledge of the '177 patent and its infringing conduct at least since the filing of this lawsuit, when Sony was formally placed on notice of its infringement.

57. Upon information and belief, since at least the above-mentioned date when IDT formally placed Sony on notice of its infringement, Sony has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date, Sony does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent. Upon information and belief, Sony intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United

States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

58. As a direct and proximate result of these acts of patent infringement, Sony has encroached on the exclusive rights of IDT and its licensees to practice the '177 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

59. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-58 as though fully set forth herein.

60. The '660 patent is valid and enforceable.

61. Sony has never been licensed, either expressly or impliedly, under the '660 patent.

62. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Sony of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

63. Upon information and belief, Sony has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making,

using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Sony that include all of the limitations of one or more claims of the '660 patent.

64. Upon information and belief, distributors and consumers that purchase Sony's display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

65. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Sony that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

66. Upon information and belief, Sony had knowledge of the '660 patent and its infringing conduct at least since the filing of this lawsuit, when Sony was formally placed on notice of its infringement.

67. Upon information and belief, since at least the above-mentioned date when IDT formally placed Sony on notice of its infringement, Sony has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, Sony does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent. Upon information and belief, Sony intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

68. As a direct and proximate result of these acts of patent infringement, Sony has encroached on the exclusive rights of IDT and its licensees to practice the '660 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

69. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-68 as though fully set forth herein.

70. The '974 patent is valid and enforceable.

71. Sony has never been licensed, either expressly or impliedly, under the '974 patent.

72. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Sony of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

73. Upon information and belief, Sony has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Sony that include all of the limitations of one or more claims of the '974 patent.

74. Upon information and belief, distributors and consumers that purchase Sony's display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

75. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Sony that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

76. Upon information and belief, Sony had knowledge of the '974 patent and its infringing conduct at least since the filing of this lawsuit, when Sony was formally placed on notice of its infringement.

77. Upon information and belief, since at least the above-mentioned date when IDT formally placed Sony on notice of its infringement, Sony has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, to directly infringe one or more claims of the '974

patent. Since at least the notice provided on the above-mentioned date, Sony does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent. Upon information and belief, Sony intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

78. As a direct and proximate result of these acts of patent infringement, Sony has encroached on the exclusive rights of IDT and its licensees to practice the '974 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,537,370

79. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-78 as though fully set forth herein.

80. The '370 patent is valid and enforceable.

81. Sony has never been licensed, either expressly or impliedly, under the '370 patent.

82. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Sony of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '370 patent have complied with the marking

requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

83. Upon information and belief, Sony has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Sony that include all of the limitations of one or more claims of the '370 patent.

84. Upon information and belief, distributors and consumers that purchase Sony's display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

85. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Sony that include all of the limitations of one or more

claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

86. Upon information and belief, Sony had knowledge of the '370 patent and its infringing conduct at least since the filing of this lawsuit, when Sony was formally placed on notice of its infringement.

87. Upon information and belief, since at least the above-mentioned date when IDT formally placed Sony on notice of its infringement, Sony has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, to directly infringe one or more claims of the '370 patent. Since at least the notice provided on the above-mentioned date, Sony does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent. Upon information and belief, Sony intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

88. As a direct and proximate result of these acts of patent infringement, Sony has encroached on the exclusive rights of IDT and its licensees to practice the '370 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 7,914,196

89. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-88 as though fully set forth herein.

90. The '196 patent is valid and enforceable.

91. Sony has never been licensed, either expressly or impliedly, under the '196 patent.

92. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, DDG has complied with the requirements of that statute by providing actual or constructive notice to Sony of its alleged infringement. Upon information and belief, DDG surmises that any express licensees of the '196 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '196 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

93. Upon information and belief, Sony has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '196 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to laptops,

desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Sony that include all of the limitations of one or more claims of the '196 patent.

94. Upon information and belief, distributors and consumers that purchase Sony's display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

95. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Sony that include all of the limitations of one or more claims of the '196 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

96. Upon information and belief, Sony had knowledge of the '196 patent and its infringing conduct at least since the filing of this lawsuit, when Sony was formally placed on notice of its infringement.

97. Upon information and belief, since at least the above-mentioned date when DDG formally placed Sony on notice of its infringement, Sony has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell

display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, to directly infringe one or more claims of the '196 patent. Since at least the notice provided on the above-mentioned date, Sony does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '196 patent. Upon information and belief, Sony intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

98. As a direct and proximate result of these acts of patent infringement, Sony has encroached on the exclusive rights of DDG and its licensees to practice the '196 patent, for which DDG is entitled to at least a reasonable royalty.

COUNT VIII

Patent Infringement of U.S. Patent No. 8,215,816

99. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-98 as though fully set forth herein.

100. The '816 patent is valid and enforceable.

101. Sony has never been licensed, either expressly or impliedly, under the '816 patent.

102. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Sony of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

103. Upon information and belief, Sony has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, their display components, and/or other products made, used, sold, offered for sale, or imported by Sony that include all of the limitations of one or more claims of the '816 patent.

104. Upon information and belief, distributors and consumers that purchase Sony's display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or

subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

105. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Sony that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

106. Upon information and belief, Sony had knowledge of the '816 patent and its infringing conduct at least since the filing of this lawsuit, when Sony was formally placed on notice of its infringement.

107. Upon information and belief, since at least the above-mentioned date when IDT formally placed Sony on notice of its infringement, Sony has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to laptops, desktops, tablets, monitors, televisions, mobile phones, cameras, and video cameras with an LCD, to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, Sony does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent. Upon information and belief, Sony intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United

States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

108. As a direct and proximate result of these acts of patent infringement, Sony has encroached on the exclusive rights of IDT and its licensees to practice the '816 patent, for which IDT is entitled to at least a reasonable royalty.

CONCLUSION

109. Plaintiffs are entitled to recover from Sony the damages sustained by Plaintiffs as a result of Sony's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

110. Plaintiffs have incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiffs are entitled to recover their reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

111. Plaintiffs hereby request a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

112. Plaintiffs respectfully request that the Court find in its favor and against Sony, and that the Court grant Plaintiffs the following relief:

- A. A judgment that Sony has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;

- B. A judgment for an accounting of all damages sustained by Plaintiffs as a result of the acts of infringement by Sony;
- C. A judgment and order requiring Sony to pay Plaintiffs damages under 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Sony and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Sony to pay Plaintiffs pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring Sony to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: December 31, 2013

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

Joseph J. Farnan, Jr. (Bar No. 100245)

Brian E. Farnan (Bar No. 4089)

919 North Market Street, 12th Floor

Wilmington, Delaware 19801

302-777-0300 Telephone

302-777-0301 Facsimile

farnan@farnanlaw.com

bfarnan@farnanlaw.com

Of Counsel:

Jeffrey R. Bragalone

Patrick J. Conroy

Justin B. Kimble

Daniel F. Olejko

T. William Kennedy, Jr.

BRAGALONE CONROY P.C.

Chase Tower,

2200 Ross Ave., Suite 4500W

Dallas, Texas 75201

214-785-6670 Telephone

214-785-6680 Facsimile

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

dolejko@bcpc-law.com

Attorneys for Plaintiffs

DELAWARE DISPLAY GROUP LLC and

INNOVATIVE DISPLAY

TECHNOLOGIES LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**DELAWARE DISPLAY GROUP LLC
AND INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

Plaintiffs,

V.

VIZIO, INC.,

Defendant.

[illegible]

C.A. No. _____

JURY TRIAL DEMANDED

PLAINTIFFS' COMPLAINT

Delaware Display Group LLC and Innovative Display Technologies LLC (collectively, “Plaintiffs”) by and through their undersigned counsel, file this Complaint against Vizio, Inc. (“Vizio”).

THE PARTIES

1. Delaware Display Group LLC (“DDG”) is a Delaware limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

2. Innovative Display Technologies LLC (“IDT”) is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

3. Upon information and belief, Vizio, Inc. (“Vizio”) is a company incorporated in Delaware with offices at 39 Tesla, Irvine, California 92618. Upon information and belief, Vizio may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, Delaware 19801.

4. Upon information and belief, Vizio has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Delaware.

JURISDICTION AND VENUE

5. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. As further detailed herein, this Court has personal jurisdiction over Vizio. Vizio is amenable to service of summons for this action. Furthermore, personal jurisdiction over Vizio in this action comports with due process. Vizio has conducted and regularly conducts business within the United States and this District. Vizio has purposefully availed itself of the privileges of conducting business in the United States and, more specifically, in this District. Vizio has sought protection and benefit from the laws of the State of Delaware by incorporating in the state of Delaware and/or by placing infringing products into the stream of commerce through an established distribution channel with the expectation and/or knowledge that they will be purchased by consumers in this District. Plaintiffs' causes of action arise directly from Vizio's business contacts and other activities in this District.

7. Vizio – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Vizio has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the expectation and/or knowledge that they will be purchased by consumers in this District. Vizio knowingly and purposefully ships infringing products into and within this District through an

established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, Vizio has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District.

8. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b), in that Vizio is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue, and, upon information and belief, Vizio has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website that is available to persons in this District, which website advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

9. U.S. Patent No. 6,755,547 titled “Light Emitting Panel Assemblies” (“the ’547 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’547 patent. A true and correct copy of the ’547 patent is attached as **Exhibit A** and made a part hereof.

10. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’194 patent. A true and correct copy of the ’194 patent is attached as **Exhibit B** and made a part hereof.

11. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’177 patent. A true and correct copy of the ’177 patent is attached as **Exhibit C** and made a part hereof.

12. U.S. Patent No. 7,404,660 titled “Light Emitting Panel Assemblies” (“the ’660 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’660 patent. A true and correct copy of the ’660 patent is attached as **Exhibit D** and made a part hereof.

13. U.S. Patent No. 7,434,974 titled “Light Emitting Panel Assemblies” (“the ’974 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’974 patent. A true and correct copy of the ’974 patent is attached as **Exhibit E** and made a part hereof.

14. U.S. Patent No. 7,537,370 titled “Light Emitting Panel Assemblies” (“the ’370 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’370 patent. A true and correct copy of the ’370 patent is attached as **Exhibit F** and made a part hereof.

15. U.S. Patent No. 7,914,196 titled “Light Redirecting Film Systems Having Pattern of Variable Optical Elements” (“the ’196 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on March 29, 2011, after full and fair examination. Jeffery R. Parker, Timothy A. McCollum, and Robert M. Ezell are the inventors listed on the ’196 patent. A true and correct copy of the ’196 patent is attached as **Exhibit G** and made a part hereof.

16. U.S. Patent No. 8,215,816 titled “Light Emitting Panel Assemblies” (“the ’816 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’816 patent. A true and correct copy of the ’816 patent is attached as **Exhibit H** and made a part hereof.

17. The ’196 patent is referred to as the “DDG patent.”

18. The ’547 patent, the ’194 patent, the ’177 patent, the ’660 patent, the ’974 patent, the ’370 patent, and the ’816 patent are collectively referred to as the “IDT patents.” Together, the “DDG patent” and the “IDT patents” are the “patents-in-suit.”

19. On July 26, 2013, IDT was assigned all of the right, title, and interest in the IDT patents, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the IDT patents.

20. On December 20, 2013, DDG was assigned all of the right, title, and interest in the DDG patent, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the DDG patent.

21. The patents-in-suit all share the same ultimate parent patent, U.S. Patent No. 5,613,751. The patents-in-suit share inventors, subject matter, and claim terms. The accused products infringe the patents-in-suit based on the use of the same technology, *e.g.*, backlights for LCDs. And IDT and DDG share a common corporate parent.

B. Vizio’s Infringing Conduct.

22. Upon information and belief, Vizio makes, uses, offers to sell, and/or sells within, and/or imports into the United States display products that use the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display products include, but are not limited to, televisions, laptops, desktops, and tablets with an LCD display.

By way of example only, Plaintiffs identify the E261VA television as an infringing product of the patents-in-suit.

23. By incorporating the fundamental inventions covered by the patents-in-suit, Vizio can make improved products, including but not limited to, products with longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, a lower power requirement, and/or a longer battery life.

24. Upon information and belief, third-party distributors purchase and have purchased Vizio's infringing display products for sale or importation into the United States, including in this District. Upon information and belief, third-party consumers use and have used Vizio's infringing display products in the United States, including in this District.

25. Upon information and belief, Vizio has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including in this District by third party manufacturers, distributors, and/or importers.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

26. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-25 as though fully set forth herein.

27. The '547 patent is valid and enforceable.

28. Vizio has never been licensed, either expressly or impliedly, under the '547 patent.

29. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Vizio of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '547 patent have complied with the marking

requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

30. Upon information and belief, Vizio has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to televisions, laptops, desktops, and tablets with an LCD display, their display components, and/or other products made, used, sold, offered for sale, or imported by Vizio that include all of the limitations of one or more claims of the '547 patent.

31. Upon information and belief, distributors and consumers that purchase Vizio's display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to televisions, laptops, desktops, and tablets with an LCD display, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

32. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Vizio that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of

equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

33. Upon information and belief, Vizio had knowledge of the '547 patent and its infringing conduct at least since the filing of this lawsuit, when Vizio was formally placed on notice of its infringement.

34. Upon information and belief, since at least the above-mentioned date when IDT formally placed Vizio on notice of its infringement, Vizio has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to televisions, laptops, desktops, and tablets with an LCD display, to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, Vizio does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent. Upon information and belief, Vizio intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

35. As a direct and proximate result of these acts of patent infringement, Vizio has encroached on the exclusive rights of IDT and its licensees to practice the '547 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

36. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-35 as though fully set forth herein

37. The '194 patent is valid and enforceable.

38. Vizio has never been licensed, either expressly or impliedly, under the '194 patent.

39. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Vizio of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

40. Upon information and belief, Vizio has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to televisions,

laptops, desktops, and tablets with an LCD display, their display components, and/or other products made, used, sold, offered for sale, or imported by Vizio that include all of the limitations of one or more claims of the '194 patent.

41. Upon information and belief, distributors and consumers that purchase Vizio's display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to televisions, laptops, desktops, and tablets with an LCD display, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

42. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Vizio that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

43. Upon information and belief, Vizio had knowledge of the '194 patent and its infringing conduct at least since the filing of this lawsuit, when Vizio was formally placed on notice of its infringement.

44. Upon information and belief, since at least the above-mentioned date when IDT formally placed Vizio on notice of its infringement, Vizio has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '194 patent,

including but not limited to televisions, laptops, desktops, and tablets with an LCD display, to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date, Vizio does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent. Upon information and belief, Vizio intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

45. As a direct and proximate result of these acts of patent infringement, Vizio has encroached on the exclusive rights of IDT and its licensees to practice the '194 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

46. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-45 as though fully set forth herein.

47. The '177 patent is valid and enforceable.

48. Vizio has never been licensed, either expressly or impliedly, under the '177 patent.

49. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or

constructive notice to Vizio of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

50. Upon information and belief, Vizio has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to televisions, laptops, desktops, and tablets with an LCD display, their display components, and/or other products made, used, sold, offered for sale, or imported by Vizio that include all of the limitations of one or more claims of the '177 patent.

51. Upon information and belief, distributors and consumers that purchase Vizio's display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to televisions, laptops, desktops, and tablets with an LCD display, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

52. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Vizio that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

53. Upon information and belief, Vizio had knowledge of the '177 patent and its infringing conduct at least since the filing of this lawsuit, when Vizio was formally placed on notice of its infringement.

54. Upon information and belief, since at least the above-mentioned date when IDT formally placed Vizio on notice of its infringement, Vizio has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to televisions, laptops, desktops, and tablets with an LCD display, to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date, Vizio does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent. Upon information and belief, Vizio intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing

technical support, replacement parts, or services for these products to these purchasers in the United States.

55. As a direct and proximate result of these acts of patent infringement, Vizio has encroached on the exclusive rights of IDT and its licensees to practice the '177 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

56. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-55 as though fully set forth herein.

57. The '660 patent is valid and enforceable.

58. Vizio has never been licensed, either expressly or impliedly, under the '660 patent.

59. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Vizio of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

60. Upon information and belief, Vizio has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States

and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to televisions, laptops, desktops, and tablets with an LCD display, their display components, and/or other products made, used, sold, offered for sale, or imported by Vizio that include all of the limitations of one or more claims of the '660 patent.

61. Upon information and belief, distributors and consumers that purchase Vizio's display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to televisions, laptops, desktops, and tablets with an LCD display, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

62. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Vizio that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

63. Upon information and belief, Vizio had knowledge of the '660 patent and its infringing conduct at least since the filing of this lawsuit, when Vizio was formally placed on notice of its infringement.

64. Upon information and belief, since at least the above-mentioned date when IDT formally placed Vizio on notice of its infringement, Vizio has actively induced, under U.S.C. §

271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to televisions, laptops, desktops, and tablets with an LCD display, to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, Vizio does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent. Upon information and belief, Vizio intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

65. As a direct and proximate result of these acts of patent infringement, Vizio has encroached on the exclusive rights of IDT and its licensees to practice the '660 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

66. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-65 as though fully set forth herein.

67. The '974 patent is valid and enforceable.

68. Vizio has never been licensed, either expressly or impliedly, under the '974 patent.

69. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Vizio of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

70. Upon information and belief, Vizio has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to televisions, laptops, desktops, and tablets with an LCD display, their display components, and/or other products made, used, sold, offered for sale, or imported by Vizio that include all of the limitations of one or more claims of the '974 patent.

71. Upon information and belief, distributors and consumers that purchase Vizio's display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to televisions, laptops, desktops, and tablets with an LCD display, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling to third-party distributors or consumers

(directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

72. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Vizio that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

73. Upon information and belief, Vizio had knowledge of the '974 patent and its infringing conduct at least since the filing of this lawsuit, when Vizio was formally placed on notice of its infringement.

74. Upon information and belief, since at least the above-mentioned date when IDT formally placed Vizio on notice of its infringement, Vizio has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to televisions, laptops, desktops, and tablets with an LCD display, to directly infringe one or more claims of the '974 patent. Since at least the notice provided on the above-mentioned date, Vizio does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent. Upon information and belief, Vizio intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these

products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

75. As a direct and proximate result of these acts of patent infringement, Vizio has encroached on the exclusive rights of IDT and its licensees to practice the '974 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,537,370

76. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-75 as though fully set forth herein.

77. The '370 patent is valid and enforceable.

78. Vizio has never been licensed, either expressly or impliedly, under the '370 patent.

79. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Vizio of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

80. Upon information and belief, Vizio has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by making,

using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to televisions, laptops, desktops, and tablets with an LCD display, their display components, and/or other products made, used, sold, offered for sale, or imported by Vizio that include all of the limitations of one or more claims of the '370 patent.

81. Upon information and belief, distributors and consumers that purchase Vizio's display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to televisions, laptops, desktops, and tablets with an LCD display, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

82. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Vizio that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

83. Upon information and belief, Vizio had knowledge of the '370 patent and its infringing conduct at least since the filing of this lawsuit, when Vizio was formally placed on notice of its infringement.

84. Upon information and belief, since at least the above-mentioned date when IDT formally placed Vizio on notice of its infringement, Vizio has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to televisions, laptops, desktops, and tablets with an LCD display, to directly infringe one or more claims of the '370 patent. Since at least the notice provided on the above-mentioned date, Vizio does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent. Upon information and belief, Vizio intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

85. As a direct and proximate result of these acts of patent infringement, Vizio has encroached on the exclusive rights of IDT and its licensees to practice the '370 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 7,914,196

86. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-85 as though fully set forth herein.

87. The '196 patent is valid and enforceable.

88. Vizio has never been licensed, either expressly or impliedly, under the '196 patent.

89. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, DDG has complied with the requirements of that statute by providing actual or constructive notice to Vizio of its alleged infringement. Upon information and belief, DDG surmises that any express licensees of the '196 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '196 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

90. Upon information and belief, Vizio has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '196 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to televisions, laptops, desktops, and tablets with an LCD display, their display components, and/or other products made, used, sold, offered for sale, or imported by Vizio that include all of the limitations of one or more claims of the '196 patent.

91. Upon information and belief, distributors and consumers that purchase Vizio's display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to televisions, laptops, desktops, and tablets with an LCD display, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a),

the '196 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

92. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Vizio that include all of the limitations of one or more claims of the '196 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

93. Upon information and belief, Vizio had knowledge of the '196 patent and its infringing conduct at least since the filing of this lawsuit, when Vizio was formally placed on notice of its infringement.

94. Upon information and belief, since at least the above-mentioned date when DDG formally placed Vizio on notice of its infringement, Vizio has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to televisions, laptops, desktops, and tablets with an LCD display, to directly infringe one or more claims of the '196 patent. Since at least the notice provided on the above-mentioned date, Vizio does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '196 patent. Upon information and belief, Vizio intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for

these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

95. As a direct and proximate result of these acts of patent infringement, Vizio has encroached on the exclusive rights of DDG and its licensees to practice the '196 patent, for which DDG is entitled to at least a reasonable royalty.

COUNT VIII

Patent Infringement of U.S. Patent No. 8,215,816

96. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-95 as though fully set forth herein.

97. The '816 patent is valid and enforceable.

98. Vizio has never been licensed, either expressly or impliedly, under the '816 patent.

99. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to Vizio of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

100. Upon information and belief, Vizio has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing,

by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to televisions, laptops, desktops, and tablets with an LCD display, their display components, and/or other products made, used, sold, offered for sale, or imported by Vizio that include all of the limitations of one or more claims of the '816 patent.

101. Upon information and belief, distributors and consumers that purchase Vizio's display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to televisions, laptops, desktops, and tablets with an LCD display, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

102. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Vizio that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

103. Upon information and belief, Vizio had knowledge of the '816 patent and its infringing conduct at least since the filing of this lawsuit, when Vizio was formally placed on notice of its infringement.

104. Upon information and belief, since at least the above-mentioned date when IDT formally placed Vizio on notice of its infringement, Vizio has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to televisions, laptops, desktops, and tablets with an LCD display, to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, Vizio does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent. Upon information and belief, Vizio intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

105. As a direct and proximate result of these acts of patent infringement, Vizio has encroached on the exclusive rights of IDT and its licensees to practice the '816 patent, for which IDT is entitled to at least a reasonable royalty.

CONCLUSION

106. Plaintiffs are entitled to recover from Vizio the damages sustained by Plaintiffs as a result of Vizio's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

107. Plaintiffs have incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiffs are entitled to recover their reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

108. Plaintiffs hereby request a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

109. Plaintiffs respectfully request that the Court find in its favor and against Vizio, and that the Court grant Plaintiffs the following relief:

- A. A judgment that Vizio has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiffs as a result of the acts of infringement by Vizio;
- C. A judgment and order requiring Vizio to pay Plaintiffs damages under 35 U.S.C. § 284 and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Vizio and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all

others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;

- E. A judgment and order requiring Vizio to pay Plaintiffs pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring Vizio to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: December 31, 2013

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

Joseph J. Farnan, Jr. (Bar No. 100245)

Brian E. Farnan (Bar No. 4089)

919 North Market Street, 12th Floor

Wilmington, Delaware 19801

302-777-0300 Telephone

302-777-0301 Facsimile

farnan@farnanlaw.com

bfarnan@farnanlaw.com

Of Counsel:

Jeffrey R. Bragalone

Patrick J. Conroy

Justin B. Kimble

Daniel F. Olejko

T. William Kennedy, Jr.

BRAGALONE CONROY P.C.

Chase Tower,

2200 Ross Ave., Suite 4500W

Dallas, Texas 75201

214-785-6670 Telephone

214-785-6680 Facsimile

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

dolejko@bcpc-law.com

Attorneys for Plaintiffs

DELAWARE DISPLAY GROUP LLC and

INNOVATIVE DISPLAY

TECHNOLOGIES LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC,**

Plaintiff,

v.

GENERAL MOTORS COMPANY,

Defendant.

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C.A. No. _____

JURY TRIAL DEMANDED

PLAINTIFF’S ORIGINAL COMPLAINT

Plaintiff Innovative Display Technologies LLC, by and through its undersigned counsel, files this Original Complaint for patent infringement against Defendant General Motors Company.

THE PARTIES

1. Plaintiff Innovative Display Technologies LLC (“IDT”) is a Texas limited liability company with a place of business at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

2. Defendant General Motors Company (“GM”) is a Delaware corporation having a principal place of business at 300 Renaissance Center, Detroit, Michigan 48243. GM makes and sells automobile brands including Chevrolet, Buick, GMC and Cadillac.

JURISDICTION AND VENUE

3. This action arises under the Patent Laws of the United States, 35 U.S.C. § 271 *et seq.*

4. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over GM. GM is incorporated in the State of Delaware. Additionally, on information and belief, GM, either directly or through intermediaries, regularly manufactures, imports and sells vehicles, including vehicles with infringing components, intended to be sold and in fact sold into and within this state and this judicial district.

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400 (b).

PATENTS IN SUIT

7. U.S. Patent No. 6,755,547 titled “Light Emitting Panel Assemblies” (“the ’547 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the named inventor of the ’547 Patent. IDT owns the ’547 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the ’547 Patent is attached as **Exhibit 1**.

8. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the named inventor of the ’194 Patent. IDT owns the ’194 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the ’194 Patent is attached as **Exhibit 2**.

9. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the ’177 Patent. IDT

owns the '177 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '177 Patent is attached as **Exhibit 3**.

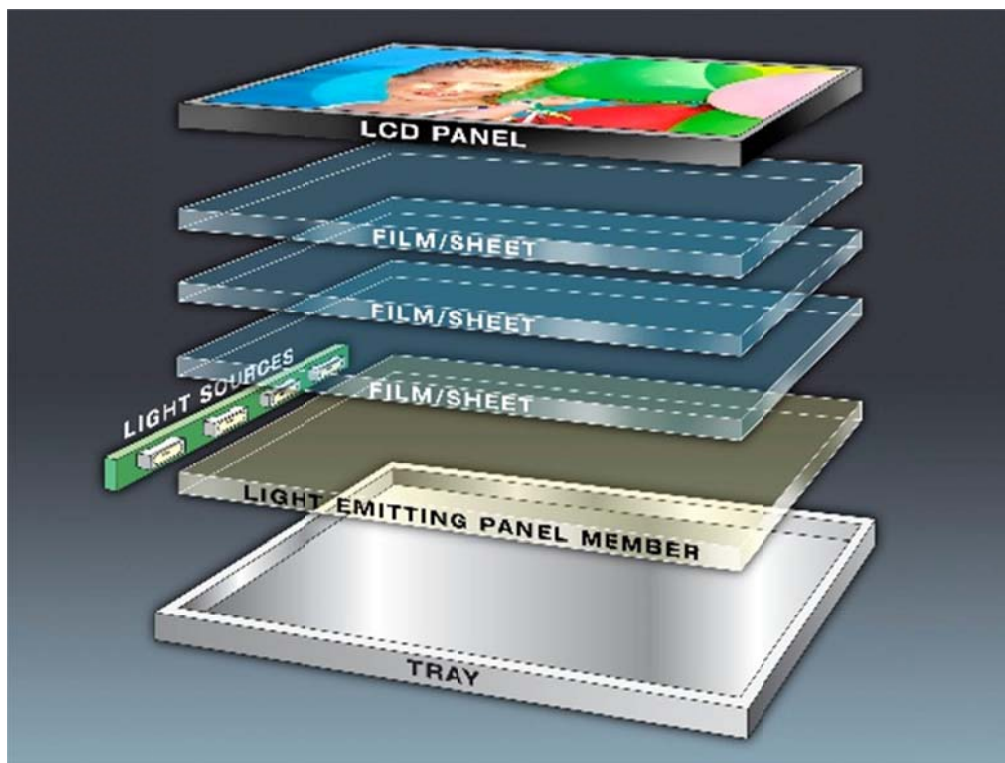
10. U.S. Patent No. 7,404,660 titled "Light Emitting Panel Assemblies" ("the '660 Patent") was duly and legally issued by the U.S. Patent & Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the '660 Patent. IDT owns the '660 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '660 Patent is attached as **Exhibit 4**.

11. U.S. Patent No. 7,434,974 titled "Light Emitting Panel Assemblies" ("the '974 Patent") was duly and legally issued by the U.S. Patent & Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the '974 Patent. IDT owns the '974 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '974 Patent is attached as **Exhibit 5**.

12. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 Patent") was duly and legally issued by the U.S. Patent & Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the named inventor of the '816 Patent. IDT owns the '816 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '816 Patent is attached as **Exhibit 6**.

13. The '547, '194, '177, '660, '974 and '816 patents relate to back-lighting assemblies as used in LCD display units. A typical LCD display unit includes a liquid crystal display, behind which is a panel assembly for back-lighting the LCD. Elements of the back-lighting assembly include a light-conducting panel that acts as a light guide; light sources located around the perimeter of the panel; optical sheets or films placed between the light-conducting panel and the LCD screen; and a tray or housing for the assembly. Light enters the panel from a

light source or sources located on the perimeter of the panel. Optical elements within the panel cause the light to be emitted outward from the panel toward and through the LCD screen overlying the panel. For illustration only, a simplified abstract representation is provided below:



14. As further detailed below, the inventions of the '547, '194, '177, '660, '974 and '816 patents are directed to several different light emitting panel assembly configurations which provide for better distribution of the light output from the panel assembly and more efficient utilization of light.

15. U.S. Patent No. 6,886,956 titled "Light Emitting Panel Assemblies for Use in Automotive Applications and the Like" ("the '956 Patent") was duly and legally issued by the U.S. Patent & Trademark Office on May 3, 2005, after full and fair examination. Jeffery R. Parker, Mark D. Miller and Thomas A. Hough are the named inventors of the '956 Patent. IDT owns the '956 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '956 Patent is attached as **Exhibit 7**.

16. The '956 Patent relates to light-emitting assemblies used in exterior components of automobiles, such as head lights and tail lights.

17. As further detailed below, the invention of the '956 Patent is directed to a light-emitting assembly that includes a light guide which receives light from an LED at one end. The light guide contains optical elements that cause the light to be directed outward through the side of the light guide in a desired manner, thereby illuminating a portion of the head light or tail light.

COUNT 1: Infringement of U.S. Patent No. 6,755,547

18. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-17 as though fully set forth herein.

19. On information and belief, LCD navigation display units found in GM automobiles practice one or more claims of the '547 Patent. In particular, infringing GM LCD navigation display units include a light emitting assembly containing 1) a light emitting member having a light emitting area emitting light that is internally reflected, 2) a transparent sheet or film overlying the light emitting area with an air gap in between, 3) a pattern of deformities on one side of the sheet or film whose width and length are much smaller than the sheet or film. Furthermore, the deformities vary at different locations on the sheet or film to direct light from the light emitting member in different directions to produce a desired light output distribution, such that the light passes through an LCD with low loss. These infringing display units include, for example, the 22997866 navigation display unit found in various model years of the GMC Yukon and Sierra and the Chevrolet Silverado, Suburban and Tahoe, and similar LCD display units.

20. GM has been and is now directly infringing the '547 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling GM automobiles containing navigation display units that infringe the '547 Patent, including at least the aforementioned models. GM is liable for such infringement pursuant to 35 U.S.C. § 271.

21. At least as early as its receipt of this Original Complaint, GM has had knowledge of the '547 Patent and written notice of the infringement.

22. As a result of GM's infringement of the '547 Patent, GM has damaged IDT. GM is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

23. As a result of GM's infringement of the '547 Patent, IDT has suffered and will continue to suffer loss and injury unless GM is enjoined by this Court

24. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '547 Patent.

COUNT 2: Infringement of U.S. Patent No. 7,300,194

25. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-24 as though fully set forth herein.

26. On information and belief, LCD navigation display units found in GM automobiles practice one or more claims of the '194 Patent. In particular, infringing GM LCD navigation display units include a light emitting assembly containing 1) a light emitting panel member with a light emitting surface, 2) a light source, 3) a film, sheet, plate or substrate near

the light emitting surface through which light from the panel member is emitted, and 4) an air gap between the light emitting panel member and the film, sheet, plate or substrate. Furthermore, the film, sheet, plate or substrate has a reflective or refractive surface with well-defined optical elements or deformities for controlling the emitted light so that some of the light is redirected to pass through an LCD with low loss. These infringing display units include, for example, the 22997866 navigation display unit found in various model years of the GMC Yukon and Sierra and the Chevrolet Silverado, Suburban and Tahoe, and similar LCD display units.

27. GM has been and is now directly infringing the '194 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling GM automobiles containing navigation display units that infringe the '194 Patent, including at least the aforementioned models. GM is liable for such infringement pursuant to 35 U.S.C. § 271.

28. At least as early as its receipt of this Original Complaint, GM has had knowledge of the '194 Patent and written notice of the infringement.

29. As a result of GM's infringement of the '194 Patent, GM has damaged IDT. GM is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

30. As a result of GM's infringement of the '194 Patent, IDT has suffered and will continue to suffer loss and injury unless GM is enjoined by this Court.

31. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '194 Patent.

COUNT 3: Infringement of U.S. Patent No. 7,384,177

32. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-31 as though fully set forth herein.

33. On information and belief, LCD navigation display units found in GM automobiles practice one or more claims of the '177 Patent. In particular, infringing GM LCD navigation display units include a light emitting assembly containing 1) a tray with a back wall and side walls surrounding a recess formed by the back and side walls, 2) a light source in the recess, and 3) an overlying sheet, film or substrate for controlling the light emitted from the assembly to fit a particular application such as illuminating an LCD. Furthermore, the tray acts as a back, side edge or end edge reflector and has a secondary flat, angled, faceted or curved reflective or refractive surface to redirect some of the light from the light source in a predetermined manner within the recess. These infringing display units include, for example, the 22997866 navigation display unit found in various model years of the GMC Yukon and Sierra and the Chevrolet Silverado, Suburban and Tahoe, and similar LCD display units.

34. GM has been and is now directly infringing the '177 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling GM automobiles containing navigation display units that infringe the '177 Patent, including at least the aforementioned models. GM is liable for such infringement pursuant to 35 U.S.C. § 271.

35. At least as early as its receipt of this Original Complaint, GM has had knowledge of the '177 Patent and written notice of the infringement.

36. As a result of GM's infringement of the '177 Patent, GM has damaged IDT. GM is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

37. As a result of GM's infringement of the '177 Patent, IDT has suffered and will continue to suffer loss and injury unless GM is enjoined by this Court.

38. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '177 Patent.

COUNT 4: Infringement of U.S. Patent No. 7,404,660

39. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-38 as though fully set forth herein.

40. On information and belief, LCD navigation display units found in GM automobiles practice one or more claims of the '660 Patent. In particular, infringing GM LCD navigation display units include a light emitting panel assembly containing 1) a planar optical conductor with an input edge that has a cross-sectional width greater than its thickness, and 2) light sources configured to generate a light output distribution greater in width than height and positioned adjacent to the input edge to direct light into the optical conductor. Furthermore, the optical conductor has an output region, a pattern of deformities to cause light to be emitted from the output region, and a transition region between the light source and the output region. These infringing display units include, for example, the 22997866 navigation display unit found in various model years of the GMC Yukon and Sierra and the Chevrolet Silverado, Suburban and Tahoe, and similar LCD display units.

41. GM has been and is now directly infringing the '660 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling GM automobiles containing navigation display units that infringe the '660 Patent, including at least the aforementioned models. GM is liable for such infringement pursuant to 35 U.S.C. § 271.

42. At least as early as its receipt of this Original Complaint, GM has had knowledge of the '660 Patent and written notice of the infringement.

43. As a result of GM's infringement of the '660 Patent, GM has damaged IDT. GM is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

44. As a result of GM's infringement of the '660 Patent, IDT has suffered and will continue to suffer loss and injury unless GM is enjoined by this Court.

45. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '660 Patent.

COUNT 5: Infringement of U.S. Patent No. 7,434,974

46. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-45 as though fully set forth herein.

47. On information and belief, LCD navigation display units found in GM automobiles practice one or more claims of the '974 Patent. In particular, infringing GM LCD navigation display units include a light emitting panel assembly containing 1) a light emitting panel member with a light entrance surface and a light emitting surface, 2) an LED light source

near or against the light entrance surface, 3) a tray or housing with a recess containing the panel member, 4) a pattern of light extracting deformities on or in a surface of the panel member to cause light to be emitted from the panel member's light emitting surface, and 5) end walls and side walls of the tray that act as end edge reflectors and side edge reflectors to reflect light that would otherwise exit the panel member back into the panel member, to cause additional light to be emitted from the light emitting surface. Furthermore, the tray or housing has posts, tabs or other components that provide a mount or structural support for another component, and also provides structural support to the panel member. These infringing display units include, for example, the 22997866 navigation display unit found in various model years of the GMC Yukon and Sierra and the Chevrolet Silverado, Suburban and Tahoe, and similar LCD display units.

48. GM has been and is now directly infringing the '974 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling GM automobiles containing navigation display units that infringe the '974 Patent, including at least the aforementioned models. GM is liable for such infringement pursuant to 35 U.S.C. § 271.

49. At least as early as its receipt of this Original Complaint, GM has had knowledge of the '974 Patent and written notice of the infringement.

50. As a result of GM's infringement of the '974 Patent, GM has damaged IDT. GM is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

51. As a result of GM's infringement of the '974 Patent, IDT has suffered and will continue to suffer loss and injury unless GM is enjoined by this Court.

52. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '974 Patent.

COUNT 6: Infringement of U.S. Patent No. 8,215,816

53. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-52 as though fully set forth herein.

54. On information and belief, LCD navigation display units found in GM automobiles practice one or more claims of the '816 Patent. In particular, infringing GM LCD navigation display units include a light emitting assembly containing (1) a light source, (2) a light emitting panel member with an input edge for receiving light from the light source and a light emitting surface, (3) a tray or housing with a recess containing the panel member, (4) end edge and side edge reflectors, and (5) an additional component overlying the panel member. Furthermore, the panel member has a pattern of light extracting deformities that cause light to be emitted from the light emitting surface. The panel member further has a greater width than height, and the input edge of the panel member has a refractive surface that redirects light from the light source more in the width direction than in the height direction as the light enters the panel member. These infringing display units include, for example, the 22997866 navigation display unit found in various model years of the GMC Yukon and Sierra and the Chevrolet Silverado, Suburban and Tahoe, and similar LCD display units.

55. GM has been and is now directly infringing the '816 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling GM automobiles containing navigation display units

that infringe the '816 Patent, including at least the aforementioned models. GM is liable for such infringement pursuant to 35 U.S.C. § 271.

56. At least as early as its receipt of this Original Complaint, GM has had knowledge of the '816 Patent and written notice of the infringement.

57. As a result of GM's infringement of the '816 Patent, GM has damaged IDT. GM is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

58. As a result of GM's infringement of the '816 Patent, IDT has suffered and will continue to suffer loss and injury unless GM is enjoined by this Court.

59. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '816 Patent.

COUNT 7: Infringement of U.S. Patent No. 6,886,956

60. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-59 as though fully set forth herein.

61. On information and belief, tail lights found in certain GM automobiles practice one or more claims of the '956 Patent. The infringing GM tail lights include a light emitting assembly for vehicle illumination containing 1) a light guide having opposite sides and a light input surface along one edge, 2) a light emitting diode along the light input surface, 3) light extracting deformities on at least one side of the light guide, and 4) a transparent substrate overlying one side of the light guide and providing an exterior portion of the vehicle. Furthermore, the deformities have shapes for controlling the output distribution of emitted light

to suit a particular application, such as illuminating a portion of the tail light. These infringing tail lights include, for example, the 20874080 and 20874081 tail lights found in various model years of the Cadillac XTS, and similar tail light assemblies.

62. GM has been and is now directly infringing the '956 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling GM automobiles containing tail lights that infringe the '956 Patent, including at least the aforementioned models. GM is liable for such infringement pursuant to 35 U.S.C. § 271.

63. At least as early as its receipt of this Original Complaint, GM has had knowledge of the '956 Patent and written notice of the infringement.

64. As a result of GM's infringement of the '956 Patent, GM has damaged IDT. GM is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

65. As a result of GM's infringement of the '956 Patent, IDT has suffered and will continue to suffer loss and injury unless GM is enjoined by this Court.

66. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '956 Patent.

JURY DEMAND

67. IDT hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

68. IDT respectfully requests that the Court find in its favor and against GM, and that the Court grant Plaintiff the following relief:

- A. A judgment that GM has infringed the patents-in-suit as alleged herein;
- B. A judgment for an accounting of all damages sustained by IDT as a result of the acts of infringement by GM;
- C. A judgment and order requiring Ford to pay IDT damages under 35 U.S.C. § 284, including interest (both pre-judgment and post-judgment), costs and disbursements as provided by 35 U.S.C. § 284;
- D. A permanent injunction enjoining GM and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from infringement of the patents-in-suit pursuant to 35 U.S.C. § 283; and
- E. Such other and further relief as the Court deems just and equitable.

Dated: June 30, 2014

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

Of Counsel:

Brian E. Farnan (Bar No. 4089)
919 North Market St., 12th Floor
Wilmington, DE 19801
(302) 777-0300
bfarnan@farnanlaw.com

Demetrios Anaipakos
Amir Alavi
Brian E. Simmons
George W. Webb III
AHMAD, ZAVITSANOS, ANAIPAKOS,
ALAVI & MENSING P.C.
1221 McKinney Street, Suite 3460
Houston, TX 77010
Telephone: 713-655-1101

Facsimile: 713-655-0062
danaipakos@azalaw.com
aalavi@azalaw.com
bsimmons@azalaw.com
gwebb@azalaw.com

**Attorneys for Plaintiff
INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC,**

Plaintiff,

v.

FORD MOTOR COMPANY,

Defendant.

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C.A. No. _____

JURY TRIAL DEMANDED

PLAINTIFF’S ORIGINAL COMPLAINT

Plaintiff Innovative Display Technologies LLC, by and through its undersigned counsel, files this Original Complaint for patent infringement against Defendant Ford Motor Company.

THE PARTIES

1. Plaintiff Innovative Display Technologies LLC (“IDT”) is a Texas limited liability company with a place of business at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

2. Defendant Ford Motor Company (“Ford”) is a Delaware corporation having a principal place of business at 1 American Road, Dearborn, MI 48126. Ford makes and sells automobile brands including Ford and Lincoln.

JURISDICTION AND VENUE

3. This action arises under the Patent Laws of the United States, 35 U.S.C. § 271 *et seq.*

4. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Ford. Ford is incorporated in the State of Delaware. Additionally, on information and belief, Ford, either directly or through intermediaries, regularly manufactures, imports and sells vehicles, including vehicles with infringing components, intended to be sold and in fact sold into and within this state and this judicial district.

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400 (b).

PATENTS IN SUIT

7. U.S. Patent No. 6,755,547 titled “Light Emitting Panel Assemblies” (“the ’547 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the named inventor of the ’547 Patent. IDT owns the ’547 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the ’547 Patent is attached as **Exhibit 1**.

8. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the named inventor of the ’194 Patent. IDT owns the ’194 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the ’194 Patent is attached as **Exhibit 2**.

9. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 Patent”) was duly and legally issued by the U.S. Patent & Trademark Office on June 10, 2008,

after full and fair examination. Jeffery R. Parker is the named inventor of the '177 Patent. IDT owns the '177 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '177 Patent is attached as **Exhibit 3**.

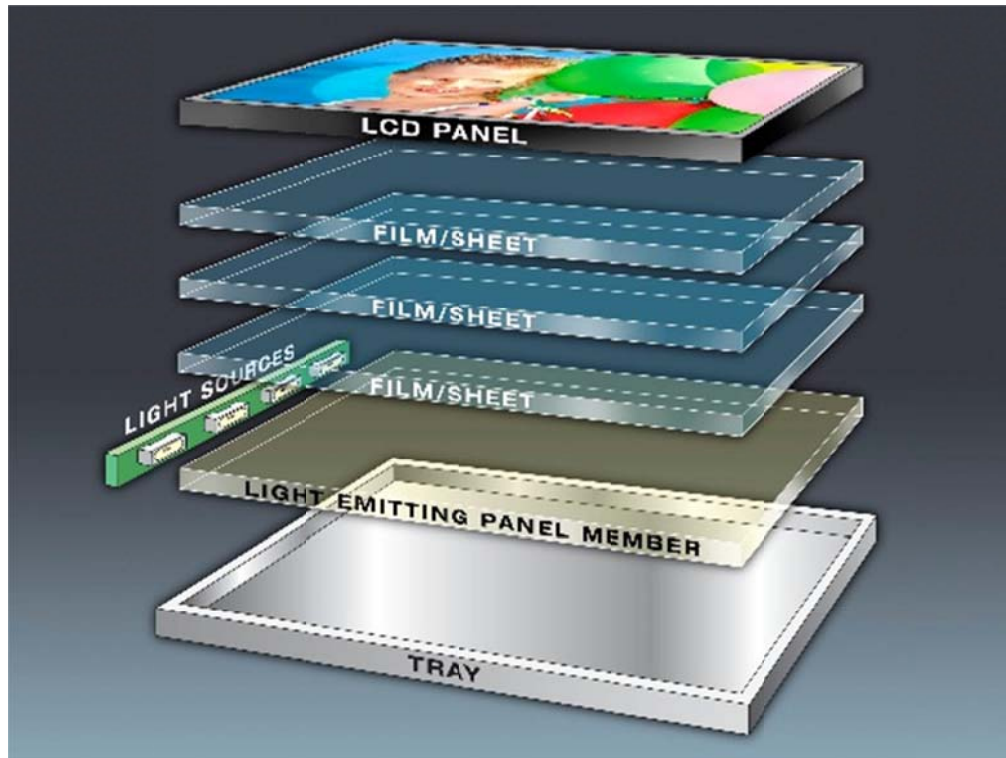
10. U.S. Patent No. 7,404,660 titled "Light Emitting Panel Assemblies" ("the '660 Patent") was duly and legally issued by the U.S. Patent & Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the '660 Patent. IDT owns the '660 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '660 Patent is attached as **Exhibit 4**.

11. U.S. Patent No. 7,434,974 titled "Light Emitting Panel Assemblies" ("the '974 Patent") was duly and legally issued by the U.S. Patent & Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the named inventor of the '974 Patent. IDT owns the '974 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '974 Patent is attached as **Exhibit 5**.

12. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 Patent") was duly and legally issued by the U.S. Patent & Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the named inventor of the '816 Patent. IDT owns the '816 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '816 Patent is attached as **Exhibit 6**.

13. The '547, '194, '177, '660, '974 and '816 patents relate to back-lighting assemblies as used in LCD display units. A typical LCD display unit includes a liquid crystal display, behind which is a panel assembly for back-lighting the LCD. Elements of the back-lighting assembly include a light-conducting panel that acts as a light guide; light sources located

around the perimeter of the panel; optical sheets or films placed between the light-conducting panel and the LCD screen; and a tray or housing for the assembly. Light enters the panel from a light source or sources located on the perimeter of the panel. Optical elements within the panel cause the light to be emitted outward from the panel toward and through the LCD screen overlying the panel. For illustration only, a simplified abstract representation is provided below:



14. As further detailed below, the inventions of the '547, '194, '177, '660, '974 and '816 patents are directed to several different light emitting panel assembly configurations which provide for better distribution of the light output from the panel assembly and more efficient utilization of light.

15. U.S. Patent No. 6,886,956 titled "Light Emitting Panel Assemblies for Use in Automotive Applications and the Like" ("the '956 Patent") was duly and legally issued by the U.S. Patent & Trademark Office on May 3, 2005, after full and fair examination. Jeffery R.

Parker, Mark D. Miller and Thomas A. Hough are the named inventors of the '956 Patent. IDT owns the '956 Patent and holds the right to sue and recover damages for infringement thereof. A true and correct copy of the '956 Patent is attached as **Exhibit 7**.

16. The '956 Patent relates to light-emitting assemblies used in exterior components of automobiles, such as head lights and tail lights.

17. As further detailed below, the invention of the '956 Patent is directed to a light-emitting assembly that includes a light guide which receives light from an LED at one end. The light guide contains optical elements that cause the light to be directed outward through the side of the light guide in a desired manner, thereby illuminating a portion of the head light or tail light.

COUNT 1: Infringement of U.S. Patent No. 6,755,547

18. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-17 as though fully set forth herein.

19. On information and belief, LCD navigation display units found in Ford automobiles practice one or more claims of the '547 Patent. In particular, infringing Ford LCD navigation display units include a light emitting assembly containing 1) a light emitting member having a light emitting area emitting light that is internally reflected, 2) a transparent sheet or film overlying the light emitting area with an air gap in between, 3) a pattern of deformities on one side of the sheet or film whose width and length are much smaller than the sheet or film. Furthermore, the deformities vary at different locations on the sheet or film to direct light from the light emitting member in different directions to produce a desired light output distribution,

such that the light passes through an LCD with low loss. These infringing display units include, for example, the DS7Z-10D885-FA navigation system display found in various model years of the Ford Fusion Hybrid, and similar LCD display units.

20. Ford has been and is now directly infringing the '547 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling Ford automobiles containing navigation display units that infringe the '547 Patent, including at least the aforementioned models. Ford is liable for such infringement pursuant to 35 U.S.C. § 271.

21. At least as early as its receipt of this Original Complaint, Ford has had knowledge of the '547 Patent and written notice of the infringement.

22. As a result of Ford's infringement of the '547 Patent, Ford has damaged IDT. Ford is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

23. As a result of Ford's infringement of the '547 Patent, IDT has suffered and will continue to suffer loss and injury unless Ford is enjoined by this Court

24. DT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '547 Patent.

COUNT 2: Infringement of U.S. Patent No. 7,300,194

25. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-24 as though fully set forth herein.

26. On information and belief, LCD navigation display units found in Ford automobiles practice one or more claims of the '194 Patent. In particular, infringing Ford LCD navigation display units include a light emitting assembly containing 1) a light emitting panel member with a light emitting surface, 2) a light source, 3) a film, sheet, plate or substrate near the light emitting surface through which light from the panel member is emitted, and 4) an air gap between the light emitting panel member and the film, sheet, plate or substrate. Furthermore, the film, sheet, plate or substrate has a reflective or refractive surface with well-defined optical elements or deformities for controlling the emitted light so that some of the light is redirected to pass through an LCD with low loss. These infringing display units include, for example, the DS7Z-10D885-FA navigation system display found in various model years of the Ford Fusion Hybrid, and similar LCD display units.

27. Ford has been and is now directly infringing the '194 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling Ford automobiles containing navigation display units that infringe the '194 Patent, including at least the aforementioned models. Ford is liable for such infringement pursuant to 35 U.S.C. § 271.

28. At least as early as its receipt of this Original Complaint, Ford has had knowledge of the '194 Patent and written notice of the infringement.

29. As a result of Ford's infringement of the '194 Patent, Ford has damaged IDT. Ford is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

30. As a result of Ford's infringement of the '194 Patent, IDT has suffered and will continue to suffer loss and injury unless Ford is enjoined by this Court.

31. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '194 Patent.

COUNT 3: Infringement of U.S. Patent No. 7,384,177

32. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-31 as though fully set forth herein.

33. On information and belief, LCD navigation display units found in Ford automobiles practice one or more claims of the '177 Patent. In particular, infringing Ford LCD navigation display units include a light emitting assembly containing 1) a tray with a back wall and side walls surrounding a recess formed by the back and side walls, 2) a light source in the recess, and 3) an overlying sheet, film or substrate for controlling the light emitted from the assembly to fit a particular application such as illuminating an LCD. Furthermore, the tray acts as a back, side edge or end edge reflector and has a secondary flat, angled, faceted or curved reflective or refractive surface to redirect some of the light from the light source in a predetermined manner within the recess. These infringing display units include, for example, the DS7Z-10D885-FA navigation system display found in various model years of the Ford Fusion Hybrid, and similar LCD display units.

34. Ford has been and is now directly infringing the '177 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things

making, using, offering for sale and selling Ford automobiles containing navigation display units that infringe the '177 Patent, including at least the aforementioned models. Ford is liable for such infringement pursuant to 35 U.S.C. § 271.

35. At least as early as its receipt of this Original Complaint, Ford has had knowledge of the '177 Patent and written notice of the infringement.

36. As a result of Ford's infringement of the '177 Patent, Ford has damaged IDT. Ford is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

37. As a result of Ford's infringement of the '177 Patent, IDT has suffered and will continue to suffer loss and injury unless Ford is enjoined by this Court.

38. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '177 Patent.

COUNT 4: Infringement of U.S. Patent No. 7,404,660

39. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-38 as though fully set forth herein.

40. On information and belief, LCD navigation display units found in Ford automobiles practice one or more claims of the '660 Patent. In particular, infringing Ford LCD navigation display units include a light emitting panel assembly containing 1) a planar optical conductor with an input edge that has a cross-sectional width greater than its thickness, and 2) light sources configured to generate a light output distribution greater in width than height and

positioned adjacent to the input edge to direct light into the optical conductor. Furthermore, the optical conductor has an output region, a pattern of deformities to cause light to be emitted from the output region, and a transition region between the light source and the output region. These infringing display units include, for example, the DS7Z-10D885-FA navigation system display found in various model years of the Ford Fusion Hybrid, and similar LCD display units.

41. Ford has been and is now directly infringing the '660 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling Ford automobiles containing navigation display units that infringe the '660 Patent, including at least the aforementioned models. Ford is liable for such infringement pursuant to 35 U.S.C. § 271.

42. At least as early as its receipt of this Original Complaint, Ford has had knowledge of the '660 Patent and written notice of the infringement

43. As a result of Ford's infringement of the '660 Patent, Ford has damaged IDT. Ford is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

44. As a result of Ford's infringement of the '660 Patent, IDT has suffered and will continue to suffer loss and injury unless Ford is enjoined by this Court.

45. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '660 Patent.

COUNT 5: Infringement of U.S. Patent No. 7,434,974

46. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-45 as though fully set forth herein.

47. On information and belief, LCD navigation display units found in Ford automobiles practice one or more claims of the '974 Patent. In particular, infringing Ford LCD navigation display units include a light emitting panel assembly containing 1) a light emitting panel member with a light entrance surface and a light emitting surface, 2) an LED light source near or against the light entrance surface, 3) a tray or housing with a recess containing the panel member, 4) a pattern of light extracting deformities on or in a surface of the panel member to cause light to be emitted from the panel member's light emitting surface, and 5) end walls and side walls of the tray that act as end edge reflectors and side edge reflectors to reflect light that would otherwise exit the panel member back into the panel member, to cause additional light to be emitted from the light emitting surface. Furthermore, the tray or housing has posts, tabs or other components that provide a mount or structural support for another component, and also provides structural support to the panel member. These infringing display units include, for example, the DS7Z-10D885-FA navigation system display found in various model years of the Ford Fusion Hybrid, and similar LCD display units.

48. Ford has been and is now directly infringing the '974 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling Ford automobiles containing navigation display units that infringe the '974 Patent, including at least the aforementioned models. Ford is liable for such infringement pursuant to 35 U.S.C. § 271.

49. At least as early as its receipt of this Original Complaint, Ford has had knowledge of the '974 Patent and written notice of the infringement.

50. As a result of Ford's infringement of the '974 Patent, Ford has damaged IDT. Ford is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

51. As a result of Ford's infringement of the '974 Patent, IDT has suffered and will continue to suffer loss and injury unless Ford is enjoined by this Court.

52. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '974 Patent.

COUNT 6: Infringement of U.S. Patent No. 8,215,816

53. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-52 as though fully set forth herein.

54. On information and belief, LCD navigation display units found in Ford automobiles practice one or more claims of the '816 Patent. In particular, infringing Ford LCD navigation display units include a light emitting assembly containing (1) a light source, (2) a light emitting panel member with an input edge for receiving light from the light source and a light emitting surface, (3) a tray or housing with a recess containing the panel member, (4) end edge and side edge reflectors, and (5) an additional component overlying the panel member. Furthermore, the panel member has a pattern of light extracting deformities that cause light to be emitted from the light emitting surface. The panel member further has a greater width than

height, and the input edge of the panel member has a refractive surface that redirects light from the light source more in the width direction than in the height direction as the light enters the panel member. These infringing display units include, for example, the DS7Z-10D885-FA navigation system display found in various model years of the Ford Fusion Hybrid, and similar LCD display units.

55. Ford has been and is now directly infringing the '816 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling Ford automobiles containing navigation display units that infringe the '816 Patent, including at least the aforementioned models. Ford is liable for such infringement pursuant to 35 U.S.C. § 271.

56. At least as early as its receipt of this Original Complaint, Ford has had knowledge of the '816 Patent and written notice of the infringement.

57. As a result of Ford's infringement of the '816 Patent, Ford has damaged IDT. Ford is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

58. As a result of Ford's infringement of the '816 Patent, IDT has suffered and will continue to suffer loss and injury unless Ford is enjoined by this Court.

59. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '816 Patent.

COUNT 7: Infringement of U.S. Patent No. 6,886,956

60. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-66 as though fully set forth herein.

61. On information and belief, tail lights found in certain Ford automobiles practice one or more claims of the '956 Patent. The infringing Ford tail lights include a light emitting assembly for vehicle illumination containing 1) a light guide having opposite sides and a light input surface along one edge, 2) a light emitting diode along the light input surface, 3) light extracting deformities on at least one side of the light guide, and 4) a transparent substrate overlying one side of the light guide and providing an exterior portion of the vehicle. Furthermore, the deformities have shapes for controlling the output distribution of emitted light to suit a particular application, such as illuminating a portion of the tail light. These infringing tail lights include, for example, the DE9Z-13A565A center liftgate tail light assembly found in various model years of the Lincoln MKS, and similar tail light assemblies.

62. Ford has been and is now directly infringing the '956 Patent in the State of Delaware, in this judicial district and elsewhere in the United States by, among other things making, using, offering for sale and selling Ford automobiles containing navigation display units that infringe the '956 Patent, including at least the aforementioned models. Ford is liable for such infringement pursuant to 35 U.S.C. § 271.

63. At least as early as its receipt of this Original Complaint, Ford has had knowledge of the '956 Patent and written notice of the infringement.

64. As a result of Ford's infringement of the '956 Patent, Ford has damaged IDT. Ford is liable to IDT in an amount to be determined at trial that adequately compensates IDT for the infringement, which by law can be no less than a reasonable royalty.

65. As a result of Ford's infringement of the '956 Patent, IDT has suffered and will continue to suffer loss and injury unless Ford is enjoined by this Court.

66. IDT is not presently asserting willful infringement; however, IDT intends to seek discovery on the issue of willfulness and reserves the right to seek amendment of its complaint and a finding of willfulness relative to pre-suit and/or post-suit infringement of the '956 Patent.

JURY DEMAND

67. IDT hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

68. IDT respectfully requests that the Court find in its favor and against Ford, and that the Court grant Plaintiff the following relief:

- A. A judgment that Ford has infringed the patents-in-suit as alleged herein;
- B. A judgment for an accounting of all damages sustained by IDT as a result of the acts of infringement by Ford;
- C. A judgment and order requiring Ford to pay IDT damages under 35 U.S.C. § 284, including interest (both pre-judgment and post-judgment), costs and disbursements as provided by 35 U.S.C. § 284;
- D. A permanent injunction enjoining Ford and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others

acting in concert or privity with them from infringement of the patents-in-suit pursuant to 35 U.S.C. § 283; and

E. Such other and further relief as the Court deems just and equitable.

Dated: June 30, 2014

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

Brian E. Farnan (Bar No. 4089)
919 North Market St., 12th Floor
Wilmington, DE 19801
(302) 777-0300
bfarnan@farnanlaw.com

Of Counsel:

Demetrios Anaipakos
Amir Alavi
Brian E. Simmons
George W. Webb III
AHMAD, ZAVITSANOS, ANAIPAKOS,
ALAVI & MENSING P.C.
1221 McKinney Street, Suite 3460
Houston, TX 77010
Telephone: 713-655-1101
Facsimile: 713-655-0062
danaipakos@azalaw.com
aalavi@azalaw.com
bsimmons@azalaw.com
gwebb@azalaw.com

**Attorneys for Plaintiff
INNOVATIVE DISPLAY
TECHNOLOGIES LLC**

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

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC,**

Plaintiff,

V.

**BEST BUY CO., INC.,
BEST BUY STORES, L.P.,
BESTBUY.COM, LLC, AND
BEST BUY PURCHASING, LLC,**

Defendants.

§ 87(2)(b)

C.A. No. _____

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT

Plaintiff Innovative Display Technologies LLC by and through its undersigned counsel, files this Complaint against Best Buy Co., Inc.; Best Buy Stores, L.P.; BestBuy.com, LLC; and Best Buy Purchasing, LLC (collectively, “Best Buy”).

THE PARTIES

1. Innovative Display Technologies LLC is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, TX 75093.

2. Upon information and belief, Best Buy Co., Inc. is a public company incorporated in Minnesota with its offices at 7601 Penn Avenue, Richfield, MN 55423. Upon information and belief Best Buy Co., Inc. is the ultimate corporate parent of all subsidiaries operating generally under the Best Buy name.

3. Upon information and belief, Best Buy Stores, L.P. is a Virginia limited partnership with its offices at 7601 Penn Avenue, Richfield, MN 55423. Upon information and belief Best Buy Stores, L.P. is a subsidiary of Best Buy Co., Inc.

4. Upon information and belief, BestBuy.com, LLC is a Virginia limited liability company with its offices at 7601 Penn Avenue, Richfield, MN 55423. Upon information and belief BestBuy.com, LLC is a subsidiary of Best Buy Stores, L.P.

5. Upon information and belief, Best Buy Purchasing, LLC is a Minnesota limited liability company with its offices at 7601 Penn Avenue, Richfield, MN 55423. Upon information and belief Best Buy Purchasing, LLC is a subsidiary of Best Buy Co., Inc.

6. Upon information and belief Best Buy, directly or through subsidiaries or alter egos, maintains at least seventeen (17) stores in this District at which the infringing products as detailed below are sold.

7. Upon information and belief, Best Buy has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

8. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

9. As further detailed herein, this Court has personal jurisdiction over Best Buy Co., Inc. Best Buy Co., Inc. is amenable to service of summons for this action. Furthermore, personal jurisdiction over Best Buy Co., Inc. in this action comports with due process. Best Buy Co., Inc. has conducted and regularly conducts business within the United States and this District. Best Buy Co., Inc. has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. Best Buy Co., Inc. has sought

protection and benefit from the laws of the State of Texas by maintaining stores, either directly, or through subsidiaries in this District and/or by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

10. Best Buy Co., Inc. – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Best Buy Co., Inc. has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. Best Buy Co., Inc. knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, Best Buy Co., Inc. has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from Best Buy Co., Inc.'s activities in this District.

11. As further detailed herein, this Court has personal jurisdiction over Best Buy Stores, L.P. Best Buy Stores, L.P. is amenable to service of summons for this action. Furthermore, personal jurisdiction over Best Buy Stores, L.P. in this action comports with due process. Best Buy Stores, L.P. has conducted and regularly conducts business within the United States and this District. Best Buy Stores, L.P. has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. Best Buy Stores, L.P. has sought protection and benefit from the laws of the State of Texas by maintaining stores, either directly, or through subsidiaries in this District and/or by placing

infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

12. Best Buy Stores, L.P. – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Best Buy Stores, L.P. has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. Best Buy Stores, L.P. knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, Best Buy Stores, L.P. has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from Best Buy Stores, L.P.'s activities in this District.

13. As further detailed herein, this Court has personal jurisdiction over BestBuy.com, LLC. BestBuy.com, LLC is amenable to service of summons for this action. Furthermore, personal jurisdiction over BestBuy.com, LLC in this action comports with due process. BestBuy.com, LLC has conducted and regularly conducts business within the United States and this District. BestBuy.com, LLC has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. BestBuy.com, LLC has sought protection and benefit from the laws of the State of Texas by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

14. BestBuy.com, LLC – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. BestBuy.com, LLC has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. BestBuy.com, LLC knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, BestBuy.com, LLC has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff’s cause of action for patent infringement arises directly from BestBuy.com, LLC’s activities in this District.

15. As further detailed herein, this Court has personal jurisdiction over Best Buy Purchasing, LLC. Best Buy Purchasing, LLC is amenable to service of summons for this action. Furthermore, personal jurisdiction over Best Buy Purchasing, LLC in this action comports with due process. Best Buy Purchasing, LLC has conducted and regularly conducts business within the United States and this District. Best Buy Purchasing, LLC has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. Best Buy Purchasing, LLC has sought protection and benefit from the laws of the State of Texas by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

16. Best Buy Purchasing, LLC – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Best Buy Purchasing, LLC has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. Best Buy Purchasing, LLC knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, Best Buy Purchasing, LLC has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff’s cause of action for patent infringement arises directly from Best Buy Purchasing, LLC’s activities in this District.

17. Venue is proper in this Court according to the venue provisions set forth by 28 U.S.C. §§ 1391(b)-(d) and 1400(b). Best Buy is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue. Upon information and belief, Best Buy has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website, available to persons in this District that advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

18. U.S. Patent No. 6,755,547 titled “Light Emitting Panel Assemblies” (“the ’547 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004,

after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '547 patent. The '547 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '547 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '547 patent is attached as **Exhibit A** and made a part hereof.

19. U.S. Patent No. 7,300,194 titled "Light Emitting Panel Assemblies" ("the '194 patent") was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '194 patent. The '194 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '194 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '194 patent is attached as **Exhibit B** and made a part hereof.

20. U.S. Patent No. 7,384,177 titled "Light Emitting Panel Assemblies" ("the '177 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '177 patent. The '177 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '177 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '177 patent is attached as **Exhibit C** and made a part hereof.

21. U.S. Patent No. 7,404,660 titled "Light Emitting Panel Assemblies" ("the '660 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '660 patent. The '660 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in

the '660 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '660 patent is attached as **Exhibit D** and made a part hereof.

22. U.S. Patent No. 7,434,974 titled "Light Emitting Panel Assemblies" ("the '974 patent") was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '974 patent. The '974 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '974 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '974 patent is attached as **Exhibit E** and made a part hereof.

23. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '816 patent. The '816 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '816 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '816 patent is attached as **Exhibit F** and made a part hereof.

24. Jeffery R. Parker is an inventor of the '547 patent, the '194 patent, the '177 patent, the '660 patent, the '974 patent, and the '816 patent (collectively, the "patents-in-suit"). In total, he is a named inventor on over eighty-five (85) U.S. patents.

B. Best Buy's Infringing Conduct.

25. Upon information and belief, Best Buy makes, uses, offers to sell, and/or sells within, and/or imports into the United States display products that incorporate the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display

products include, but are not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet).

26. By incorporating the fundamental inventions covered by the patents-in-suit, Best Buy can make improved products, including but not limited to, longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, and/or a lower power requirement.

27. Upon information and belief, third-party distributors purchase and have purchased Best Buy's infringing display products for sale or importation into the United States, including this District. Upon information and belief, third-party consumers use and have used Best Buy's infringing display products in the United States, including this District.

28. Upon information and belief, Best Buy has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including this District by third party manufacturers, distributors, and/or importers.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

29. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-28 as though fully set forth herein.

30. The '547 patent is valid and enforceable.

31. Best Buy has never been licensed, either expressly or impliedly, under the '547 patent.

32. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Best Buy of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '547 patent have complied with the marking

requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

33. Upon information and belief, Best Buy has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to, televisions, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), their display components, and/or other products made, used, sold, offered for sale, or imported by Best Buy that include all of the limitations of one or more claims of the '547 patent.

34. Upon information and belief, distributors and consumers that purchase Best Buy's products that include all of the limitations of one or more claims of the '547 patent, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

35. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Best Buy that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling

infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

36. Upon information and belief, Best Buy had knowledge of the '547 patent and its infringing conduct at least since July 20, 2012, when Best Buy was formally placed on notice of its infringement.

37. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Best Buy on notice of its infringement, Best Buy has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, Best Buy does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent. Upon information and belief, Best Buy intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Best Buy has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

38. Upon information and belief, Best Buy's acts of infringement of the '547 patent have been willful and intentional. Since at least the above-mentioned date of notice, Best Buy has acted with an objectively high likelihood that its actions constituted infringement of the '547 patent by refusing to take a license and continuing to make and sell its display products,

including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), and the objectively-defined risk was either known or so obvious that it should have been known.

39. As a direct and proximate result of these acts of patent infringement, Best Buy has encroached on the exclusive rights of Plaintiff and its licensees to practice the '547 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

40. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-39 as though fully set forth herein.

41. The '194 patent is valid and enforceable.

42. Best Buy has never been licensed, either expressly or impliedly, under the '194 patent.

43. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Best Buy of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

44. Upon information and belief, Best Buy has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or

consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), their display components, and/or other products made, used, sold, offered for sale, or imported by Best Buy that include all of the limitations of one or more claims of the '194 patent.

45. Upon information and belief, distributors and consumers that purchase Best Buy's products that include all of the limitations of one or more claims of the '194 patent, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

46. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Best Buy that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

47. Upon information and belief, Best Buy had knowledge of the '194 patent and its infringing conduct at least since July 20, 2012, when Best Buy was formally placed on notice of its infringement.

48. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Best Buy on notice of its infringement, Best Buy has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date, Best Buy does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent. Upon information and belief, Best Buy intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Best Buy has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

49. Upon information and belief, Best Buy's acts of infringement of the '194 patent have been willful and intentional. Since at least the above-mentioned date of notice, Best Buy has acted with an objectively high likelihood that its actions constituted infringement of the '194 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), and the objectively-defined risk was either known or so obvious that it should have been known.

50. As a direct and proximate result of these acts of patent infringement, Best Buy has encroached on the exclusive rights of Plaintiff and its licensees to practice the '194 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

51. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-50 as though fully set forth herein.

52. The '177 patent is valid and enforceable.

53. Best Buy has never been licensed, either expressly or impliedly, under the '177 patent.

54. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Best Buy of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

55. Upon information and belief, Best Buy has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but

not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), their display components, and/or other products made, used, sold, offered for sale, or imported by Best Buy that include all of the limitations of one or more claims of the '177 patent.

56. Upon information and belief, distributors and consumers that purchase Best Buy's products that include all of the limitations of one or more claims of the '177 patent, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

57. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Best Buy that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

58. Upon information and belief, Best Buy had knowledge of the '177 patent and its infringing conduct at least since July 20, 2012, when Best Buy was formally placed on notice of its infringement.

59. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Best Buy on notice of its infringement, Best Buy has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the

above-mentioned date, Best Buy does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent. Upon information and belief, Best Buy intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Best Buy has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

60. Upon information and belief, Best Buy's acts of infringement of the '177 patent have been willful and intentional. Since at least the above-mentioned date of notice, Best Buy has acted with an objectively high likelihood that its actions constituted infringement of the '177 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), and the objectively-defined risk was either known or so obvious that it should have been known.

61. As a direct and proximate result of these acts of patent infringement, Best Buy has encroached on the exclusive rights of Plaintiff and its licensees to practice the '177 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

62. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-61 as though fully set forth herein.

63. The '660 patent is valid and enforceable.

64. Best Buy has never been licensed, either expressly or impliedly, under the '660 patent.

65. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Best Buy of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

66. Upon information and belief, Best Buy has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), their display components, and/or other products made, used, sold, offered for

sale, or imported by Best Buy that include all of the limitations of one or more claims of the '660 patent.

67. Upon information and belief, distributors and consumers that purchase Best Buy's products that include all of the limitations of one or more claims of the '660 patent, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

68. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Best Buy that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

69. Upon information and belief, Best Buy had knowledge of the '660 patent and its infringing conduct at least since July 20, 2012, when Best Buy was formally placed on notice of its infringement.

70. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Best Buy on notice of its infringement, Best Buy has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, Best Buy does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent. Upon information and belief,

Best Buy intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Best Buy has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

71. Upon information and belief, Best Buy's acts of infringement of the '660 patent have been willful and intentional. Since at least the above-mentioned date of notice, Best Buy has acted with an objectively high likelihood that its actions constituted infringement of the '660 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), and the objectively-defined risk was either known or so obvious that it should have been known.

72. As a direct and proximate result of these acts of patent infringement, Best Buy has encroached on the exclusive rights of Plaintiff and its licensees to practice the '660 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

73. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-72 as though fully set forth herein.

74. The '974 patent is valid and enforceable.

75. Best Buy has never been licensed, either expressly or impliedly, under the '974 patent.

76. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Best Buy of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

77. Upon information and belief, Best Buy has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), their display components, and/or other products made, used, sold, offered for sale, or imported by Best Buy that include all of the limitations of one or more claims of the '974 patent.

78. Upon information and belief, distributors and consumers that purchase Best Buy's products that include all of the limitations of one or more claims of the '974 patent, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-

14T002 tablet), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

79. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Best Buy that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

80. Upon information and belief, Best Buy had knowledge of the '974 patent and its infringing conduct at least since July 20, 2012, when Best Buy was formally placed on notice of its infringement.

81. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Best Buy on notice of its infringement, Best Buy has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '974 patent. Since at least the notice provided on the above-mentioned date, Best Buy does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent. Upon information and belief, Best Buy intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Best Buy has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and

regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

82. Upon information and belief, Best Buy's acts of infringement of the '974 patent have been willful and intentional. Since at least the above-mentioned date of notice, Best Buy has acted with an objectively high likelihood that its actions constituted infringement of the '974 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), and the objectively-defined risk was either known or so obvious that it should have been known.

83. As a direct and proximate result of these acts of patent infringement, Best Buy has encroached on the exclusive rights of Plaintiff and its licensees to practice the '974 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 8,215,816

84. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-83 as though fully set forth herein.

85. The '816 patent is valid and enforceable.

86. Best Buy has never been licensed, either expressly or impliedly, under the '816 patent.

87. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to Best Buy of its alleged infringement. Upon information and belief,

Plaintiff surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

88. Upon information and belief, Best Buy has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), their display components, and/or other products made, used, sold, offered for sale, or imported by Best Buy that include all of the limitations of one or more claims of the '816 patent.

89. Upon information and belief, distributors and consumers that purchase Best Buy's products that include all of the limitations of one or more claims of the '816 patent, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

90. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to Best Buy that include all of the limitations of one or more

claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

91. Upon information and belief, Best Buy had knowledge of the '816 patent and its infringing conduct at least since July 20, 2012, when Best Buy was formally placed on notice of its infringement.

92. Upon information and belief, since at least the above-mentioned date when Best Buy was formally placed on notice of its infringement, Best Buy has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, Best Buy does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent. Upon information and belief, Best Buy intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. Best Buy has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

93. Upon information and belief, Best Buy's acts of infringement of the '816 patent have been willful and intentional. Since at least the above-mentioned date of notice, Best Buy

has acted with an objectively high likelihood that its actions constituted infringement of the '816 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to, televisions, monitors, portable DVD players, and tablets (e.g., the Insignia NS-14T002 tablet), and the objectively-defined risk was either known or so obvious that it should have been known.

94. As a direct and proximate result of these acts of patent infringement, Best Buy has encroached on the exclusive rights of Plaintiff and its licensees to practice the '816 patent, for which Plaintiff is entitled to at least a reasonable royalty.

CONCLUSION

95. Plaintiff is entitled to recover from Best Buy the damages sustained by Plaintiff as a result of Best Buy's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

96. Plaintiffs have incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

97. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

98. Plaintiff respectfully request that the Court find in its favor and against Best Buy, and that the Court grant Plaintiff the following relief:

- A. A judgment that Best Buy has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Best Buy;
- C. A judgment and order requiring Best Buy to pay Plaintiff damages under 35 U.S.C. § 284, including up to treble damages for willful infringement as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Best Buy and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Best Buy to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring Best Buy to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: April 24, 2014

Respectfully submitted,

/s/ Jeffrey R. Bragalone

Jeffrey R. Bragalone (lead attorney)

Texas Bar No. 02855775

Patrick J. Conroy

Texas Bar No. 24012448

Justin B. Kimble

Texas Bar No. 24036909

T. William Kennedy, Jr.

Texas Bar No. 24055771

Daniel F. Olejko

Pennsylvania Bar No. 205512

Bragalone Conroy PC

2200 Ross Avenue

Suite 4500W

Dallas, TX 75201

Tel: (214) 785-6670

Fax: (214) 785-6680

jbragalone@bcpc-law.com

pconroy@bcpc-law.com

jkimble@bcpc-law.com

bkennedy@bcpc-law.com

dolejko@bcpc-law.com

T. John Ward Jr.

Texas Bar No. 00794818

Claire Abernathy Henry

Ward & Smith Law Firm

1127 Judson Road, Suite 220

Longview, TX 75601

Tel: (903) 757-6400

Fax: (903) 757.2323

jw@wsfirm.com

claire@wsfirm.com

Attorneys for Plaintiff

INNOVATIVE DISPLAY

TECHNOLOGIES LLC

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

**INNOVATIVE DISPLAY
TECHNOLOGIES LLC AND
DELAWARE DISPLAY GROUP LLC**

Plaintiffs,

V.

**AT&T INC. AND
AT&T MOBILITY LLC,**

Defendants.

§ § § § § § § § § § § § § § § §

C.A. No. _____

JURY TRIAL DEMANDED

PLAINTIFFS' COMPLAINT

Innovative Display Technologies LLC and Delaware Display Group LLC (collectively, “Plaintiffs”) by and through their undersigned counsel, file this Complaint against AT&T Inc. and AT&T Mobility LLC (collectively, “AT&T”).

THE PARTIES

1. Innovative Display Technologies LLC (“IDT”) is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

2. Delaware Display Group LLC (“DDG”) is a Delaware limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

3. On information and belief, AT&T Inc. is a Delaware corporation with its principal place of business at 208 Akard Street, Dallas, Texas 75202 and regularly does business throughout this judicial district. AT&T Inc.'s registered agent for service of process in Texas is CT Corporation System, 350 N. St. Paul St., Dallas, Texas 75201.

4. On information and belief, AT&T Mobility LLC is a Delaware corporation with its principal place of business at Glenridge Highlands Two, 5565 Glenridge Connector, Atlanta, Georgia 30342. AT&T Mobility LLC's registered agent for service of process in Texas is CT Corporation System, 350 N. St. Paul St., Dallas, Texas 75201.

5. Upon information and belief, AT&T has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

6. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

7. As further detailed herein, this Court has personal jurisdiction over AT&T. AT&T is amenable to service of summons for this action. Furthermore, personal jurisdiction over AT&T Inc. in this action comports with due process. AT&T Inc. has headquarters at 208 Akard Street, Dallas, Texas 75202, and AT&T maintains at least twenty (20) stores in this District. AT&T has conducted and regularly conducts business within the United States, this State, and this District. AT&T has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Texas and this District. AT&T has sought protection and benefit from the laws of the State of Texas by maintaining corporate headquarters in Texas, by maintaining stores in this District, and by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

8. AT&T – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its

products in the United States and this District. AT&T has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. AT&T knowingly and purposefully ships infringing products into this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, AT&T has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from AT&T's activities in this District.

9. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b). One or more of IDT's witnesses reside in this District. AT&T is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue, and, upon information and belief, AT&T has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website that is available to persons in this District, which website advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit.

10. U.S. Patent No. 6,755,547 titled "Light Emitting Panel Assemblies" ("the '547 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 29, 2004, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '547 patent.

11. U.S. Patent No. 7,300,194 titled “Light Emitting Panel Assemblies” (“the ’194 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on November 27, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’194 patent.

12. U.S. Patent No. 7,384,177 titled “Light Emitting Panel Assemblies” (“the ’177 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’177 patent.

13. U.S. Patent No. 7,404,660 titled “Light Emitting Panel Assemblies” (“the ’660 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’660 patent.

14. U.S. Patent No. 7,434,974 titled “Light Emitting Panel Assemblies” (“the ’974 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’974 patent.

15. U.S. Patent No. 7,537,370 titled “Light Emitting Panel Assemblies” (“the ’370 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’370 patent.

16. U.S. Patent No. 7,914,196 titled “Light Redirecting Film Systems Having Pattern of Variable Optical Elements” (“the ’196 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on March 29, 2011, after full and fair examination. Jeffery R. Parker, Timothy A. McCollum, and Robert M. Ezell are the inventors listed on the ’196 patent.

17. U.S. Patent No. 8,215,816 titled “Light Emitting Panel Assemblies” (“the ’816 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the ’816 patent.

18. The ’196 patent is referred to as the “DDG patent.”

19. The '547 patent, the '194 patent, the '177 patent, the '660 patent, the '974 patent, the '370 patent, and the '816 patent are collectively referred to as the "IDT patents." Together, the "DDG patent" and the "IDT patents" are the "patents-in-suit."

20. On June 26, 2013, IDT was assigned all of the right, title, and interest in the IDT patents, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the IDT patents.

21. On December 20, 2013, DDG was assigned all of the right, title, and interest in the DDG patent, including the exclusive right to sue and collect for its own use and benefit all claims for damages by reason of past infringement or use of the DDG patent.

22. The patents-in-suit all share the same ultimate parent patent, U.S. Patent No. 5,613,751. The patents-in-suit share inventors, subject matter, and claim terms. The accused products infringe the patents-in-suit based on the use of the same technology, *e.g.*, backlights for LCDs. And IDT and DDG share a common corporate parent.

B. AT&T's Infringing Conduct.

23. Upon information and belief, AT&T offers to sell and/or sells within and/or imports into the United States display products that use the fundamental technologies covered by the patents-in-suit. Upon information and belief, the infringing display products include, but are not limited to mobile phones and tablets with an LCD.

24. By incorporating the fundamental inventions covered by the patents-in-suit, AT&T can sell improved products, including but not limited to, products with longer displays, thinner displays, and/or displays with a higher light output, a more uniform light output, a lower power requirement, and/or a longer battery life.

25. Upon information and belief, third-party distributors purchase and have purchased AT&T's infringing display products for sale or importation into the United States, including in this District.

26. Upon information and belief, AT&T has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including in this District by third party manufacturers, distributors, and/or importers. Upon information and belief, third-party consumers use and have used infringing display products sold by AT&T in the United States, including in this District.

27. Certain infringing display products sold, offered for sale, and/or imported by AT&T are manufactured by Samsung Electronics Co., Ltd. and/or its subsidiaries ("Samsung Manufactured Products"). For only the Samsung Manufactured Products, IDT limits the infringement allegations in this complaint solely to units of those display products that were manufactured after March 2, 2014. For all other display products sold, offered for sale, or imported by AT&T, IDT maintains the infringement allegations in this complaint for the entire pre- and post-lawsuit damages period available under law.

COUNT I

Patent Infringement of U.S. Patent No. 6,755,547

28. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-27 as though fully set forth herein.

29. The '547 patent is valid and enforceable.

30. AT&T has never been licensed, either expressly or impliedly, under the '547 patent.

31. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to AT&T of its alleged infringement. Upon information and belief, IDT

surmises that any express licensees of the '547 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '547 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

32. Upon information and belief, AT&T has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '547 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), their display components, and/or other products sold, offered for sale, or imported by AT&T that include all of the limitations of one or more claims of the '547 patent.

33. Upon information and belief, distributors and consumers that purchase AT&T's display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

34. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to AT&T that include all of the limitations of one or more claims of the '547 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '547 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

35. Upon information and belief, AT&T had knowledge of the '547 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

36. Upon information and belief, since at least the above-mentioned date of notice, AT&T has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '547 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), to directly infringe one or more claims of the '547 patent. Since at least the notice provided on the above-mentioned date, AT&T does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '547 patent.

37. Upon information and belief, AT&T intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to

purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

38. As a direct and proximate result of these acts of patent infringement, AT&T has encroached on the exclusive rights of IDT and its licensees to practice the '547 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 7,300,194

39. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-38 as though fully set forth herein

40. The '194 patent is valid and enforceable.

41. AT&T has never been licensed, either expressly or impliedly, under the '194 patent.

42. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to AT&T of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '194 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '194 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

43. Upon information and belief, AT&T has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '194 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the

limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), their display components, and/or other products sold, offered for sale, or imported by AT&T that include all of the limitations of one or more claims of the '194 patent.

44. Upon information and belief, distributors and consumers that purchase AT&T's display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

45. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to AT&T that include all of the limitations of one or more claims of the '194 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '194 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

46. Upon information and belief, AT&T had knowledge of the '194 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

47. Upon information and belief, since at least the above-mentioned date of notice, AT&T has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '194 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), to directly infringe one or more claims of the '194 patent. Since at least the notice provided on the above-mentioned date, AT&T does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '194 patent.

48. Upon information and belief, AT&T intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

49. As a direct and proximate result of these acts of patent infringement, AT&T has encroached on the exclusive rights of IDT and its licensees to practice the '194 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 7,384,177

50. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-49 as though fully set forth herein.

51. The '177 patent is valid and enforceable.

52. AT&T has never been licensed, either expressly or impliedly, under the '177 patent.

53. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to AT&T of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '177 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '177 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

54. Upon information and belief, AT&T has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '177 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), their display components, and/or other products sold, offered for sale, or imported by AT&T that include all of the limitations of one or more claims of the '177 patent.

55. Upon information and belief, distributors and consumers that purchase AT&T's display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), also directly

infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

56. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to AT&T that include all of the limitations of one or more claims of the '177 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '177 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

57. Upon information and belief, AT&T had knowledge of the '177 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

58. Upon information and belief, since at least the above-mentioned date of notice, AT&T has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '177 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), to directly infringe one or more claims of the '177 patent. Since at least the notice provided on the above-mentioned date, AT&T does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '177 patent.

59. Upon information and belief, AT&T intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or

consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

60. As a direct and proximate result of these acts of patent infringement, AT&T has encroached on the exclusive rights of IDT and its licensees to practice the '177 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 7,404,660

61. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-60 as though fully set forth herein.

62. The '660 patent is valid and enforceable.

63. AT&T has never been licensed, either expressly or impliedly, under the '660 patent.

64. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to AT&T of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '660 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '660 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

65. Upon information and belief, AT&T has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing,

by way of inducement with specific intent under 35 U.S.C. § 271(b), the '660 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), their display components, and/or other products sold, offered for sale, or imported by AT&T that include all of the limitations of one or more claims of the '660 patent.

66. Upon information and belief, distributors and consumers that purchase AT&T's display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

67. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to AT&T that include all of the limitations of one or more claims of the '660 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '660 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

68. Upon information and belief, AT&T had knowledge of the '660 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

69. Upon information and belief, since at least the above-mentioned date of notice, AT&T has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '660 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), to directly infringe one or more claims of the '660 patent. Since at least the notice provided on the above-mentioned date, AT&T does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '660 patent.

70. Upon information and belief, AT&T intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

71. As a direct and proximate result of these acts of patent infringement, AT&T has encroached on the exclusive rights of IDT and its licensees to practice the '660 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT V

Patent Infringement of U.S. Patent No. 7,434,974

72. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-71 as though fully set forth herein.

73. The '974 patent is valid and enforceable.

74. AT&T has never been licensed, either expressly or impliedly, under the '974 patent.

75. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to AT&T of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '974 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '974 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

76. Upon information and belief, AT&T has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '974 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), their display components, and/or other products sold, offered for sale, or imported by AT&T that include all of the limitations of one or more claims of the '974 patent.

77. Upon information and belief, distributors and consumers that purchase AT&T's display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

78. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to AT&T that include all of the limitations of one or more claims of the '974 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '974 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

79. Upon information and belief, AT&T had knowledge of the '974 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

80. Upon information and belief, since at least the above-mentioned date of notice, AT&T has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '974 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), to directly infringe one or more claims of the '974 patent. Since at

least the notice provided on the above-mentioned date, AT&T does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '974 patent.

81. Upon information and belief, AT&T intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

82. As a direct and proximate result of these acts of patent infringement, AT&T has encroached on the exclusive rights of IDT and its licensees to practice the '974 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VI

Patent Infringement of U.S. Patent No. 7,537,370

83. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-82 as though fully set forth herein.

84. The '370 patent is valid and enforceable.

85. AT&T has never been licensed, either expressly or impliedly, under the '370 patent.

86. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or constructive notice to AT&T of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '370 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '370 patent on all goods made, offered

for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

87. Upon information and belief, AT&T has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '370 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega and Samsung Galaxy S4 Active) their display components, and/or other products sold, offered for sale, or imported by AT&T that include all of the limitations of one or more claims of the '370 patent.

88. Upon information and belief, distributors and consumers that purchase AT&T's display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to, mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega and Samsung Galaxy S4 Active), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '370 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

89. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to AT&T that include all of the limitations of one or more claims of the '370 patent, also directly infringe, either literally or under the doctrine of equivalents,

under 35 U.S.C. § 271(a), the '370 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

90. Upon information and belief, AT&T had knowledge of the '370 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

91. Upon information and belief, since at least the above-mentioned date of notice, AT&T has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '370 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega and Samsung Galaxy S4 Active), to directly infringe one or more claims of the '370 patent. Since at least the notice provided on the above-mentioned date, AT&T does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '370 patent.

92. Upon information and belief, AT&T intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

93. As a direct and proximate result of these acts of patent infringement, AT&T has encroached on the exclusive rights of IDT and its licensees to practice the '370 patent, for which IDT is entitled to at least a reasonable royalty.

COUNT VII

Patent Infringement of U.S. Patent No. 7,914,196

94. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-93 as though fully set forth herein.

95. The '196 patent is valid and enforceable.

96. AT&T has never been licensed, either expressly or impliedly, under the '196 patent.

97. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, DDG has complied with the requirements of that statute by providing actual or constructive notice to AT&T of its alleged infringement. Upon information and belief, DDG surmises that any express licensees of the '196 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '196 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

98. Upon information and belief, AT&T has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '196 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung

Galaxy Tab 2, and Samsung Galaxy Note 8), their display components, and/or other products sold, offered for sale, or imported by AT&T that include all of the limitations of one or more claims of the '196 patent.

99. Upon information and belief, distributors and consumers that purchase AT&T's display products that include all of the limitations of one or more claims of the '196 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

100. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to AT&T that include all of the limitations of one or more claims of the '196 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '196 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

101. Upon information and belief, AT&T had knowledge of the '196 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

102. Upon information and belief, since at least the above-mentioned date of notice, AT&T has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations

of one or more claims of the '196 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), to directly infringe one or more claims of the '196 patent. Since at least the notice provided on the above-mentioned date, AT&T does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '196 patent.

103. Upon information and belief, AT&T intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

104. As a direct and proximate result of these acts of patent infringement, AT&T has encroached on the exclusive rights of DDG and its licensees to practice the '196 patent, for which DDG is entitled to at least a reasonable royalty.

COUNT VIII

Patent Infringement of U.S. Patent No. 8,215,816

105. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-104 as though fully set forth herein.

106. The '816 patent is valid and enforceable.

107. AT&T has never been licensed, either expressly or impliedly, under the '816 patent.

108. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, IDT has complied with the requirements of that statute by providing actual or

constructive notice to AT&T of its alleged infringement. Upon information and belief, IDT surmises that any express licensees of the '816 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '816 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

109. Upon information and belief, AT&T has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '816 patent by offering to sell and/or selling to third-party distributors and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), their display components, and/or other products sold, offered for sale, or imported by AT&T that include all of the limitations of one or more claims of the '816 patent.

110. Upon information and belief, distributors and consumers that purchase AT&T's display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by using, offering to sell, and/or selling to third-party distributors or consumers (directly or

through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, those infringing display products.

111. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to AT&T that include all of the limitations of one or more claims of the '816 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '816 patent by making, offering to sell, and/or selling (directly or through intermediaries and/or subsidiaries) infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

112. Upon information and belief, AT&T had knowledge of the '816 patent and its infringing conduct at least since filing of this action when it was formally placed on notice of its infringement.

113. Upon information and belief, since at least the above-mentioned date of notice, AT&T has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers that purchase or sell display products that include all of the limitations of one or more claims of the '816 patent, including but not limited to mobile phones and tablets with an LCD (*e.g.*, Samsung Galaxy Mega, Samsung Galaxy S4 Active, Samsung Galaxy Tab 2, and Samsung Galaxy Note 8), to directly infringe one or more claims of the '816 patent. Since at least the notice provided on the above-mentioned date, AT&T does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '816 patent.

114. Upon information and belief, AT&T intends to cause, and has taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United

States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

115. As a direct and proximate result of these acts of patent infringement, AT&T has encroached on the exclusive rights of IDT and its licensees to practice the '816 patent, for which IDT is entitled to at least a reasonable royalty.

CONCLUSION

116. Plaintiffs are entitled to recover from AT&T the damages sustained by Plaintiffs as a result of AT&T's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

117. Plaintiffs have incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiffs are entitled to recover their reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

118. Plaintiffs hereby request a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

119. Plaintiffs respectfully request that the Court find in their favor and against AT&T, and that the Court grant Plaintiffs the following relief:

- A. A judgment that AT&T has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;

- B. A judgment for an accounting of all damages sustained by Plaintiffs as a result of the acts of infringement by AT&T;
- C. A judgment and order requiring AT&T to pay Plaintiffs damages under 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining AT&T and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring AT&T to pay Plaintiffs pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring AT&T to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: June 25, 2014

Respectfully submitted,

/s/ Jeffrey R. Bragalone
Jeffrey R. Bragalone (lead attorney)
Texas Bar No. 02855775
Patrick J. Conroy
Texas Bar No. 24012448
Justin B. Kimble
Texas Bar No. 24036909
T. William Kennedy, Jr.
Texas Bar No. 24055771
Daniel F. Olejko
Pennsylvania Bar No. 205512
Bragalone Conroy PC
2200 Ross Avenue
Suite 4500W
Dallas, TX 75201
Tel: (214) 785-6671
Fax: (214) 785-6680
jbragalone@bcpc-law.com
pconroy@bcpc-law.com
jkimble@bcpc-law.com
bkennedy@bcpc-law.com
dolejko@bcpc-law.com

T. John Ward Jr.
Texas Bar No. 00794818
Claire Abernathy Henry
Ward & Smith Law Firm
1127 Judson Road, Suite 220
Longview, TX 75601
Tel: (903) 757-6400
Fax: (903) 757.2323
jw@wsfirm.com
claire@wsfirm.com

Attorneys for Plaintiffs
**INNOVATIVE DISPLAY
TECHNOLOGIES LLC AND
DELAWARE DISPLAY GROUP LLC**