

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SURPASS TECH INNOVATION LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 1:14-cv-00337-LPS
)	
SAMSUNG DISPLAY CO., LTD.; SAMSUNG)	JURY TRIAL DEMANDED
ELECTRONICS CO., LTD.; SAMSUNG)	
ELECTRONICS AMERICA, INC.; SONY)	
CORPORATION; SONY ELECTRONICS)	
INC.; and SONY CORPORATION OF)	
AMERICA,)	
)	
Defendants.)	

SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Surpass Tech Innovation LLC (“Plaintiff” or “Surpass Tech”), by and through its undersigned attorneys, hereby pleads the following claims of patent infringement against Samsung Display Co., Ltd. (“Samsung Display”); Samsung Electronics Co., Ltd.; Samsung Electronics America, Inc. (collectively, “Samsung Electronics”); Sony Corporation; Sony Electronics Inc.; and Sony Corporation of America; (collectively, “Sony”) and alleges as follows:

PARTIES

1. Plaintiff Surpass Tech is a Delaware limited liability company having an address at 3422 Old Capitol Trail, Suite 700, Wilmington, Delaware 19808-6192. Surpass Tech owns all title, rights and interest to United States Patent No. 7,202,843 (the “843 Patent”) and United States Patent No. 7,420,550 (the “550 Patent”).

2. Upon information and belief, Defendant Samsung Display Co., Ltd. is a Korean

corporation having its principal place of business at Samsung st 181, Tangieong-Myeon, Asan-City, Chungcheongnam-Do, Korea 336-741. Samsung Display Co., Ltd. may be served with process under the Delaware Long Arm Statute, 10 *Del. C.* § 3104.

3. Upon information and belief, Defendant Samsung Electronics Co., Ltd. is a Korean corporation having its principal place of business at San #24 Nongseo-dong, Giheung-gu, Yongin-City, Gyeonggi-do, Korea 446-711. Samsung Electronics Co., Ltd. may be served with process under the Delaware Long Arm Statute, 10 *Del. C.* § 3104.

4. Upon information and belief, Defendant Samsung Electronics America, Inc. is a New York corporation having its principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660. Defendant Samsung Electronics America, Inc. can be served via its registered agent, C T Corporation System, 111 Eighth Avenue, New York, NY 10011.

5. Upon information and belief, Defendant Sony Corporation is a Japanese corporation having its principal place of business at 1-7-1, Konan, Minato-ku, Tokyo 108-0075, Japan. Sony Corporation may be served with process under the Delaware Long Arm Statute, 10 *Del. C.* § 3104.

6. Upon information and belief, Defendant Sony Electronics Inc. is a Delaware corporation having its principal place of business at 16530 Via Esprillo, San Diego, California 92127. Defendant Sony Electronics Inc. can be served via its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

7. Upon information and belief, Defendant Sony Corporation of America is a New York corporation having its principal place of business at 550 Madison Ave., 27th Floor, New York, New York 10022. Defendant Sony Corporation of America can be served via its registered agent, Corporation Service Company, 80 State Street, Albany, NY 12207.

JURISDICTION AND VENUE

8. This is an action for patent infringement arising under the patent laws of the United States of America, Title 35 of the United States Code. This Court has subject matter jurisdiction over the matters plead herein under 28 U.S.C. §§ 1331 and 1338(a) in that this is a civil action arising out of the patent laws of the United States of America.

9. Samsung Display, Samsung Electronics, and Sony (collectively, “Defendants”) regularly and deliberately engaged in and continue to engage in activities that result in using, selling, offering for sale, and/or importing infringing products in and/or into the State of Delaware and this judicial district. These activities violate Surpass Tech’s rights under the ’843 Patent plead herein. This Court has personal jurisdiction over the Defendants because, among other things, Defendants conduct business in the State of Delaware and in this judicial district and thus enjoy the privileges and protections of Delaware law.

10. Venue is proper in the District of Delaware pursuant to 28 U.S.C. §§ 1391(b), (c) and (d) and 1400(b).

COUNT I **INFRINGEMENT OF U.S. PATENT NO. 7,202,843** **(Against All Defendants)**

11. Plaintiff incorporates Paragraphs 1 through 10 herein by reference as if fully stated herein.

12. The ’843 Patent, entitled “Driving Circuit of A Liquid Crystal Display Panel and Related Driving Method,” issued on April 10, 2007. The ’843 Patent names Yung-Hung Shen, Shih-Chung Wang, Yuh-Ren Shen and Cheng-Jung Chen as inventors. Surpass Tech owns by assignment the entire right, title and interest in and to the ’843 Patent, including the sole right to sue for past and present patent infringement thereof. A true and correct copy of the ’843 Patent

is attached hereto as Exhibit A.

13. Several of Defendants' products, including but not limited to Samsung Electronics' UN40F6300AF television having Samsung Display's LSF400HJ01-A01 liquid crystal display ("LCD") module, Samsung Electronics' UN46ES8000 television having Samsung Display's LTJ460HQ10-V LCD module, Samsung Electronics' UN55F8000BF television having Samsung Display's LSF550HQ01-A01 LCD module, and Sony's KDL-32EX720 television having Samsung Display's LTY320HJ01 LCD module, practice claims of the '843 Patent. Surpass Tech believes, and further alleges, that additional Samsung Display's and Samsung Electronics' LCD modules, Samsung Electronics televisions having Samsung Display's or Samsung Electronics' LCD modules, and Sony televisions having Samsung Display's or Samsung Electronics' LCD modules also practice claims of the '843 Patent (products covered by this paragraph are collectively referred to as "Accused Products"). Defendants have directly infringed, and continue to directly infringe, the '843 Patent by making, using, offering to sell, or selling within the United States, or importing into the United States, the Accused Products that practice claims of the '843 Patent.

14. Surpass Tech believes, and thereon alleges, that Samsung Display and Samsung Electronics have sold and offered to sell and/or are selling and offering to sell infringing LCD modules for use in infringing televisions, and that these LCD modules are material to practicing the '843 Patent's invention, have no substantial non-infringing uses, and are known by Defendants, including Samsung Display and Samsung Electronics, to be especially made or especially adapted for use in what constitutes infringement of the '843 Patent. At least as early as March 6, 2014, Samsung Display had actual knowledge of the '843 Patent and Plaintiff's claims that Samsung Display's LCD modules are covered by the '843 Patent. Samsung Display

is contributing to the acts of using, offering to sell, and/or selling in the United States and/or importing into the United States the infringing Accused Products by Samsung Electronics and Sony by intentionally supplying such material components to Samsung Electronics and Sony with such knowledge of the '843 Patent.

15. Surpass Tech believes, and thereon alleges, that Defendants have and continue to indirectly infringe claims of the '843 Patent by inducing others (e.g., manufacturers, sellers, and end-user customers) to directly infringe in violation of 35 U.S.C. § 271(b) since at least March 10, 2014.

16. Surpass Tech believes, and thereon alleges, that at least since March 6, 2014, Samsung Display has induced and is inducing the infringement of at least claim 1 of the '843 Patent by Defendants Samsung Electronics Co., Ltd. and Sony Corporation (collectively, "Defendant Foreign Manufacturers"), Defendants Samsung Electronics America, Inc., Sony Electronics Inc., and Sony Corporation of America (collectively, the "Defendant U.S. Companies"), retailers, and end-user customers with the knowledge that the induced acts constitute patent infringement. Upon information and belief, at least as early as March 6, 2014, Samsung Display had actual knowledge of the '843 Patent and Plaintiff's claims that Samsung Display's LCD modules are covered by the '843 Patent. Upon information and belief, Samsung Display has taken, and is taking, active steps with the intent to encourage and facilitate direct infringement by Defendant Foreign Manufacturers and Defendant U.S. Companies by providing modules which contain every element of at least claim 1 of the '843 Patent to Defendant Foreign Manufacturers and Defendant U.S. Companies, and by providing marketing materials, advertising materials, user guides, user manuals, user instructions, technical assistance, and technical support promoting use of the products containing the modules, which by their very use

infringe at least claim 1 of the '843 Patent. Upon information and belief, Samsung Display's actions are made with the intent, at least through willful blindness, that Defendant Foreign Manufacturers and Defendant U.S. Companies would directly infringe by manufacturing and/or selling televisions containing Samsung Display's modules which, as provided, practice at least claim 1 of the '843 Patent. The reasonable inference to be drawn from Samsung Display's provision of these modules to Defendant Foreign Manufacturers and Defendant U.S. Companies is that Samsung Display intends, knows, or is willfully blind to the fact that Samsung Display is actively inducing Defendant Foreign Manufacturers and Defendant U.S. Companies to infringe at least claim 1 of the '843 Patent. Upon information and belief, Samsung Display intends that the Defendant Foreign Manufacturers and Defendant U.S. Companies sell televisions containing Samsung Display's modules that practice at least claim 1 of the '843 Patent to retailers who in turn sell the televisions to end-user customers. Upon information and belief, Samsung Display intends that the retailers directly infringe by selling these televisions. Upon information and belief, and also common sense, Samsung Display also intends that the end-user customers are using the televisions. As such, another reasonable inference to be drawn is that Samsung Display is taking active steps to encourage and facilitate direct infringement by end-user customers by providing marketing materials, advertising materials, user guides, user manuals, user instructions, technical assistance, and technical support to end-user customers and by placing into the retail stream its modules containing every element of at least claim 1 of the '843 Patent with the intent, knowledge, or willful blindness to the fact that end-user customers are using the televisions containing the modules, which use constitutes direct infringement of at least claim 1 of the '843 Patent.

17. Surpass Tech believes, and thereon alleges, that since at least March 10, 2014,

Defendant U.S. Companies have induced and are inducing the infringement of at least claim 1 of the '843 Patent by retailers and end-user customers with the knowledge and intent that the induced acts constitute patent infringement. Upon information and belief, at least as early as March 10, 2014, Defendant U.S. Companies had actual knowledge of the '843 Patent and Plaintiff's claims that Defendant U.S. Companies' products are covered by the '843 Patent. Upon information and belief, Defendant U.S. Companies have taken, and are taking, active steps with the intent to encourage and facilitate direct infringement by retailers by selling the televisions to end-user customers, and by providing marketing materials, advertising materials, user guides, user manuals, user instructions, technical assistance, and technical support promoting use of the televisions containing the modules, which by their very use infringe at least claim 1 of the '843 Patent. Upon information and belief, Defendant U.S. Companies intend that the retailers directly infringe by selling these televisions. Upon information and belief, and also common sense, Defendant U.S. Companies also intend that the end-user customers are using the televisions. As such, a reasonable inference to be drawn is that Defendant U.S. Companies are taking active steps to encourage and facilitate direct infringement by end-user customers by providing marketing materials, advertising materials, user guides, user manuals, user instructions, technical assistance, and technical support to end-user customers and by placing into the retail stream Samsung Display's modules containing every element of at least claim 1 of the '843 Patent with the intent, knowledge, or willful blindness to the fact that end-user customers are using the televisions containing the modules, which use constitutes direct infringement of at least claim 1 of the '843 Patent.

18. Surpass Tech believes, and thereon alleges, that since at least March 10, 2014, Defendant Foreign Manufacturers have induced and are inducing the infringement of at least

claim 1 of the '843 Patent by Defendant U.S. Companies, retailers, and end-user customers with the knowledge and intent that the induced acts constitute patent infringement. Upon information and belief, at least as early as March 10, 2014, Defendant Foreign Manufacturers had actual knowledge of the '843 Patent and Plaintiff's claims that Defendant Foreign Manufacturers' products are covered by the '843 Patent. Upon information and belief, Defendant Foreign Manufacturers have taken, and are taking, active steps with the intent to encourage and facilitate direct infringement by Defendant U.S. Companies by providing Defendant U.S. Companies with televisions containing Samsung Display's modules which contain every element of at least claim 1 of the '843 Patent, and by providing marketing materials, advertising materials, user guides, user manuals, user instructions, technical assistance, and technical support use of the televisions containing the modules, which by their very use infringe at least claim 1 of the '843 Patent. Defendant Foreign Manufacturers provide these televisions to Defendant U.S. Companies, with the intent, knowledge, or willful blindness to the fact that Defendant U.S. Companies would sell, have sold, and are selling, televisions containing Samsung Display's modules that practice at least claim 1 of the '843 Patent, which selling constitutes direct infringement of at least claim 1 of the '843 Patent. The reasonable inference to be drawn from Defendant Foreign Manufacturers' provision of these televisions to Defendant U.S. Companies is that Defendant Foreign Manufacturers intend, know, or are willfully blind to the fact that they are actively inducing Defendant U.S. Companies to infringe at least claim 1 of the '843 Patent. Upon information and belief, the Defendant U.S. Companies in turn are selling televisions containing Samsung Display's modules that practice at least claim 1 of the '843 Patent to retailers, with the intent to encourage and facilitate direct infringement by retailers by selling the televisions to end-user customers. Upon information and belief, Defendant Foreign Manufacturers intend that the

retailers directly infringe by selling these televisions. Upon information and belief, and also common sense, Defendant Foreign Manufacturers also intend that the end-user customers use the televisions. As such, another reasonable inference to be drawn is that Defendant Foreign Manufacturers are taking active steps to encourage and facilitate direct infringement by end-user customers by providing marketing materials, advertising materials, user guides, user manuals, user instructions, technical assistance, and technical support to end-user customers and by placing into the retail stream Samsung Display's modules containing every element of at least claim 1 of the '843 Patent with the intent, knowledge, or willful blindness to the fact that end-user customers are using the televisions containing the modules, which use constitutes direct infringement of the '843 Patent.

19. Surpass Tech believes, and thereon alleges, that at least since March 6, 2014, Samsung Display has induced and is inducing the infringement of at least claims 4, 8, and 9 of the '843 Patent by end-user customers with the knowledge that the induced acts constitute patent infringement. Upon information and belief, at least as early as March 6, 2014, Samsung Display had actual knowledge of the '843 Patent and Plaintiff's claims that Samsung Display's LCD modules are covered by the '843 Patent. Upon information and belief, Samsung Display has taken, and is taking, active steps with the intent to encourage and facilitate direct infringement by end-user customers by providing modules which contain every element of at least claims 4, 8, and 9 of the '843 Patent, and by providing marketing materials, advertising materials, user guides, user manuals, user instructions, technical assistance, and technical support promoting use of the products containing the modules, which by their very use infringe at least claims 4, 8, and 9 of the '843 Patent. Upon information and belief, Samsung Display intends that the Defendant U.S. Companies sell televisions containing Samsung Display's modules that practice at least

claims 4, 8, and 9 of the '843 Patent to retailers who in turn sell the televisions to end-user customers. Upon information and belief, and also common sense, Samsung Display intends that the end-user customers are using the televisions. As such, a reasonable inference to be drawn is that Samsung Display is taking active steps to encourage and facilitate direct infringement by end-user customers by placing into the retail stream its modules containing every element of at least claims 4, 8, and 9 of the '843 Patent with the intent, knowledge, or willful blindness to the fact that end-user customers are using the televisions containing the modules, which use constitutes direct infringement of the '843 Patent.

20. Surpass Tech believes, and thereon alleges, that since at least March 10, 2014, Defendant U.S. Companies have induced and are inducing the infringement of at least claims 4, 8, and 9 of the '843 Patent by end-user customers with the knowledge and intent that the induced acts constitute patent infringement. Upon information and belief, at least as early as March 10, 2014, Defendant U.S. Companies had actual knowledge of the '843 Patent and Plaintiff's claims that Defendant U.S. Companies' products are covered by the '843 Patent. Upon information and belief, Defendant U.S. Companies have taken, and are taking, active steps with the intent to encourage and facilitate direct infringement by end-user customers by providing modules which contain every element of at least claims 4, 8, and 9 of the '843 Patent, and by providing marketing materials, advertising materials, user guides, user manuals, user instructions, technical assistance, and technical support promoting use of the televisions containing the modules, which by their very use infringe at least claims 4, 8, and 9 of the '843 Patent. Upon information and belief, Defendant U.S. Companies intend that the retailers sell televisions containing Samsung Display's modules that practice at least claims 4, 8, and 9 of the '843 Patent to end-user customers. Upon information and belief, and also common sense, Defendant U.S. Companies

intend that the end-user customers are using the televisions. As such, a reasonable inference to be drawn is that Defendant U.S. Companies are taking active steps to encourage and facilitate direct infringement by end-user customers by placing into the retail stream Samsung Display's modules containing every element of at least claims 4, 8, and 9 of the '843 Patent with the intent, knowledge, or willful blindness to the fact that end-user customers are using the televisions containing the modules, which use constitutes direct infringement of the '843 Patent.

21. Surpass Tech believes, and thereon alleges, that since at least March 10, 2014, Defendant Foreign Manufacturers have induced and are inducing the infringement of at least claims 4, 8, and 9 of the '843 Patent by end-user customers with the knowledge and intent that the induced acts constitute patent infringement. Upon information and belief, at least as early as March 10, 2014, Defendant Foreign Manufacturers had actual knowledge of the '843 Patent and Plaintiff's claims that Defendant Foreign Manufacturers' products are covered by the '843 Patent. Upon information and belief, Defendant Foreign Manufacturers have taken, and are taking, active steps with the intent to encourage and facilitate direct infringement by end-user customers by providing modules which contain every element of at least claims 4, 8, and 9 of the '843 Patent, and by providing marketing materials, advertising materials, user guides, user manuals, user instructions, technical assistance, and technical support promoting use of the televisions containing the modules, which by their very use infringe at least claims 4, 8, and 9 of the '843 Patent. Upon information and belief, Defendant Foreign Manufacturers intend that the Defendant U.S. Companies sell televisions containing Samsung Display's modules that practice at least claims 4, 8, and 9 of the '843 Patent to retailers who in turn sell the televisions to end-user customers. Upon information and belief, and also common sense, Defendant Foreign Manufacturers intend that the end-user customers are using the televisions. As such, a

reasonable inference to be drawn is that Defendant Foreign Manufacturers are taking active steps to encourage and facilitate direct infringement by end-user customers by placing into the retail stream Samsung Display's modules containing every element of at least claims 4, 8, and 9 of the '843 Patent with the intent, knowledge, or willful blindness to the fact that end-user customers are using the televisions containing the modules, which use constitutes direct infringement of the '843 Patent.

22. Surpass Tech believes, and thereon alleges, that any applicable requirements of 35 U.S.C. § 287 have been satisfied.

23. Surpass Tech believes, and thereon alleges, that Defendants have each infringed, and continue to infringe, claims of the '843 Patent, in violation of 35 U.S.C. § 271, by among other things, making, using, offering to sell, selling and/or importing in and/or into the United States, without authority or license from Surpass Tech, the Accused Products falling within the scope of claims of the '843 Patent.

24. Defendants' acts of infringement have caused and will continue to cause substantial and irreparable damage to Surpass Tech.

25. As a result of the infringement of the '843 Patent by Defendants, Surpass Tech has been damaged. Surpass Tech is, therefore, entitled to such damages pursuant to 35 U.S.C. § 284 in an amount that presently cannot be pled but that will be determined at trial.

26. At least as early as March 10, 2014, Samsung Display, Samsung Electronics and Sony had actual knowledge of the '843 Patent and Plaintiff's claims that Samsung Display's and Samsung Electronics' LCD modules, Samsung Electronics' televisions containing Samsung Display's or Samsung Electronics' LCD modules, and Sony's televisions containing Samsung Display's or Samsung Electronics' LCD modules are covered by the '843 Patent. Upon

information and belief, Samsung Display's, Samsung Electronics' and Sony's acts of infringement of the '843 Patent have been willful and intentional. Since at least the above-mentioned date of notice, Samsung Display, Samsung Electronics and Sony have acted with an objectively high likelihood that their actions constitute infringement of the '843 Patent by refusing to take a license and continuing to make and sell infringing Accused Products. The objectively-defined risk was either known or was so obvious that it should have been known.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 7,420,550
(Against Samsung Display Co., Ltd.; Samsung Electronics Co., Ltd.; and Samsung Electronics America, Inc.)

27. Plaintiff incorporates Paragraphs 1 through 26 herein by reference as if fully stated herein.

28. The '550 Patent, entitled "Liquid Crystal Display Driving Device of Matrix Structure Type and Its Driving Method," issued on September 2, 2008. The '550 Patent names Yuh-Ren Shen, Cheng-Jung Chen, and Chun-Chi Chen as inventors. Surpass Tech owns by assignment the entire right, title and interest in and to the '550 Patent, including the sole right to sue for past and present patent infringement thereof. A true and correct copy of the '550 Patent is attached hereto as Exhibit B.

29. Several of Samsung Electronics' products, including but not limited to Samsung Electronics' UN55F9000AF television having Samsung Display's LSF550FJ01-A01 liquid crystal display ("LCD") module and Samsung Electronics' UN65HU9000F television having Samsung Display's LMF650FJ03-G LCD module, practice claims of the '550 Patent. Surpass Tech believes, and further alleges, that additional Samsung Display's and Samsung Electronics' LCD modules and Samsung Electronics televisions having Samsung Display's or Samsung

Electronics' LCD modules also practice one or more claims of the '550 Patent (products covered by this paragraph are collectively referred to as "Accused '550 Products"). Samsung Display and Samsung Electronics have directly infringed, and continue to directly infringe, the '550 Patent by making, using, offering to sell, or selling within the United States, or importing into the United States, the Accused '550 Products that practice claims of the '550 Patent.

30. Surpass Tech believes, and thereon alleges, that Samsung Display has sold and offered to sell and is selling and offering to sell infringing LCD modules for use in infringing televisions, and that these LCD modules are material to practicing the '550 Patent's invention, have no substantial non-infringing uses, and are known by Samsung Display and Samsung Electronics to be especially made or especially adapted for use in what constitutes infringement of the '550 Patent. At least as early as June 30, 2014, Samsung Display had actual knowledge of the '550 Patent and Plaintiff's claims that Samsung Display's LCD modules are covered by the '550 Patent. Samsung Display is contributing to the acts of using, offering to sell, and/or selling in the United States and/or importing into the United States the infringing Accused '550 Products by Samsung Electronics by intentionally supplying such material components to Samsung Electronics with such knowledge of the '550 Patent.

31. Surpass Tech believes, and thereon alleges, that Samsung Display and Samsung Electronics have and continue to indirectly infringe claims of the '550 Patent by inducing others (e.g., manufacturers, sellers, and end-user customers) to directly infringe in violation of 35 U.S.C. § 271(b) since at least March 10, 2014 for Samsung Electronics and since at least June 30, 2014 for Samsung Display.

32. Surpass Tech believes, and thereon alleges, that since at least June 30, 2014, Samsung Display has induced and is inducing the infringement of at least claim 1 of the '550

Patent by Samsung Electronics, retailers, and end-user customers with the knowledge and intent that the induced acts constitute patent infringement. Upon information and belief, at least as early as June 30, 2014, Samsung Display had actual knowledge of the '550 Patent and Plaintiff's claims that Samsung Display's LCD modules are covered by the '550 Patent. Upon information and belief, Samsung Display has taken, and is taking, active steps with the intent to encourage and facilitate direct infringement by Samsung Electronics by providing modules which contain every element of at least claim 1 of the '550 Patent to Samsung Electronics, and by providing marketing materials, advertising materials, user guides, user manuals, user instructions, technical assistance, and technical support promoting use of the products containing the modules, which by their very use infringe at least claim 1 of the '550 Patent. Upon information and belief, Samsung Display's actions are made with the intent, at least through willful blindness, that Samsung Electronics would directly infringe by manufacturing and/or selling televisions containing Samsung Display's modules which, as provided, practice at least claim 1 of the '550 Patent. The reasonable inference to be drawn from Samsung Display's provision of these modules to Samsung Electronics is that Samsung Display intends, knows, or is willfully blind to the fact that Samsung Display is actively inducing Samsung Electronics to infringe at least claim 1 of the '550 Patent. Upon information and belief, Samsung Display intends that Samsung Electronics sell televisions containing Samsung Display's modules that practice at least claim 1 of the '550 Patent to retailers who in turn sell the televisions to end-user customers. Upon information and belief, Samsung Display intends that the retailers directly infringe by selling these televisions. Upon information and belief, and also common sense, Samsung Display also intends that the end-user customers are using the televisions. As such, another reasonable inference to be drawn is that Samsung Display is taking active steps to encourage and facilitate

direct infringement by end-user customers by providing marketing materials, advertising materials, user guides, user manuals, user instructions, technical assistance, and technical support to end-user customers and by placing into the retail stream its modules containing every element of at least claim 1 of the '550 Patent with the intent, knowledge, or willful blindness to the fact that end-user customers are using the televisions containing the modules, which use constitutes direct infringement of at least claim 1 of the '550 Patent.

33. Surpass Tech believes, and thereon alleges, that since at least June 30, 2014, Samsung Display has induced and is inducing the infringement of the '550 Patent by Samsung Electronics, retailers and end-user customers with the knowledge and intent that the induced acts constitute patent infringement by advertising benefits of practicing at least claim 1 of the '550 Patent.

34. Surpass Tech believes, and thereon alleges, that since at least March 10, 2014, Samsung Electronics America, Inc. has induced and is inducing the infringement of at least claim 1 of the '550 Patent by retailers and end-user customers with the knowledge and intent that the induced acts constitute patent infringement. Upon information and belief, at least as early as March 10, 2014, Samsung Electronics America, Inc. had actual knowledge of the '550 Patent and Plaintiff's claims that Samsung Electronics America, Inc.'s products are covered by the '550 Patent. Upon information and belief, Samsung Electronics America, Inc. has taken, and is taking, active steps with the intent to encourage and facilitate direct infringement by retailers by selling the televisions to end-user customers, and by providing marketing materials, advertising materials, user guides, user manuals, user instructions, technical assistance, and technical support promoting use of the televisions containing the modules, which by their very use infringe at least claim 1 of the '550 Patent. Upon information and belief, Samsung Electronics America, Inc.

intends that the retailers directly infringe by selling these televisions. Upon information and belief, and also common sense, Samsung Electronics America, Inc. also intends that the end-user customers are using the televisions. As such, a reasonable inference to be drawn is that Samsung Electronics America, Inc. is taking active steps to encourage and facilitate direct infringement by end-user customers by providing marketing materials, advertising materials, user guides, user manuals, user instructions, technical assistance, and technical support to end-user customers and by placing into the retail stream Samsung Display's modules containing every element of at least claim 1 of the '550 Patent with the intent, knowledge, or willful blindness to the fact that end-user customers are using the televisions containing the modules, which use constitutes direct infringement of at least claim 1 of the '550 Patent.

35. Surpass Tech believes, and thereon alleges, that since at least March 10, 2014, Samsung Electronics Co., Ltd. has induced and is inducing the infringement of at least claim 1 of the '550 Patent by Samsung Electronics America, Inc., retailers, and end-user customers with the knowledge and intent that the induced acts constitute patent infringement. Upon information and belief, at least as early as March 10, 2014, Samsung Electronics Co., Ltd. had actual knowledge of the '550 Patent and Plaintiff's claims that Samsung Electronics Co., Ltd.'s products are covered by the '550 Patent. Upon information and belief, Samsung Electronics Co., Ltd. has taken, and is taking, active steps with the intent to encourage and facilitate direct infringement by Samsung Electronics America, Inc. by providing Samsung Electronics America, Inc. with televisions containing Samsung Display's modules which contain every element of at least claim 1 of the '550 Patent, and by providing marketing materials, advertising materials, user guides, user manuals, user instructions, technical assistance, and technical support promoting use of the televisions containing the modules, which by their very use infringe at least claim 1 of the '550

Patent. Samsung Electronics Co., Ltd. provides these televisions to Samsung Electronics America, Inc., with the intent, knowledge, or willful blindness to the fact that Samsung Electronics America, Inc. would sell, have sold, and are selling, televisions containing Samsung Display's modules that practice at least claim 1 of the '550 Patent, which selling constitutes direct infringement of at least claim 1 of the '550 Patent. The reasonable inference to be drawn from Samsung Electronics Co., Ltd.'s provision of these televisions to Samsung Electronics America, Inc. is that Samsung Electronics Co., Ltd. intends, knows, or is willfully blind to the fact that it is actively inducing Samsung Electronics America, Inc. to infringe at least claim 1 of the '550 Patent. Upon information and belief, the Samsung Electronics America, Inc. in turn is selling televisions containing Samsung Display's modules that practice at least claim 1 of the '550 Patent to retailers, with the intent to encourage and facilitate direct infringement by retailers by selling the televisions to end-user customers. Upon information and belief, Samsung Electronics Co., Ltd. intends that the retailers directly infringe by selling these televisions. Upon information and belief, and also common sense, Samsung Electronics Co., Ltd. also intends that the end-user customers use the televisions. As such, another reasonable inference to be drawn is that Samsung Electronics Co., Ltd. is taking active steps to encourage and facilitate direct infringement by end-user customers by providing marketing materials, advertising materials, user guides, user manuals, user instructions, technical assistance, and technical support to end-user customers and by placing into the retail stream Samsung Display's modules containing every element of at least claim 1 of the '550 Patent with the intent, knowledge, or willful blindness to the fact that end-user customers are using the televisions containing the modules, which use constitutes direct infringement of the '550 Patent.

36. Surpass Tech believes, and thereon alleges, that any applicable requirements of 35

U.S.C. § 287 have been satisfied.

37. Surpass Tech believes, and thereon alleges, that Samsung Display and Samsung Electronics have each infringed, and continue to infringe, claims of the '550 Patent, in violation of 35 U.S.C. § 271, by among other things, making, using, offering to sell, selling and/or importing in and/or into the United States, without authority or license from Surpass Tech, the Accused '550 Products falling within the scope of claims of the '550 Patent.

38. Samsung Display's and Samsung Electronics' acts of infringement have caused and will continue to cause substantial and irreparable damage to Surpass Tech.

39. As a result of the infringement of the '550 Patent by Samsung Display and Samsung Electronics, Surpass Tech has been damaged. Surpass Tech is, therefore, entitled to such damages pursuant to 35 U.S.C. § 284 in an amount that presently cannot be pled but that will be determined at trial.

40. At least as early as June 30, 2014 for Samsung Display and March 10, 2014 for Samsung Electronics, Samsung Display and Samsung Electronics had actual knowledge of the '550 Patent and Plaintiff's claims that Samsung Display's LCD modules and Samsung Electronics' televisions containing Samsung Display's LCD modules are covered by the '550 Patent. Upon information and belief, Samsung Display's and Samsung Electronics' acts of infringement of the '550 Patent have been willful and intentional. Since at least the above-mentioned date of notice, Samsung Display and Samsung Electronics have acted with an objectively high likelihood that their actions constitute infringement of the '550 Patent by refusing to take a license and continuing to make and sell infringing Accused '550 Products. The objectively-defined risk was either known or was so obvious that it should have been known.

CONCLUSION

41. 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.

42. 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

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

PRAYER FOR RELIEF

44. 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 '843 Patent and/or the '550 Patent as alleged herein, directly and/or indirectly by way of contributing and/or inducing infringement of the '843 Patent and/or the '550 Patent;
- 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 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 '843 Patent and/or the '550 Patent 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.

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