

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

<b>NEXUS DISPLAY TECHNOLOGIES LLC,</b>	<b>§</b>	<b>Case No.: 2:14-cv-00765</b>
	<b>§</b>	
<b>Plaintiff,</b>	<b>§</b>	
	<b>§</b>	<b>Jury Trial Requested</b>
<b>v.</b>	<b>§</b>	
	<b>§</b>	
<b>EIZO CORP. AND EIZO INC.,</b>	<b>§</b>	
	<b>§</b>	
<b>Defendants.</b>	<b>§</b>	
	<b>§</b>	
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**NEXUS DISPLAY TECHNOLOGIES LLC'S**  
**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Nexus Display Technologies LLC (“NDT” or “Plaintiff”) hereby submits this First Amended Complaint against Defendants Eizo Corp. and Eizo Inc. (“Eizo” or “Defendants”) and states as follows:

### **THE PARTIES**

1. NDT is a Texas limited liability company, having a principal place of business at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

2. On information and belief, Defendant Eizo Corp. is a corporation organized and existing under the laws of Japan, having a principal place of business at 153 Shimokashiwano, Hakusan, Ishikawa 924-8566 Japan.

3. On information and belief, Defendant Eizo Inc. is a corporation organized and existing under the laws of California, having a principal place of business at 5710 Warland Drive, Cypress, California 90630.

### **JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.*

5. Venue is proper in this federal district pursuant to 28 U.S.C. §§1391(b)–(c) and 1400(b) in that Defendants have done business in this District, have committed acts of infringement in this District, and continue to commit acts of infringement in this District, entitling NDT to relief. On information and belief, Defendants have directly sold products to residents of the state of Texas through at least the Eizo website<sup>1</sup> and offer to directly sell products to residents of the state of Texas through at least the Eizo website.

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<sup>1</sup> See, e.g., [www.eizo.com/na/purchase/direct/monitors.html](http://www.eizo.com/na/purchase/direct/monitors.html)

**COUNT I: INFRINGEMENT OF U.S. PATENT NO. 7,295,578**

6. On November 13, 2007, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. 7,295,578 (“the ’578 Patent”), entitled “Method And Apparatus For Synchronizing Auxiliary Data And Video Data Transmitted Over A TMDS-Like Link.” NDT holds all rights, title, and interest in and to the ’578 Patent. Eizo is not licensed to the ’578 Patent, yet Eizo knowingly, actively, and lucratively practices the patents.

7. Upon information and belief, Eizo has infringed directly and continues to infringe directly the ’578 Patent. The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of products and/or methods encompassed by the claims of the ’578 Patent. Eizo’s infringing products include, but are not limited to, at least the Eizo FlexScan, Eizo Foris, Eizo RadiForce, and Eizo ColorEdge series of monitors.

8. The acts of infringement by Eizo have caused damage to NDT, and NDT is entitled to recover from Eizo the damages sustained by NDT as a result of Eizo’s wrongful acts in an amount subject to proof at trial. The infringement of NDT’s exclusive rights under the ’578 Patent by Eizo has damaged and will continue to damage NDT, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

9. At least as early as its receipt of this Complaint, Eizo has had knowledge of the ’578 Patent and written notice of the infringement. NDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding and increased damages under 35 U.S.C. § 284 and to attorneys’ fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**COUNT II: INFRINGEMENT OF U.S. PATENT NO. 7,143,328**

10. On November 28, 2006, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. 7,143,328 (“the ’328 Patent”), entitled “Auxiliary Data Transmitted Within A Display’s Serialized Data Stream.” NDT holds all rights, title, and interest in and to the ’328 Patent. Eizo is not licensed to the ’328 Patent, yet Eizo knowingly, actively, and lucratively practices the patents.

11. Upon information and belief, Eizo has infringed directly and continues to infringe directly the ’328 Patent. The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of products and/or methods encompassed by the claims of the ’328 Patent. Eizo’s infringing products include, but are not limited to, at least the Eizo FlexScan, Eizo Foris, Eizo RadiForce, and Eizo ColorEdge series of monitors.

12. The acts of infringement by Eizo have caused damage to NDT, and NDT is entitled to recover from Eizo the damages sustained by NDT as a result of Eizo’s wrongful acts in an amount subject to proof at trial. The infringement of NDT’s exclusive rights under the ’328 Patent by Eizo has damaged and will continue to damage NDT, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

13. At least as early as its receipt of this Complaint, Eizo has had knowledge of the ’328 Patent and written notice of the infringement. NDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding and increased damages under 35 U.S.C. § 284 and to attorneys’ fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**COUNT III: INFRINGEMENT OF U.S. PATENT NO. 5,835,498**

14. On November 10, 1998, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. 5,835,498 (“the ’498 Patent”), entitled “System and Method For Sending Multiple Data Signals Over a Serial Link.” NDT holds all rights, title, and interest in and to the ’498 Patent. Eizo is not licensed to the ’498 Patent, yet Eizo knowingly, actively, and lucratively practices the patents.

15. Upon information and belief, Eizo has infringed directly and continues to infringe directly the ’498 Patent. The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of products and/or methods encompassed by the claims of the ’498 Patent. Eizo’s infringing products include, but are not limited to, at least the Eizo FlexScan, Eizo Foris, Eizo RadiForce, and Eizo ColorEdge series of monitors.

16. The acts of infringement by Eizo have caused damage to NDT, and NDT is entitled to recover from Eizo the damages sustained by NDT as a result of Eizo’s wrongful acts in an amount subject to proof at trial. The infringement of NDT’s exclusive rights under the ’498 Patent by Eizo has damaged and will continue to damage NDT, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

17. At least as early as its receipt of this Complaint, Eizo has had knowledge of the ’498 Patent and written notice of the infringement. NDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding and increased damages under 35 U.S.C. § 284 and to attorneys’ fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**JURY DEMAND**

18. NDT hereby demands a trial by jury on all issues.

**PRAYER FOR RELIEF**

WHEREFORE, NDT requests entry of judgment in its favor and against Eizo as follows:

- a. A declaration that Eizo has infringed and is infringing the '578, '328, and '498 Patents;
- b. An Order permanently enjoining Eizo, its officers, agents, employees, and those acting in privity with it, from further direct and/or indirect infringement of the '578, '328, and '498 Patents;
- c. An award of damages to NDT arising out of Eizo's infringement of the '578, '328, and '498 Patents, including enhanced damages pursuant to 35 U.S.C. § 284, together with prejudgment and post-judgment interest, in an amount according to proof;
- d. An award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and,
- e. Granting NDT its costs and further relief as the Court may deem just and proper.

Dated: September 5, 2014

Respectfully submitted,

/s/ Demetrios Anaipakos

Demetrios Anaipakos  
Texas Bar No. 00793258  
danaipakos@azalaw.com  
Amir Alavi  
Texas Bar No. 00793239  
aalavi@azalaw.com  
Alisa A. Lipski  
Texas Bar No. 24141345  
alipski@azalaw.com  
Michael McBride  
Texas Bar No. 24065700  
mmcbride@azalaw.com  
Justin Chen

Texas Bar No. 24074204  
jchen@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

T. John Ward, Jr.  
Texas Bar No. 00794818  
jw@wsfirm.com  
WARD & SMITH LAW FIRM  
P.O. Box 1231  
Longview, TX 75606-1231  
Telephone: 909-757-6400  
Facsimile: 909-757-2323

**ATTORNEYS FOR PLAINTIFF NEXUS  
DISPLAY TECHNOLOGIES LLC**

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