

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

FREQUENCY SYSTEMS, LLC,
Plaintiff,

v.

TCL COMMUNICATION TECHNOLOGY HOLDINGS
LIMITED,
TCL COMMUNICATION (US) INC., &
TCL COMMUNICATION INC.
Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Frequency Systems, LLC (“Frequency” or “Plaintiff”) makes the following allegations against TCL Communication Technology Holdings Limited, TCL Communication (US) Inc., and TCL Communication Inc. (collectively “Defendant”).

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendant’s infringement of United States Patent No. 8,417,205 (the “205 Patent”) (“the Patent-in-Suit”).

PARTIES

1. Plaintiff Frequency is a Texas limited liability company with its principal place of business at 211 East Tyler Street, Suite 600-A, Longview, Texas 75601.

2. On information and belief, TCL Communication Technology Holdings Limited is a corporation organized and existing under the laws of China, with its principal place of business

at 15/F, TCL Tower, Gaoxin Nan Yi Road, Nanshan District, Shenzhen, Guangdong, P.R.C.

Upon information and belief, TCL Communication Technology Holdings Limited may be served with process at 15/F, TCL Tower, Gaoxin Nan Yi Road, Nanshan District, Shenzhen, Guangdong, P.R.C.

3. On information and belief, TCL Communication (US) Inc. is a Delaware corporation with its principal place of business at 25 Edelman, Suite 200, Irvine, California 92618. On information and belief, TCL Communication (US) Inc. may be served with process through its registered agent, Corporation Service Company d/b/a CSC – Lawyers Incorporating Service, at 2710 Gateway Oaks Drive, Suite 150N, Sacramento, California 95833.

4. On information and belief, TCL Communication Inc. is a Delaware corporation with its principal place of business at 25 Edelman, Suite 200, Irvine, California 92618. On information and belief, TCL Communication Inc. may be served with process through its registered agent, Corporation Service Company d/b/a CSC – Lawyers Incorporating Service, at 2710 Gateway Oaks Drive, Suite 150N, Sacramento, California 95833.

JURISDICTION AND VENUE

2. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

3. The Court has personal jurisdiction over Defendant, including because Defendant has minimum contacts within the State of Texas and the Eastern District of Texas; Defendant has purposely availed itself of the privileges of conducting business in the State of Texas and the Eastern District of Texas; Defendant regularly conducts business within the State of Texas and

the Eastern District of Texas; and Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and the Eastern District of Texas.

4. On information and belief, within the State of Texas and the Eastern District of Texas, Defendant has made and/or used the patented invention with the wireless transceiver products identified herein below. In addition, on information and belief, Defendant has derived substantial revenues from its infringing activities within the State of Texas and the Eastern District of Texas.

5. More specifically, Defendant, directly and/or through intermediaries, makes, distributes, imports, offers for sale, sells, advertises, and/or uses, wireless transceivers, including wireless access point or routing devices, including the accused products identified herein in the State of Texas and the Eastern District of Texas. Defendant has committed patent infringement in the State of Texas and the Eastern District of Texas, and/or has induced others to commit and/or has contributed to patent infringement in the State of Texas and the Eastern District of Texas. Defendant solicits customers in the State of Texas and the Eastern District of Texas. Defendant has paying customers who are residents of the State of Texas and the Eastern District of Texas and who purchase and/or use Defendant's infringing products and services in the State of Texas and the Eastern District of Texas.

6. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant has transacted business in this district, and has committed acts of patent infringement in this district.

COUNT 1: INFRINGEMENT OF U.S. PATENT NO. 8,417,205

7. Plaintiff is the owner by assignment of the '205 Patent entitled "Antenna Selection Scheme for Multiple Antennae" – including all rights to recover for past and future

acts of infringement. The '205 Patent was issued on April 9, 20013. A true and correct copy of the '205 Patent is attached as Exhibit A.

8. On information and belief, Defendant has been and now is directly infringing the '205 Patent in this judicial district and elsewhere in the United States. Infringement by Defendant includes, without limitation, making, distributing, selling, advertising and/or using one or more wireless transceivers that, in order to mitigate signal deterioration during wireless communications, utilize a plurality of antennae from which an antenna or set of antennae functioning as one must be selected to perform the wireless communication, using at least one quality indicator to determine which antenna(e) to utilize, including, without limitation, Defendant's ALCATEL ONETOUCH North America smartphone product families ("Accused Products"), infringing at least claim 1 of the '205 Patent. Defendant is thus liable for infringement of the '205 Patent under 35 U.S.C. § 271.

9. Each of Defendant's aforesaid activities has been without authority and/or license from Plaintiff.

10. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant'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 under 35 U.S.C. § 284.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment:

1. In favor of Plaintiff that Defendant has infringed the '205 Patent;

2. Requiring Defendant to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '205 Patent as provided under 35 U.S.C. § 284; and

3. Granting Plaintiff any and all other relief to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: May 1, 2015

Respectfully submitted,

By: /s/ Andrew W. Spangler
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