

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

**TACTILE FEEDBACK TECHNOLOGIES,
LLC,**

Plaintiff,

v.

**SAMSUNG ELECTRONICS AMERICA,
INC.**

Defendant.

ZTE (USA) INC.

Defendant.

**Civil Action No. 2:14-cv-940
Lead Case**

JURY TRIAL DEMANDED

Civil Action No. 2:14-cv-943

AMENDED COMPLAINT AGAINST ZTE (USA) INC.

Plaintiff Tactile Feedback Technology, LLC complains against Defendant ZTE (USA) Inc. as follows:

The Parties

1. Plaintiff Tactile Feedback Technology, LLC (“TFT”) is an Ohio limited liability company based in Sylvania, Ohio. Dr. Timothy R. Pryor, the inventor of the patents-in-suit, is a pioneer in the field of haptic touch screens and other haptic interfaces. Haptic features rely on the sense of touch and are currently used in many smartphones and other touch-screen devices.

2. Defendant ZTE (USA), Inc. is a New Jersey corporation with its principal place of business at 2425 N. Central Expressway, Suite 323, Richardson, Texas 75080. Defendant has been and is still making, using, offering to sell, selling, exporting, importing, supplying and/or distributing within and from the United States smartphones.

Jurisdiction and Venue

3. This is an action for patent infringement under the Patent Act, 35 U.S.C. § 101 *et seq.*

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

5. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400.

6. This Court has personal jurisdiction over Defendant. Defendant has conducted and does conduct business within the State of Texas. Defendant, directly or through subsidiaries or intermediaries (including distributors, retailers, and others), ships, distributes, offers for sale, sells, and advertises (including the provision of an interactive web page, www.zteusa.com) its products and/or services in the United States, the State of Texas, and the Eastern District of Texas. Defendant, directly and through subsidiaries or intermediaries (including distributors, retailers, and others), has purposefully and voluntarily placed one or more of its infringing products and/or services, as described below, into the stream of commerce with the expectation that they will be purchased and used by consumers in the Eastern District of Texas. Upon information and belief, these infringing products and/or services have been and continue to be purchased and used by consumers in the Eastern District of Texas. Defendants have committed acts of patent infringement within the State of Texas and, more particularly, within the Eastern District of Texas.

Asserted Patents

7. On September 6, 2011, United States Patent No. 8,013,843 (“the ‘843 Patent”) entitled “Method for Providing Human Input to a Computer” was duly and legally issued with Timothy R. Pryor as the named inventors after full and fair examination. TFT is the sole owner

by assignment of all rights, title, and interest in and to the '843 Patent and possesses all rights of recovery under the '843 Patent. A copy of the '843 Patent is attached as **Exhibit A**.

8. On November 29, 2011, United States Patent No. 8,068,100 (“the ‘100 Patent”) entitled “Method for Providing Human Input to a Computer” was duly and legally issued with Timothy R. Pryor as the named inventor after full and fair examination. TFT is the sole owner by assignment of all rights, title, and interest in and to the ‘100 Patent and possesses all rights of recovery under the ‘100 Patent. A copy of the ‘100 Patent is attached as **Exhibit B**.

9. On December 6, 2011, United States Patent No. 8,072,440 (“the ‘440 Patent”) entitled “Method for Providing Human Input to a Computer” was duly and legally issued with Timothy R. Pryor as the named inventor after full and fair examination. TFT is the sole owner by assignment of all rights, title, and interest in and to the ‘440 Patent and possesses all rights of recovery under the ‘440 Patent. A copy of the ‘440 Patent is attached as **Exhibit C**.

10. On July 5, 2011, United States Patent No. 7,973,773 (“the ‘773 Patent”) entitled “Multipoint, Virtual Control, and Force Based Touch Screen Applications” was duly and legally issued with Timothy R. Pryor as the named inventor after full and fair examination. TFT is the sole owner by assignment of all rights, title, and interest in and to the ‘773 Patent and possesses all rights of recovery under the ‘773 Patent. A copy of the ‘773 Patent is attached as **Exhibit D**.

11. TFT is entitled to sue for past, present, and future infringement of each of the ‘843 Patent, the ‘100 Patent, the ‘440 Patent and the ‘773 Patent (collectively, the “TFT Patents”).

12. Defendant, without authority or license from TFT, has infringed and is still infringing the TFT patents by making, using, importing, selling or offering to sell infringing smartphones. The infringing smartphones include, but are not limited to, the ZTE Blade, the

ZTE Blade II, the ZTE Blade III, the ZTE Blade C, the ZTE Blade C2, and the ZTE Blade G Plus; the ZTE Nubia, the ZTE Skate, the ZTE Grand, ZTE Speed, ZTE Zinger, ZTE Compel, ZTE Midnight, ZTE Force, ZTE Radiant, ZTE Reef, ZTE Warp, and ZTE Zmax (collectively, the “ZTE Smartphones”).

13. Upon information and belief, Defendant was aware of several of the patents-in-suit as early as April 16, 2012. At that time, TFT sent Defendant a letter regarding the TFT Patents.

14. Despite notice of the TFT Patents, Defendant continued its infringement without a reasonable basis for doing so and was thus objectively reckless in continuing its infringing activity.

15. Defendant’s infringement has been willful, and this is an exceptional case.

COUNT I: Infringement of the ‘843 Patent

16. TFT incorporates by reference all preceding paragraphs. As described below, Defendant has infringed and/or continues to infringe the ‘843 Patent.

17. The ZTE Smartphones infringe at least claims 1, 2, 3, 11, 12, 18, 20, 25, 26 and 32 of the ‘843 Patent. Defendant has been and is still making, using, offering to sell, selling, exporting, importing, supplying and/or distributing within and from the United States these products and thus directly infringes at least claims 1, 2, 3, 11, 12, 18, 20, 25, 26 and 32 of the ‘843 Patent.

18. Defendant has received actual notice of infringement by the April 2012 letter and by virtue of the filing of this lawsuit.

19. Defendant’s infringement of the ‘843 Patent has been intentional and willful, making this an exceptional case.

20. Defendant's continued infringement of the '843 Patent has damaged and will continue to damage TFT. TFT is entitled to recover from Defendant the damages sustained by TFT as a result of Defendant's wrongful acts in an amount subject to proof at trial.

COUNT II: Infringement of the '100 Patent

21. TFT incorporates by reference all preceding paragraphs. As described below, Defendant has infringed and/or continues to infringe the '100 Patent.

22. The ZTE Smartphones infringe at least claims 1, 5, and 7 '100 Patent. Defendant has been and is still making, using, offering to sell, selling, exporting, importing, supplying and/or distributing within and from the United States these products and thus directly infringes at least claims 1, 5, and 7 of the '100 Patent.

23. Defendant has received actual notice of infringement by the April 2012 letter and by virtue of the filing of this lawsuit.

24. Defendant's infringement of the '100 Patent has been intentional and willful, making this an exceptional case.

25. Defendant's continued infringement of the '100 Patent has damaged and will continue to damage TFT. TFT is entitled to recover from Defendant the damages sustained by TFT as a result of Defendant's wrongful acts in an amount subject to proof at trial.

COUNT III: Infringement of the '440 Patent

26. TFT incorporates by reference all preceding paragraphs. As described below, Defendant has infringed and/or continues to infringe the '440 Patent.

27. The ZTE Smartphones infringe at least claims 16 and 17 of the '440 Patent. Defendant has been and is still making, using, offering to sell, selling, exporting, importing, supplying and/or distributing within and from the United States these products and thus directly

infringes at least claims 16 and 17 of the '440 Patent.

28. Defendant has received actual notice of infringement by the April 2012 letter and by virtue of the filing of this lawsuit.

29. Defendant's infringement of the '440 Patent has been intentional and willful, making this an exceptional case.

30. Defendant's continued infringement of the '440 Patent has damaged and will continue to damage TFT. TFT is entitled to recover from Defendant the damages sustained by TFT as a result of Defendant's wrongful acts in an amount subject to proof at trial.

COUNT IV: Infringement of the '773 Patent

31. TFT incorporates by reference all preceding paragraphs. As described below, Defendant has infringed and/or continues to infringe the '773 Patent.

32. The ZTE Smartphones infringe at least claims 1, 5, 7, 21, 22, and 30 of the '773 Patent. Defendant has been and is still making, using, offering to sell, selling, exporting, importing, supplying and/or distributing within and from the United States these products and thus directly infringes at least claims 1, 5, 7, 21, 22, and 30 of the '773 Patent.

33. Defendant has received actual notice of infringement by the April 2012 letter and by virtue of the filing of this lawsuit.

34. Defendant's infringement of the '773 Patent has been intentional and willful, making this an exceptional case.

35. Defendant's continued infringement of the '773 Patent has damaged and will continue to damage TFT. TFT is entitled to recover from Defendant the damages sustained by TFT as a result of Defendant's wrongful acts in an amount subject to proof at trial.

Request for Relief

WHEREFORE, TFT respectfully requests the following relief:

- A. Judgment that Defendant has directly infringed the TFT Patents, contributorily infringed the TFT Patents, and/or induced the infringement of the TFT Patents;
- B. An award of damages adequate to compensate TFT for Defendant's infringement, but in no event less than a reasonable royalty under 35 U.S.C. § 284, including supplemental damages for any continuing post-verdict infringement up until entry of the final judgment, with an accounting, as needed;
- C. Enter an order trebling damages awarded to TFT by reason of Defendant's willful infringement of the TFT Patents, pursuant to 35 U.S.C. § 284;
- D. Enter an order awarding TFT pre-judgment and post-judgment interest on the damages awarded, including interest on the damages awarded and its costs pursuant to 35 U.S.C. § 284;
- E. Enter an order finding that this is an exceptional case and award TFT its reasonable costs, expenses, disbursements, and reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and,
- F. Award such other relief as the Court may deem appropriate and just under the circumstances.

JURY DEMAND

Plaintiff demands a trial by jury.

Respectfully submitted,

Dated: June 9, 2015

/s/ Charles Ainsworth
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that the following counsel of record, who are deemed to have consented to electronic service are being served this 9th day of June, 2015, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Charles Ainsworth
Charles Ainsworth