

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

CYPALEO LLC

Plaintiff,

vs.

TCL COMMUNICATION TECHNOLOGY  
HOLDINGS, LTD., TCT MOBILE  
LIMITED, and TCT MOBILE (US), INC.,

Defendants.

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Case No: 2:15-cv-01194

**PATENT CASE**

**COMPLAINT**

Plaintiff Cypaleo LLC (“Plaintiff” or “Cypaleo”) files this Complaint against TCL Communications Technology Holdings, Ltd., TCT Mobile Limited, and TCT Mobile (US), Inc. (collectively “TCL”) for infringement of United States Patent No. 5,638,427 (hereinafter “the ‘427 Patent”).

**PARTIES AND JURISDICTION**

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company with its principal office located at 3415 Custer Rd., Suite 120-D, Plano, Texas 75023.

4. On information and belief, Defendant TCL Communication Technology Holdings, Ltd. is a Chinese company with its principal place of business at 15/F, TCL Tower,

Gaoxin Nan Yi Road, Nanshan District, Shenzhen, Guangdong, P.R.C. TCL Communication Technology Holdings, Ltd. is one of four business units of its parent, TCL Corporation, which is also based in Shenzhen, P.R.C.

5. On information and belief, Defendant TCT Mobile Limited (previously named T&A Mobile Phones Limited) is a wholly-owned subsidiary of TCL. TCT Mobile Limited is a company established under the laws of Hong Kong, having its registered office at Room 1520, Tower 6, China Hong Kong City, 33 Canton Road, Tsimshatsui, Kowloon, Hong Kong.

6. On information and belief, Defendant TCT Mobile (US), Inc. is a Delaware corporation and wholly-owned subsidiary of TCL, with its principal place of business at 25 Edelman, Irvine, California 92618. On information and belief, TCT Mobile US is directly involved in the sale of mobile devices under TCL's "Alcatel OneTouch" brand in the United States.

7. On information and belief, Defendants' instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the Eastern District of Texas.

### **VENUE**

8. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391(c) and 1400(b) because Defendants are deemed to reside in this District. In addition, and in the alternative, and upon information and belief, Defendants have committed acts of infringement in this District.

### **COUNT I** **(INFRINGEMENT OF UNITED STATES PATENT NO. 5,638,427)**

9. Plaintiff incorporates paragraphs 1 through 18 herein by reference.

10. This cause of action arises under the patent laws of the United States and, in

particular, under 35 U.S.C. §§ 271, *et seq.*

11. Plaintiff is the owner by assignment of the '427 patent with sole rights to enforce the '427 patent and sue infringers.

12. A copy of the '427 Patent, titled "Operator-controlled Interactive Communication Device," is attached hereto as Exhibit A.

13. At the time relevant to the allegations herein, the '427 Patent was valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

14. Upon information and belief, Defendants infringed one or more claims, including at least claim 1, of the '427 patent by making, using, importing, selling, and/or offering for sale interactive communication devices, including, for example, the Alcatel One Touch Shockwave, covered by one or more claims of the '427 patent. Defendants have infringed the '427 patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

15. Upon information and belief, during the period that the '427 Patent was in force, Defendants sold, offered to sell, and/or used interactive communication devices, including, without limitation, the Alcatel One Touch Shockwave, and any similar devices, which infringed at least Claim 1 of the '427 Patent. The Alcatel One Touch Shockwave, for example, has a display, an input device, a communication transmission interface, a telephone handset connector, a computer connector, and a remote interactive communication connector. The input device and the remote interactive communication connector provide the interactive communication device with the flexibility to be used with a machine (e.g., a smartphone printer) having a remote interactive communication system and a machine without a remote interactive communication system.

16. Upon information and believe 35 U.S.C. § 287 was complied with at all relevant times.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Award Plaintiff damages resulting from Defendants' infringement in accordance with 35 U.S.C. § 284;

(c) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(d) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: July 8, 2015

Respectfully submitted,

/s/Jay Johnson

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**ATTORNEYS FOR PLAINTIFF**

**Certificate of Service**

I hereby certify that on July 8, 2015, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means. Parties and their attorneys who have not entered an appearance were served by certified mail return receipt requested.

/s Jay Johnson

Jay Johnson

**EXHIBIT A**