

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**VENADIUM LLC,**

**Plaintiff,**

**v.**

**TCL COMMUNICATION  
TECHNOLOGY HOLDINGS LTD. AND  
TCT MOBILE (US) INC.,**

**Defendants.**

**No. 5:15-cv-115-RWS**

**JURY TRIAL DEMANDED**

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Venadium LLC files its First Amended Complaint for Patent Infringement based on its knowledge as to itself and based on information and belief as to all other matters as follows:

**THE PARTIES**

1. Venadium LLC is a Texas limited liability company with a principal office at 3000 Custer Road, Suite 270-219, Plano, Texas 75075.
2. On information and belief, defendant TCL Communication Technology Holdings Ltd. (“TCL Communication”) is a Chinese company with its principal office at 15/F, TCL Tower, Gaoxin Nanyi Road, Nanshan District, Shenzhen, Guangdong, P.R.C. TCL Communication is one of four business units of its parent, TCL Corporation, which is also based in Guangdong, P.R.C.
3. On information and belief, defendant TCT Mobile (US) Inc. (“TCT US”) is a wholly-owned subsidiary of TCL Communication and a Delaware corporation with its principal office at 25 Edelman, Suite 200, Irvine, California 92618. TCT US’s registered agent for service of process is Daisy Tuen Yi Chan, 25 Edelman, Suite 200, Irvine, California 92618. On information and belief, TCT US is directly involved in the sales of mobile devices under TCL Communication’s “Alcatel OneTouch” brand in the United States.

4. Defendants TCL Communication and TCT US are collectively referred to as “Defendant.”

**JURISDICTION AND VENUE**

5. This action arises under the Patent Act, 35 U.S.C. § 1, *et seq.*

6. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

7. This Court has personal jurisdiction over Defendant because at least a portion of the infringements alleged herein occurred in this District, and Defendant regularly does or solicits business, engages in other persistent courses of conduct, or derives revenue from goods and services provided to individuals in this District.

8. Venue is proper in this District under §§ 1391(b), (c), and 1400(b).

**THE PATENT-IN-SUIT**

9. On December 11, 2001, the U.S. Patent and Trademark Office duly and lawfully issued U.S. Patent No. 6,330,549 (the “549 patent”), entitled “Protected Shareware.” *See* Exhibit A.

10. Venadium is the owner and assignee of all right, title, and interest in and to the 549 patent.

**COUNT I**

**DIRECT INFRINGEMENT OF U.S. PATENT NO. 6,330,549 UNDER 35 U.S.C. § 271(a)**

11. Venadium incorporates by reference each of its allegations in paragraphs 1 to 8.

12. Without license or authorization, Defendant has directly infringed and continues to directly infringe, literally or under the doctrine of equivalents, one or more claims of the 549 patent under 35 U.S.C. § 271(a) by, among other things, making, using, offering for sale, or selling products that use the Bluetooth 4.0 standard within this District and elsewhere in the United States that perform at least a method for protecting a computer program from unauthorized use independently of any methodology for distributing the computer program to prospective users, the computer program including an embedded protective code, the method

comprising the steps of: (a) inhibiting via the embedded protective code at least one functional feature of the computer program from running on a user computer until the user computer receives an authorization message that is digitally signed by an authorized party using a secret signing key, the secret signing key being associated with a public checking key; (b) providing the embedded protective code with access to the public checking key; (c) running an integrity self-check over the computer program to confirm that the computer program is in an anticipated state, the integrity self-check being embedded in the computer program; (d) communicating the authorization message to the user computer; (e) applying the public checking key to the authorization message for authenticating it; and (f) enabling said functional feature to run on the user computer if the authorization message is authenticated and if the integrity self-check result confirms that the computer program is in the anticipated state.

13. The Bluetooth 4.0 standard and the accused method is an integral part of Defendant's products:

- One Touch Idol
- Alcatel OneTouch 997
- Alcatel OneTouch EVO 7 HD
- Alcatel OneTouch Evolve
- Alcatel OneTouch Fierce
- Alcatel OneTouch Fire E
- Alcatel OneTouch Hero
- Alcatel OneTouch Hero 2
- Alcatel OneTouch Hero 8
- Alcatel OneTouch Idol
- Alcatel OneTouch Idol 2
- Alcatel OneTouch Idol 2 mini
- Alcatel OneTouch Idol 2 mini S
- Alcatel OneTouch Idol 2 S
- Alcatel OneTouch Idol Alpha
- Alcatel OneTouch Idol Mini
- Alcatel OneTouch Idol S
- Alcatel OneTouch Idol Ultra
- Alcatel OneTouch Idol X
- Alcatel OneTouch Idol X+
- Alcatel OneTouch M'Pop
- Alcatel OneTouch Pixi

Alcatel OneTouch PIXI 3 (5.5")  
Alcatel OneTouch PIXI 3 (7")  
Alcatel OneTouch PIXI 3 (8")  
Alcatel OneTouch Pop 2 (4)  
Alcatel OneTouch Pop 2 (4.5)  
Alcatel OneTouch POP 2 (5)  
Alcatel OneTouch POP 2 (5) Premium  
Alcatel OneTouch POP 7  
Alcatel OneTouch POP 8  
Alcatel OneTouch POP C1  
Alcatel OneTouch POP C2  
Alcatel OneTouch POP C3  
Alcatel OneTouch POP C5  
Alcatel OneTouch POP C7  
Alcatel OneTouch POP D1  
Alcatel OneTouch POP D3  
Alcatel OneTouch POP D5  
Alcatel OneTouch POP FIT  
Alcatel OneTouch POP Icon  
Alcatel OneTouch POP Mega  
Alcatel OneTouch POP S3  
Alcatel OneTouch POP S7  
Alcatel OneTouch POP S9  
Alcatel OneTouch Scribe Easy  
Alcatel OneTouch Scribe HD  
Alcatel OneTouch Scribe X  
Alcatel OneTouch Snap  
Alcatel OneTouch Snap LTE  
Alcatel OneTouch S'Pop  
Alcatel OneTouch Star  
Alcatel OneTouch T10 Tab  
Alcatel OneTouch T'Pop  
Alcatel OneTouch Tribe 3041  
Alcatel OneTouch X'Pop  
Alcatel OT-985  
Alcatel Pixi 8

**PRAYER FOR RELIEF**

Venadium seeks the following relief from this Court:

- A. Judgment that Defendant has directly infringed the 549 patent literally or under the doctrine of equivalents;
- B. An accounting of sales of all infringing products through the time of judgment;

C. An award of damages in the form of at least a reasonable royalty for Defendant's past and future infringement of the 549 patent through the time of judgment, together with pre- and post-judgment interest and costs under 35 U.S.C. § 284;

D. Judgement that this case is exceptional and an award of Venadium's reasonable attorneys' fees and costs under 35 U.S.C. § 285; and

E. An award to Venadium of such further relief at law or in equity that this Court deems just and proper.

**JURY TRIAL DEMAND**

Plaintiff Venadium demands a trial by jury on all claims and issues so triable.

Dated: July 27, 2015

Respectfully submitted,



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Peter J. Corcoran, III – Lead Attorney  
Texas State Bar No. 24080038  
**CORCORAN IP LAW, PLLC**  
2509 Richmond Road, Suite 380  
Texarkana, Texas 75503  
Tel: (903) 701-2481  
Fax: (844) 362-3291  
Email: peter@corcoranip.com

*Counsel for Plaintiff  
Venadium LLC*