

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**WI-LAN INC.,**  
  
**Plaintiff,**

**v.**

**ON CORP US, INC., and**  
  
**ON CORPORATION INC.,**  
  
**Defendants.**

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**C.A. No. \_\_\_\_\_**

**JURY TRIAL DEMANDED**

**PLAINTIFF’S COMPLAINT**

Plaintiff Wi-LAN Inc., by and through its undersigned counsel, files this Complaint for Patent Infringement against Defendants ON Corp US, Inc. and ON Corporation, Inc. (collectively, “ON Corp” or “Defendants”).

**THE PARTIES**

1. Plaintiff Wi-LAN Inc. (“Wi-LAN”) is a corporation formed under the laws of the country of Canada with its principal place of business at 303 Terry Fox Drive, Suite 300, Ottawa, Ontario, Canada, K2K 3J1. Wi-LAN is a leading technology innovation and licensing business actively engaged in research, development, and licensing of new technologies.

2. ON Corp US, Inc. (“ON Corp US”) is a company organized under the laws of the State of Delaware and having a principal place of business at 10920 Via Frontera, San Diego, CA 92127. Upon information and belief, ON Corp US may be served with process by serving its registered agent, The Corporation Trust Company at Corporation Trust Center, 1209 Orange St., Wilmington, Delaware 19801.

3. ON Corporation, Inc. (“ON Corporation”) is a company incorporated in South Korea and having a principal place of business at 64, Cheomdan-ro 8-gil, Jeju-si, Jeju Special Self-Governing Province, South Korea. Upon information and belief, ON Corporation may be served with process in Korea pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

4. Upon information and belief, ON Corp has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Delaware.

#### **JURISDICTION AND VENUE**

5. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. As further detailed herein, this Court has personal jurisdiction over ON Corp US. ON Corp US is amenable to service of summons for this action. Furthermore, personal jurisdiction over ON Corp US in this action comports with due process. ON Corp US has conducted and regularly conducts business within the United States and this District. ON Corp US has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Delaware and this District. ON Corp US has incorporated under the laws of the State of Delaware and sought protection and benefit from the laws of the State of Delaware by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

7. ON Corp US – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. ON Corp US has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. ON Corp US knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, ON Corp US has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff’s cause of action for patent infringement arises directly from ON Corp US’s activities in this District.

8. As further detailed herein, this Court has personal jurisdiction over ON Corporation. ON Corporation is amenable to service of summons for this action. Furthermore, personal jurisdiction over ON Corporation in this action comports with due process. ON Corporation has conducted and regularly conducts business within the United States and this District. ON Corporation has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in Delaware and this District. ON Corporation has sought protection and benefit from the laws of the State of Delaware by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

9. ON Corporation – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. ON Corporation has purposefully

and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. ON Corporation knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, ON Corporation has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from ON Corporation's activities in this District.

10. Venue is proper in this Court according to the venue provisions set forth by 28 U.S.C. §§ 1391(b)-(d) and 1400(b). ON Corp is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue. Upon information and belief ON Corp has committed acts within this judicial District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website, available to persons in this District that advertises, markets, and/or offers for sale infringing products.

## **BACKGROUND**

### **A. The Patents-In-Suit.**

11. U.S. Patent No. 6,359,654 titled "Methods and Systems for Displaying Interlaced Video on Non-Interlaced Monitors" ("the '654 patent") was duly and legally issued by the U.S. Patent and Trademark Office on March 19, 2002, after full and fair examination. Stephen G. Glennon, David A. G. Wilson, Michael J. Brunolli, and Benjamin Edwin Felts, III are the named inventors listed on the '654 patent. The '654 patent has been assigned to Plaintiff Wi-LAN Inc.,

and Plaintiff Wi-LAN Inc. holds all rights, title, and interest in the '654 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '654 patent is attached as Exhibit A and made a part hereof.

12. U.S. Patent No. 5,847,774 titled "Video Signal Peaking Circuit" ("the '774 patent") was duly and legally issued by the U.S. Patent and Trademark Office on December 8, 1998, after full and fair examination. Hyun-Duk Cho is the sole inventor listed on the '774 patent. The '774 patent has been assigned to Plaintiff Wi-LAN Inc., and Plaintiff Wi-LAN, Inc. holds all rights, title, and interest in the '774 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '774 patent is attached as Exhibit B and made a part hereof.

13. U.S. Patent No. 6,490,250 titled "Elementary Stream Multiplexer" ("the '250 patent") was duly and legally issued by the U.S. Patent and Trademark Office on December 3, 2002, after full and fair examination. Ronald E. Hinchley, Govind Kizhepat and Phillip Lowe are listed as the inventors on the '250 patent. The '250 patent has been assigned to Plaintiff Wi-LAN Inc., and Plaintiff Wi-LAN, Inc. holds all rights, title, and interest in the '250 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '250 patent is attached as Exhibit C and made a part hereof.

14. By assignment, Wi-LAN Inc. owns all right, title, and interest in and to the '654 patent, the '774 patent, and '250 patents (collectively, "the Patents-in-Suit").

**B. ON Corp's Infringing Conduct.**

15. Upon information and belief, ON Corp makes, uses, offers to sell, and/or sells within, and/or imports into the United States display products that incorporate the fundamental technologies covered by the Patents-in-Suit. Upon information and belief, the infringing display

products include, but are not limited to, digital televisions. By way of example only, Plaintiff identifies the RCA LED55B55R120Q, RCA SLD55A55RQ, RCA SLD50A45RQ, RCA SLD40A45RQ, and RCA SLD32A30RQ digital televisions as infringing products of one or more of the Patents-in-Suit. Similar models of ON Corp digital televisions are believed to infringe as well.

16. By incorporating the fundamental inventions covered by the Patents-in-Suit, ON Corp can make improved products with features, including but not limited to, accurate display of interlaced video on a non-interlaced display, enhanced transitions in displayed images, and adjusting rates of streaming media data. Upon information and belief, third-party distributors purchase and have purchased ON Corp's infringing display products for sale or importation into the United States, including this District. Upon information and belief, third-party consumers use and have used ON Corp's infringing display products in the United States, including this District.

17. Upon information and belief, ON Corp has purchased infringing display products that are made, used, offered for sale, sold within, and/or imported into the United States, including this District by third party manufacturers, distributors, and/or importers.

### **COUNT I**

#### **Patent Infringement of U.S. Patent No. 6,359,654**

18. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-17 as though fully set forth herein.

19. The '654 patent is valid and enforceable.

20. ON Corp has never been licensed, either expressly or impliedly, under the '654 patent.

21. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to ON Corp of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '654 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '654 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

22. Upon information and belief, ON Corp has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '654 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '654 patent, including but not limited to digital televisions (*e.g.*, RCA LED55B55R120Q), their display components, and/or other products made, used, sold, offered for sale, or imported by ON Corp that include all of the limitations of one or more claims of the '654 patent.

23. Upon information and belief, distributors and consumers that purchase ON Corp's products that include all of the limitations of one or more claims of the '654 patent, including but not limited to digital televisions (*e.g.*, RCA LED55B55R120Q), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '654 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

24. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to ON Corp that include all of the limitations of one or more claims of the '654 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '654 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

25. Upon information and belief, ON Corp had knowledge of the '654 patent and its infringing conduct at least since October 16, 2013, when ON Corp was formally placed on notice of its infringement by letter to Trung Dinh, General Manager, and Jonathan Zupnik, Senior Vice President of ON Corp US Inc.

26. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed ON Corp on notice of its infringement, ON Corp has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '654 patent. Since at least the notice provided on the above-mentioned date, ON Corp does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '654 patent. Upon information and belief, ON Corp intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. ON Corp has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and



prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

27. Despite having knowledge of the '654 patent, ON Corp has specifically intended and continues to specifically intend for persons who acquire and use the products that include all of the limitations of one or more claims of the '654 patent, including but not limited to digital televisions (*e.g.*, RCA LED55B55R120Q), including third-party manufacturers, distributors, importers, and/or consumers, to use such devices in a manner that infringes one or more claims of the '654 patent. This is evident when Defendants encourage and instruct customers and other end users in the use and operation of the products via advertisement and instructional materials.

28. In particular, despite having knowledge of the '654 patent, ON Corp has provided, and continues to provide, instructional materials, such as user guides, owner manuals, and similar online resources (available for example, via <http://www.rca.com/tvsupport/default.php>, [http://rca4tv.com/support/product\\_registration\\_step01.asp](http://rca4tv.com/support/product_registration_step01.asp), <http://rca4tv.com/support/faqs.asp>, <http://rca4tv.com/product/manualdown.asp>, <http://download.oncorpus.com>, and other instructional materials and documentation provided or made available by ON Corp to customers after purchase) that specifically teach the customers and other end users to use the RCA products in an infringing manner. By providing such instructions, ON Corp knows (and has known), or should know (and should have known), that their actions have, and continue to, actively induce infringement.

29. Upon information and belief, ON Corp's acts of infringement of the '654 patent have been willful and intentional. Since at least the above-mentioned date of notice, ON Corp

has acted with an objectively high likelihood that its actions constituted infringement of the '654 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to digital televisions (*e.g.*, RCA LED55B55R120Q), and the objectively-defined risk was either known or so obvious that it should have been known.

30. As a direct and proximate result of these acts of patent infringement, ON Corp has encroached on the exclusive rights of Plaintiff and its licensees to practice the '654 patent, for which Plaintiff is entitled to at least a reasonable royalty.

## **COUNT II**

### **Patent Infringement of U.S. Patent No. 5,847,774**

31. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-17 as though fully set forth herein.

32. The '774 patent is valid and enforceable.

33. ON Corp has never been licensed, either expressly or impliedly, under the '774 patent.

34. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to ON Corp of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '774 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '774 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

35. Upon information and belief, ON Corp has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '774 patent

by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '774 patent, including but not limited to digital televisions (*e.g.*, RCA LED55B55R120Q), their display components, and/or other products made, used, sold, offered for sale, or imported by ON Corp that include all of the limitations of one or more claims of the '774 patent.

36. Upon information and belief, distributors and consumers that purchase ON Corp's products that include all of the limitations of one or more claims of the '774 patent, including but not limited to digital televisions (*e.g.*, RCA LED55B55R120Q), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '774 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

37. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to ON Corp that include all of the limitations of one or more claims of the '774 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '774 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

38. Upon information and belief, ON Corp had knowledge of the '774 patent and its infringing conduct at least since April 21, 2014, when ON Corp was formally placed on notice of its infringement by letter to Jonathan Zupnik, Senior Vice President of ON Corp US Inc. and John Lee, CEO of ON Corporation Inc.

39. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed ON Corp on notice of its infringement, ON Corp has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '774 patent. Since at least the notice provided on the above-mentioned date, ON Corp does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '774 patent. Upon information and belief, ON Corp intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. ON Corp has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

40. Despite having knowledge of the '774 patent, ON Corp has specifically intended and continues to specifically intend for persons who acquire and use the products that include all of the limitations of one or more claims of the '774 patent, including but not limited to digital televisions (*e.g.*, RCA LED55B55R120Q), including third-party manufacturers, distributors, importers, and/or consumers, to use such devices in a manner that infringes one or more claims of the '774 patent. This is evident when Defendants encourage and instruct customers and other end users in the use and operation of the products via advertisement and instructional materials.

41. In particular, despite having knowledge of the '774 patent, ON Corp has provided, and continues to provide, instructional materials, such as user guides, owner manuals, and similar online resources (available for example, via <http://www.rca.com/tvsupport/default.php>, [http://rca4tv.com/support/product\\_registration\\_step01.asp](http://rca4tv.com/support/product_registration_step01.asp), <http://rca4tv.com/support/faqs.asp>, <http://rca4tv.com/product/manualdown.asp>, <http://download.oncorpus.com>, and other instructional materials and documentation provided or made available by ON Corp to customers after purchase) that specifically teach the customers and other end users to use the RCA products in an infringing manner. By providing such instructions, ON Corp knows (and has known), or should know (and should have known), that their actions have, and continue to, actively induce infringement.

42. Upon information and belief, ON Corp's acts of infringement of the '774 patent have been willful and intentional. Since at least the above-mentioned date of notice, ON Corp has acted with an objectively high likelihood that its actions constituted infringement of the '774 patent by refusing to take a license and continuing to make and sell its display products, including but not limited to digital televisions (*e.g.*, RCA LED55B55R120Q), and the objectively-defined risk was either known or so obvious that it should have been known.

43. As a direct and proximate result of these acts of patent infringement, ON Corp has encroached on the exclusive rights of Plaintiff and its licensees to practice the '774 patent, for which Plaintiff is entitled to at least a reasonable royalty.

### COUNT III

#### **Patent Infringement of U.S. Patent No. 6,490,250**

44. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-17 as though fully set forth herein.

45. The '250 patent is valid and enforceable.

46. ON Corp has never been licensed, either expressly or impliedly, under the '250 patent.

47. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by providing actual or constructive notice to ON Corp of its alleged infringement. Upon information and belief, Plaintiff surmises that any express licensees of the '250 patent have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '250 patent on all goods made, offered for sale, sold within, and/or imported into the United States that embody one or more claims of that patent.

48. Upon information and belief, ON Corp has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '250 patent by making, using, offering to sell, and/or selling to third-party manufacturers, distributors, and/or consumers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, display products that include all of the limitations of one or more claims of the '250 patent, including but not limited to digital televisions (*e.g.*, RCA SLD55A55RQ, RCA SLD50A45RQ, RCA SLD40A45RQ, and/or RCA SLD32A30RQ), their display components, and/or other products made, used, sold, offered for sale, or imported by ON Corp that include all of the limitations of one or more claims of the '250 patent.

49. Upon information and belief, distributors and consumers that purchase ON Corp's products that include all of the limitations of one or more claims of the '250 patent, including but

not limited to digital televisions (*e.g.*, RCA SLD55A55RQ, RCA SLD50A45RQ, RCA SLD40A45RQ, and/or RCA SLD32A30RQ), also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '250 patent by using, offering to sell, and/or selling infringing display products in this District and elsewhere in the United States.

50. Upon information and belief, the third-party manufacturers, distributors, and importers that sell display products to ON Corp that include all of the limitations of one or more claims of the '250 patent, also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '250 patent by making, offering to sell, and/or selling infringing products in this District and elsewhere within the United States and/or importing infringing products into the United States.

51. Upon information and belief, since at least the filing of this Complaint when Plaintiff formally placed ON Corp on notice of its infringement, ON Corp has actively induced, under U.S.C. § 271(b), third-party manufacturers, distributors, importers and/or consumers to directly infringe one or more claims of the '250 patent. Since at least the filing of this Complaint, ON Corp does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '250 patent. Upon information and belief, ON Corp intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers. ON Corp has taken affirmative steps to induce their infringement by, *inter alia*, creating advertisements that promote the infringing use of display products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and

prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

52. Despite having knowledge of the '250 patent, ON Corp has specifically intended and continues to specifically intend for persons who acquire and use the products that include all of the limitations of one or more claims of the '250 patent, including but not limited to digital televisions (*e.g.*, RCA SLD55A55RQ, RCA SLD50A45RQ, RCA SLD40A45RQ, and/or RCA SLD32A30RQ), including third-party manufacturers, distributors, importers, and/or consumers, to use such devices in a manner that infringes one or more claims of the '250 patent. This is evident when Defendants encourage and instruct customers and other end users in the use and operation of the products via advertisement and instructional materials.

53. In particular, despite having knowledge of the '250 patent, ON Corp has provided, and continues to provide, instructional materials, such as user guides, owner manuals, and similar online resources (available for example, via <http://www.rca.com/tvsupport/default.php>, [http://rca4tv.com/support/product\\_registration\\_step01.asp](http://rca4tv.com/support/product_registration_step01.asp), <http://rca4tv.com/support/faqs.asp>, <http://rca4tv.com/product/manualdown.asp>, <http://download.oncorpus.com>, and other instructional materials and documentation provided or made available by ON Corp to customers after purchase) that specifically teach the customers and other end users to use the RCA products in an infringing manner. By providing such instructions, ON Corp knows (and has known), or should know (and should have known), that their actions have, and continue to, actively induce infringement.



54. As a direct and proximate result of these acts of patent infringement, ON Corp has encroached on the exclusive rights of Plaintiff and its licensees to practice the '250 patent, for which Plaintiff is entitled to at least a reasonable royalty.

### **CONCLUSION**

55. Plaintiff is entitled to recover from ON Corp the damages sustained by Plaintiff as a result of ON Corp'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.

56. Plaintiff has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

### **JOINDER OF PARTIES**

57. Plaintiff incorporates paragraphs 1 through 56 herein by reference.

58. On information and belief, ON Corp US and ON Corporation have both been participating in or responsible for the making, having made, offering for sale, selling, importing, and/or using the ON Corp products that are the subject of Counts I through III (or some subset thereof). Thus, for these Counts, the right to relief against ON Corp US is asserted jointly and severally with ON Corporation.

59. The alleged infringements set forth in Counts I through III arise out of the same transaction, occurrence, or series of transactions or occurrences relating to the testing, making, using, offering for sale, selling, and/or importing of the ON Corp products made the subject of Counts I through III.

60. Questions of fact common to all Defendants will arise in this action including, for example, infringement by, or through use of, ON Corp products.

61. Thus, joinder of ON Corp US and ON Corporation is proper in this litigation pursuant to 35 U.S.C. § 299(a).

**JURY DEMAND**

62. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

**PRAYER FOR RELIEF**

63. Plaintiff respectfully requests that the Court find in its favor and against ON Corp, and that the Court grants Plaintiff the following relief:

- A. A judgment that ON Corp has infringed the Patents-in-Suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by ON Corp;
- C. A judgment and order requiring ON Corp to pay Plaintiff damages under 35 U.S.C. § 284, including up to treble damages for willful infringement of the '654 and '774 patents as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining ON Corp and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the Patents-in-Suit pursuant to 35 U.S.C. § 283;

- E. A judgment and order requiring ON Corp to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring ON Corp to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: September 8, 2015

Respectfully submitted,

Of Counsel:

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