

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

CRESWELL HOLDINGS LLC,

Plaintiff,

v.

HP INC.,

Defendant.

Civil Action No. 4:15-cv-807-ALM

JURY TRIAL DEMANDED

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Creswell Holdings LLC (“Creswell” or “Plaintiff”) makes the following allegations against HP Inc., formerly known as Hewlett-Packard Company (“HP” or “Defendant”)¹:

PARTIES

1. Plaintiff Creswell is a Delaware limited liability company, having a principal place of business of 7005 Chase Oaks Blvd., Suite 180, Plano, TX 75025.

2. Upon information and belief, Defendant HP Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 3000 Hanover Street, Palo Alto, CA, 94304. HP may be served via its registered agent: The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

¹ Effective November 1, 2015, Hewlett-Packard Company changed its name to HP Inc.

JURISDICTION AND VENUE

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

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

5. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

THE ACCUSED PRODUCTS

6. Defendant directly or through intermediaries, makes, uses, imports, provides, supplies, distributes, sells, and/or offers for sale laptop computers with one of nine configurations which infringe one or more of Plaintiff's patents including the following:

7. HP 15-D000, HP 15-D075 (collectively, "Configuration 1") shown in Exhibit 1.

8. HP Envy 4-1000, HP Spectre x360, HP Pavillion 13-A000, HP Pavillion 13-A100, HP Envy 6-1000, HP Envy Pro 4-B000, HP Pavillion X360, HP 250-G2, HP 250-G3, HP 255-G2, HP 255-G3, HP 256-G2, HP 256-G3 (collectively, "Configuration 2") shown in Exhibit 2;

9. HP ENVY x360 M6-W series, HP ENVY 17-J, HP ENVY 15-J (collectively, "Configuration 3") shown in Exhibit 3;

10. HP 15-an050nr Star Wars, HP Envy MJ668, HP Envy M7-K000, HP ENVY M7-K100, HP ENVY M7-K200, HP Envy M7-J000, HP M7-n109dx, HP M6-P013DX, HP DV4-3000, HP DV4 4000, HP DV4 3100 (collectively, “Configuration 4”) shown in Exhibit 4;

11. HP ENVY 17-J115CL, HP ENVY 17-J117CL, HP ENVY 17-J117TX, HP ENVY 17-J130US, HP ENVY 17-J140US, HP ENVY 17-J141NR, HP Envy 17-J000, HP Envy 17-J100, HP ENVY 15-J000, HP ENVY 15-J100, HP ENVY 15t-J000, HP ENVY 15-J100, HP ENVY 15z-J000, HP ENVY 15z-J100, HP ENVY 17-J000, HP ENVY 17t (collectively, “Configuration 5”) shown in Exhibit 5;

12. HP Pavillion DV7-6000, HP Pavillion DV7-6C, HP Pavillion DV7-6B (collectively, “Configuration 6”) shown in Exhibit 6;

13. HP Probook 6560B, HP Probook 6565B, HP Probook 4540s, HP Probook 4540, HP Probook 4545s Series, HP Probook 6470B, HP Probook 6475B (collectively, “Configuration 7”) shown in Exhibit 7;

14. HP Elite HP Elitebook 840, HP ELitebook 850, HP Zbook 14, HP Elitebook 8460P, HP Elitebook 8560P, HP Elitebook 8570P, HP Elitebook 8570W (collectively, “Configuration 8”) shown in Exhibit 8; and

15. HP Folio 13-1000 (collectively, “Configuration 9”) shown in Exhibit 9.

U.S. PATENT NO. 6,340,803

16. Plaintiff is the owner by assignment of United States Patent No. 6,340,803 (the “’803 Patent”) entitled “Computer Keypswitch.” The ’803 Patent issued on January 22, 2002. A true and correct copy of the ’803 Patent is attached as Exhibit A.

17. Mr. Tung Hsueh Li is listed as the inventor on the ’803 Patent.

18. Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287, predecessors in interest to the ’803 Patent complied with such requirements.

U.S. PATENT NO. 6,194,677

19. Plaintiff is the owner by assignment of United States Patent No. 6,194,677 (the “’677 Patent”) entitled “Structure of Keyswitch.” The ’677 Patent issued on February 27, 2001. A true and correct copy of the ’677 Patent is attached as Exhibit B.

20. Mr. Tung Hsueh Li is listed as the inventor on the ’677 Patent.

21. Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287, predecessors in interest to the ’677 Patent complied with such requirements.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,340,803

22. Upon information and belief, Defendant has been and is now infringing Claim 1 of the ’803 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, supplying, distributing, selling, and/or offering for sale laptop computer keyswitches (including, the Configurations 3 and 8 laptops) covered by claim 1 of the ’803 Patent to the injury of Plaintiff. Defendant is directly infringing the ’803 Patent and/or infringing under the doctrine of equivalents. Defendant is thus liable for infringement of the ’803 Patent pursuant to 35 U.S.C. § 271(a).

23. Configurations 3 and 8 infringe claim 1 of the ’803 Patent. They include a bottom plate with a plurality of through holes with a plurality of clamping plates extending across the plurality of through holes, a circuit membrane overlaying the bottom plate having a plurality of apertures through which extend the clamping plates, a base overlaying the circuit membrane having a thickness greater than the bottom plate, a resilient body inside the base disposed against the circuit membrane, a keycap atop the resilient body, and a first and second level in a scissor arrangement pivotally connecting the keytop to the bottom plate. *See Exs. 3 and 8.*

24. As a result of Defendant's infringement of the '803 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court, and Plaintiff will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

25. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '803 Patent, Plaintiff will be greatly and irreparably harmed.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 6,194,677

26. Upon information and belief, Defendant has been and is now infringing Claims 1, 2, 7, 9, 10, 11, 12, 15, 16, 17, and 18 of the '677 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, supplying, distributing, selling, and/or offering for sale computer keyswitches (including, the Configurations 1, 2, 3, 4, 5, 6, 7, 8, and 9 laptops) covered by the claims of the '677 Patent to the injury of Plaintiff. Defendant is directly infringing the '677 Patent and/or infringing under the doctrine of equivalents. Defendant is thus liable for infringement of the '677 Patent pursuant to 35 U.S.C. § 271(a).

27. Configurations 1, 2, 3, 4, 5, 6, 7, 8, and 9 infringe claim 1 of the '677 Patent. They include a keytop with a first and second retaining plates, a circuit base having at least one first and second through holes with retaining bodies extending over the through holes; a resilient dome disposed over the circuit base, a supporting level assembly with a first a second lever; the first level slidably connected to the circuit base and rotatably connected to the keytop, with the sliding

portion extending at least partially below the circuit base; a second level slidably connected to the circuit base and rotatably connected to the keytop, the rotating portion extending at least partially below the circuit base. *See Exs. 1-9.*

28. Configurations 1 2, 3, 4, 5, 6, 7, 8, and 9 infringe claim 2 of the '677 Patent. They further include a circuit base with a flexible circuit layer formed on top with openings for the passage of the retaining bodies. *See Exs. 1-9 Fig. 2*

29. Configurations 1, 2, 3, 4, 5, 7, 8, and 9 infringe claim 7 of the '677 Patent. They further include a sliding shaft on the first level which is circular in cross section. *See Ex. 1-5, and 7-9, Fig. 2.*

30. Configurations 1, 2, 3, 4, 5, 6, 7, 8, and 9 infringe claim 9 of the '677 Patent. They further include first and second retaining bodies are formed in an inverted L sectional contour. *See Exs. 1-9, Fig. 2.*

31. Configurations 1, 2, 4, 5, and 7 infringe claim 10 of the '677 Patent. They further include a circuit base with a blocking plate. *See Exs. 1, 2, 4, 5, and 7, Fig. 2.*

32. Configurations 5 and 7 infringe claim 11 of the '677 Patent. They further include one first retaining body and two second retaining bodies, the second retaining bodies being spaced on opposite sides of the blocking plate. *See Exs. 5 and 7, Fig. 2.*

33. Configurations 5 and 7 infringe claim 12 of the '677 Patent. They further include a third through hole adjacent to the blocking plate. *See Exs. 5 and 7, Fig. 2.*

34. Configurations 1 2, 3, and 4 infringe claim 15 of the '677 Patent. They further include a first level with a rotating portion, the rotating portion having a pair of apertures adjacent to an edge, the apertures and edge defining a rotating shaft. *See Exs. 1, 2, 3 and 4, Fig. 2.*

35. Configurations 1 2, 3, and 4 infringe claim 16 of the '677 Patent They further include a sliding portion of the second level with a pair of laterally projecting sliding shafts. *See Exs. 1, 2, 3 and 4, Fig. 2.*

36. Configurations 1 2, 3, and 4 infringe claim 17 of the '677 Patent They further include a first retaining plate on the keytop includes a pair of substantially U-shaped plates for receiving the rotating shafts of the first level. *See Exs. 1, 2, 3 and 4, Fig. 4.*

37. Configurations 1 2, 3, and 4 infringe claim 18 of the '677 Patent They further include a second a pair of retaining plates on the keytop with a sliding groove for receiving the sliding shafts of the second lever. *See Exs. 1, 2, 3 and 4, Fig. 4*

38. As a result of Defendant's infringement of the '677 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court, and Plaintiff will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

39. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '677 Patent, Plaintiff will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendant has infringed '803 and '677 Patents;
2. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in

active concert therewith from infringement of the '803 and '677 Patents, or such other equitable relief the Court determines is warranted;

3. A judgment and order requiring Defendant pay to Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '803 and '677 Patents as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement; and

4. Any and all other relief, at law or equity, 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 27, 2016.

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF
CRESWELL HOLDINGS LLC**

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of May, 2016, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Sherman 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.

/s/ Timothy T. Wang
Timothy T. Wang