

THE PARTIES

PLAINTIFF

1. Wireless Protocol Innovations, Inc. is a Texas company with its principal place of business at 505 East Travis Street, Suite 203, Marshall, Texas 75670.

DEFENDANTS

2. On information and belief, TCT Mobile (US) Inc. is a Delaware corporation with its principal place of business in Irvine, California. On information and belief, TCT Mobile (US) Inc. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. On information and belief, this Court has personal jurisdiction over TCT Mobile (US) Inc. because TCT Mobile (US) Inc. has committed, and continues to commit, acts of infringement in the State of Texas, has conducted business in the State of Texas, and/or has engaged in continuous and systematic activities in the State of Texas.

3. On information and belief, TCT Mobile, Inc. is a Delaware corporation with its principal place of business in Irvine, California. On information and belief, TCT Mobile, Inc. may be served with process through its agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. On information and belief, this Court has personal jurisdiction over TCT Mobile, Inc. because TCT Mobile, Inc. has committed, and continues to commit, acts of infringement in the State of Texas, has conducted business in the State of Texas, and/or has engaged in continuous and systematic activities in the State of Texas.

4. Defendants TCT Mobile (US) Inc. and TCT Mobile, Inc. are collectively referred to as “Defendants” or “TCT.”

JURISDICTION AND VENUE

5. This is an action for patent infringement under Title 35 of the United States Code.

Plaintiff is seeking injunctive relief as well as damages.

6. 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, 35 U.S.C. § 101 et seq.

7. Venue is proper under 28 U.S.C. §§ 1391(c) and 1400(b) because Defendants have committed acts of infringement in this district and/or are deemed to reside in this district.

8. This Court has personal jurisdiction over Defendants and venue is proper in this district because Defendants have committed, and continue to commit, acts of infringement in the state of Texas, including in this district, have conducted business in the state of Texas, including in this district, and/or have engaged in continuous and systematic activities in the state of Texas, including in this district.

RELEVANT FACTUAL BACKGROUND

WPI'S ORIGINAL COMPLAINT

9. On October 23, 2015, WPI filed the Original Complaint against Defendants TCL Corporation, TCL Communication Technology Holdings Limited, TCT Mobile (Us) Inc., TCT Mobile, Inc., and TCT Mobile (US) Holdings Inc. alleging infringement the '211, '991, '256 and '051 Patents. On information and belief, Defendants TCT Mobile, Inc. and TCT Mobile (US) Inc. are wholly owned subsidiaries of TCL Corporation.

10. After WPI filed its Original Complaint, the parties conferred regarding WPI's allegations and the original Defendants represented that TCT Mobile, Inc. and TCT Mobile (US) Inc. were the correct parties to defend against WPI's suit.

11. Accordingly, on January 15, 2016, the parties filed a joint motion to dismiss without prejudice Defendants TCL Corporation, TCL Communication Technology Holdings Limited and TCT Mobile (Us) Holdings Inc.

THE ASSERTED PATENTS

12. On April 30, 2002, the PTO issued U.S. Patent No. 6,381,211 (the “’211 Patent”) entitled “Processing Data Transmitted And Received Over A Wireless Link Connecting A Central Terminal And A Subscriber Terminal Of A Wireless Telecommunications System”. On March 19, 2014, then-owner - and WPI’s parent company - Wi-LAN, Inc. (“Wi-LAN”) requested reexamination of all claims of the ’211 Patent. On November 21, 2014, the ’211 Patent emerged from reexamination with nearly 200 valid and enforceable claims. WPI is the current owner of all right, title and interest in and to the ’991 Patent.

13. On September 25, 2012, the PTO issued U.S. Patent No. 8,274,991 (the “’991 Patent”) entitled “Protocol For Allocation Upstream Slots Over A Link In A Point-To-Multipoint Communication System.” WPI is the owner of all right, title and interest in and to the ’991 Patent.

14. On October 23, 2013, the PTO issued U.S. Patent No. 8,565,256 (the “’256 Patent”) entitled “Protocol For Allocation Upstream Slots Over A Link In A Point-To-Multipoint Communication System.” WPI is the owner of all right, title and interest in and to the ’256 Patent.

15. On September 1, 2015, the PTO issued U.S. Patent No. 9,125,051 (the “’051 Patent”) entitled “Protocol For Allocation Upstream Slots Over A Link In A Point-To-Multipoint Communication System.” WPI is the owner of all right, title and interest in and to the ’051 Patent.

DEFENDANTS’ KNOWLEDGE OF ITS INFRINGING CONDUCT

16. Between June 19, 2013 and November 26, 2013 Wi-LAN sent five letters to TCL Communications and TCT Mobile Americas in which Wi-LAN notified Defendants about specific infringed patents (including the original ’211 Patent), specific Defendants’ products

infringing Wi-LAN's patents, and examples of numerous large technology companies that had taken license to Wi-LAN's patent portfolios. Wi-LAN received no response to any of its letters.

17. Specifically, Wi-LAN sent correspondence dated June 19, 2013 to TCL Communications and TCT Mobile Americas in which Wi-LAN notified Defendants about specific infringed patents (including the original '211 Patent), specific Defendants' products infringing Wi-LAN's patents and to discuss Defendants taking license to Wi-LAN's patent portfolios. Wi-LAN received no response to this correspondence.

18. Wi-LAN sent correspondence dated August 23, 2013 to TCL Communications and TCT Mobile Americas to follow up on Wi-LAN's June 19, 2013 correspondence and to notify Defendants of recent technology companies that had taken license to Wi-LAN's patent portfolios. Wi-LAN received no response to this correspondence.

19. Wi-LAN again sent correspondence dated October 1, 2013 to TCL Communications and TCT Mobile Americas to discuss TCL Communications and TCT Mobile Americas taking a license to Wi-LAN's patent portfolios and to notify Defendants of additional technology companies that had recently taken license to Wi-LAN's patent portfolios. Wi-LAN received no response to this correspondence.

20. Wi-LAN again sent correspondence dated October 10, 2013 to TCL Communications and TCT Mobile Americas in which Wi-LAN to follow up on its earlier correspondence as well as to notify Defendants of additional technology companies that had recently taken license to Wi-LAN's patent portfolios. Wi-LAN received no response to this correspondence.

21. Wi-LAN sent correspondence dated November 26, 2013 to TCL Communications and TCT Mobile Americas seeking to discuss TCL Communications and TCT Mobile Americas taking license to Wi-LAN's patent portfolios as well as to inform TCL Communications and

TCT Mobile Americas of yet more technology companies that had recently taken license to Wi-LAN's patent portfolios. Again, Wi-LAN received no response to this correspondence.

22. On March 13, 2015, Wi-LAN sent further correspondence to Defendants' parent corporation, TCL Communications, in which Wi-LAN explained that certain of the Defendants' products, including but not limited to the Idol 3, infringe a number of patents then-owned by Wi-LAN, including the re-examined '211 Patent, the '991 Patent and the '256 Patent.

23. Wi-LAN also provided a list of patents, including the '211, '991 and '256 Patents, that were being infringed as well as a list of specific products made, sold, or offered for sale by Defendants that infringe each respective patent, including the '211, '991 and '256 Patents. Wi-LAN did not receive a response to its correspondence.

24. On information and belief, the March 13, 2015 correspondence was forwarded to Defendants TCT Mobile (US) Inc. and TCT Mobile, Inc. on March 16, 2015. However, Defendants did not respond to this letter.

25. On information and belief, Defendants did not conduct any investigation, design around or otherwise take any remedial action with respect to the '211, '991 and '256 Patents and continued to sell the Accused Products.

26. On information and belief, Defendants had no reason to doubt the validity and enforceability of any of the claims of the '211, '991 and '256 Patents.

27. On or about August 28, 2015, Wi-LAN assigned to WPI all right, title and interest in and to the '211, '991 and '256 Patents and U.S. Application No 14/059,220 which issued as the '051 Patent.

28. On September 2, 2015, Wi-LAN again sent correspondence to TCL seeking to discuss resolution of the parties' dispute. Again, neither TCL nor Defendants responded.

29. With respect to the '211, '991 and '256 Patents, Defendants had notice and actual

knowledge of their infringing conduct, including specific products that infringe each respective patent, since at least March 16, 2015. Accordingly, Defendants' infringement is and continues to be willful and Defendants continue to willfully cause others to infringe upon one or more claims of the '211, '991 and '256 Patents.

30. Defendants had notice and actual knowledge of their infringing conduct with respect to the '051 Patent since at least the time WPI filed its Original Complaint.

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 6,381,211)

31. Plaintiff incorporates paragraphs 1 through 11 herein by reference.

32. Plaintiff is the owner and assignee of the '211 Patent, entitled "Processing Data Transmitted and Received Over a Wireless Link Connecting a Central Terminal and a Subscriber Terminal of a Wireless Telecommunications System," with ownership of all substantial rights in the '211 Patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringement. A true and correct copy of the '211 Patent is attached as Exhibit A.

33. The '211 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

34. Plaintiff has been damaged as a result of TCT's infringing conduct described in this Count. TCT is thus liable to Plaintiff in an amount that adequately compensates it for their infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

35. Plaintiff alleges upon information and belief that TCT has knowingly and intentionally willfully infringed, both directly and indirectly, one or more claims of the '211 Patent.

36. On information and belief, TCT has had knowledge of the existence and

substance of the originally issued '211 Patent since at least June of 2013.

37. TCT had notice and actual knowledge of its infringing conduct, including specific products that infringe the re-examined claims of the '211 Patent, since at least March 16, 2015.

38. On information and belief, TCT did not conduct any investigation, design around or otherwise take any remedial action with respect to the '211 Patent nor did TCT otherwise have reason to believe that any claim of the '211 Patent was or is invalid or unenforceable.

39. Additionally TCT has not produced or relied upon an opinion of counsel suggesting that the '211 Patent is invalid or is not infringed by TCT's wireless communication devices, including but not limited to the Idol 3.

40. TCT's infringing actions are intentional and it has infringed and continues to infringe with actual notice and knowledge of the '211 Patent. Despite TCT's actual notice and knowledge that its actions constitute direct and indirect infringement of WPI's valid patent rights, TCT knowingly and intentionally continues to infringe.

41. Accordingly, TCT's infringement is willful and WPI seeks enhanced damages from TCT pursuant to 35 U.S.C. §284.

Direct Infringement

42. On information and belief, TCT has and continues to willfully directly infringe one or more claims of the '211 Patent in this judicial district and/or elsewhere in Texas and the United States, including but not limited to at least claim 107, by, among other things, making, using, offering for sale, selling and/or importing infringing wireless communication devices, including but not limited to the Idol 3, by practicing infringing methods by way of TCT's wireless communication devices, including but not limited to the Idol 3, and/or by directing or controlling the performance of infringing methods, including by customers and/or end-users of TCT's wireless communication devices, including but not limited to the Idol 3. TCT is thereby

liable for infringement of the '211 Patent pursuant to 35 U.S.C. § 271.

Indirect Infringement – Inducement

43. Plaintiff contends that TCT has and continues to indirectly infringe one or more claims of the '211 Patent, including but not limited to at least claim 107, by inducing others, including customers and/or end-users of TCT's wireless communication devices, including but not limited to the Idol 3, to make, use, sell, offer for sale, and/or import wireless communication devices and/or to practice infringing methods in violation of one or more claims of the '211 Patent, including but not limited to at least claim 107.

44. On information and belief, Defendants have been on notice of the re-examined '211 Patent since on or about March 13, 2015, or before, but have continued since that time to cause others to directly infringe the '211 Patent as alleged herein.

45. On information and belief, since TCT has been on notice of the '211 Patent, TCT has knowingly induced infringement of the '211 Patent, including but not limited to at least claim 107 of the '211 Patent, and possessed specific intent to encourage others' infringement.

46. On information and belief, since TCT has been on notice of the '211 Patent, TCT knew or should have known that its actions would induce actual infringement of the '211 Patent, including but not limited to at least claim 107 of the '211 Patent, by customers and/or end-users of TCT's wireless communication devices, including but not limited to the Idol 3.

47. For example, since TCT has been on notice of the '211 Patent, TCT has purposefully and voluntarily made available wireless communication devices, including but not limited to the Idol 3, with the expectation that they would be utilized by customers and/or end-users in the United States in a way that infringes at least claim 107 of the '211 Patent.

48. Since TCT has been on notice of the '211 Patent, TCT has also instructed and/or encouraged customers and/or end-users of TCT's wireless communication devices, including but

not limited to the Idol 3, to utilize such devices in a way that results in the infringement of at least claim 107 of the '211 Patent and has provided support to such customers and/or end-users.

COUNT II

(INFRINGEMENT OF U.S. PATENT NO. 8,274,991)

49. Plaintiff incorporates paragraphs 1 through 11 herein by reference.

50. Plaintiff is the owner and assignee of the '991 Patent, entitled "Protocol for Allocating Upstream Slots Over a Link in a Point-to-Multipoint Communication System," with ownership of all substantial rights in the '991 Patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringement. A true and correct copy of the '991 Patent is attached as Exhibit B.

51. The '991 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

52. Plaintiff has been damaged as a result of TCT's infringing conduct described in this Count. TCT is thus liable to Plaintiff in an amount that adequately compensates it for their infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

53. TCT had notice and actual knowledge of its infringing conduct, including specific products that infringe the claims of the '991 Patent, since at least March 16, 2015.

54. On information and belief, TCT did not conduct any investigation, design around or otherwise take any remedial action with respect to the '991 Patent nor did TCT otherwise have reason to believe that any claim of the '991 Patent was or is invalid or unenforceable.

55. Additionally TCT has not produced or relied upon an opinion of counsel suggesting that the '991 Patent is invalid or is not infringed by TCT's wireless communication devices, including but not limited to the Idol 3.

56. TCT's infringing actions are intentional and it has infringed and continues to infringe with actual notice and knowledge of the '991 Patent. Despite TCT's actual notice and knowledge that its actions constitute direct and indirect infringement of WPI's valid patent rights, TCT knowingly and intentionally continues to infringe.

57. Accordingly, TCT's infringement is willful and WPI seeks enhanced damages from TCT pursuant to 35 U.S.C. §284.

Direct Infringement

58. On information and belief, TCT has and continues to willfully directly infringe one or more claims of the '991 Patent in this judicial district and/or elsewhere in Texas and the United States, including but not limited to at least claim 1, by, among other things, making, using, offering for sale, selling and/or importing infringing wireless communication devices, including but not limited to the Idol 3, by practicing infringing methods by way of TCT's wireless communication devices, including but not limited to the Idol 3, and/or by directing or controlling the performance of infringing methods, including by customers and/or end-users of TCT's wireless communication devices, including but not limited to the Idol 3. TCT is thereby liable for infringement of the '991 Patent pursuant to 35 U.S.C. § 271.

Indirect Infringement – Inducement

59. Plaintiff contends that TCT has and continues to indirectly infringe one or more claims of the '991 Patent, including but not limited to at least claim 1, by inducing others, including customers and/or end-users of TCT's wireless communication devices, including but not limited to the Idol 3, to make, use, sell, offer for sale, and/or import wireless communication devices and/or to practice infringing methods in violation of one or more claims of the '991 Patent, including but not limited to at least claim 1.

60. On information and belief, Defendants have been on notice of the '991 Patent

since at least as early as on or about March 13, 2015, or before, but have continued since that time to cause others to directly infringe the '991 Patent as alleged herein.

61. On information and belief, since TCT has been on notice of the '991 Patent, TCT has knowingly induced infringement of the '991 Patent, including but not limited to at least claim 1 of the '991 Patent, and possessed specific intent to encourage others' infringement.

62. On information and belief, since TCT has been on notice of the '991 Patent, TCT knew or should have known that its actions would induce actual infringement of the '991 Patent, including but not limited to at least claim 1 of the '991 Patent, by customers and/or end-users of TCT's wireless communication devices, including but not limited to the Idol 3.

63. For example, since TCT has been on notice of the '991 Patent, TCT has purposefully and voluntarily made available wireless communication devices, including but not limited to the Idol 3, with the expectation that they would be utilized by customers and/or end-users in the United States in a way that infringes at least claim 1 of the '991 Patent and provides support to such customers and/or end-users.

64. Since TCT has been on notice of the '991 Patent, TCT has also instructed and/or encouraged customers and/or end-users of TCT's wireless communication devices, including but not limited to the Idol 3, to utilize such devices in a way that results in the infringement of at least claim 1 of the '991 patent and has provided support to such customers and/or end-users.

COUNT III

(INFRINGEMENT OF U.S. PATENT NO. 8,565,256)

65. Plaintiff incorporates paragraphs 1 through 11 herein by reference.

66. Plaintiff is the owner and assignee of the '256 Patent, entitled "Protocol for Allocating Upstream Slots Over a Link in a Point-to-Multipoint Communication System," with ownership of all substantial rights in the '256 Patent, including the right to exclude others and to

enforce, sue and recover damages for past and future infringement. A true and correct copy of the '256 Patent is attached as Exhibit C.

67. The '256 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

68. Plaintiff has been damaged as a result of TCT's infringing conduct described in this Court. TCT is thus liable to Plaintiff in an amount that adequately compensates it for their infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

69. TCT had notice and actual knowledge of its infringing conduct, including specific products that infringe the claims of the '256 Patent, since at least March 16, 2015.

70. On information and belief, TCT did not conduct any investigation, design around or otherwise take any remedial action with respect to the '256 Patent nor did TCT otherwise have reason to believe that any claim of the '256 Patent was or is invalid or unenforceable.

71. Additionally TCT has not produced or relied upon an opinion of counsel suggesting that the '256 Patent is invalid or is not infringed by TCT's wireless communication devices, including but not limited to the Idol 3.

72. TCT's infringing actions are intentional and it has infringed and continues to infringe with actual notice and knowledge of the '256 Patent. Despite TCT's actual notice and knowledge that its actions constitute direct and indirect infringement of WPI's valid patent rights, TCT knowingly and intentionally continues to infringe.

73. Accordingly, TCT's infringement is willful and WPI seeks enhanced damages from TCT pursuant to 35 U.S.C. §284.

Direct Infringement

74. On information and belief, TCT has and continues to willfully directly infringe

one or more claims of the '256 Patent in this judicial district and/or elsewhere in Texas and the United States, including but not limited to at least claim 1, by, among other things, making, using, offering for sale, selling and/or importing infringing wireless communication devices, including but not limited to the Idol 3, by practicing infringing methods by way of TCT's wireless communication devices, including but not limited to the Idol 3, and/or by directing or controlling the performance of infringing methods, including by customers and/or end-users of TCT's wireless communication devices, including but not limited to the Idol 3. TCT is thereby liable for infringement of the '256 Patent pursuant to 35 U.S.C. § 271.

Indirect Infringement – Inducement

75. Plaintiff contends that TCT has and continues to indirectly infringe one or more claims of the '256 Patent, including but not limited to at least claim 1, by inducing others, including customers and/or end-users of TCT's wireless communication devices, including but not limited to the Idol 3, to make, use, sell, offer for sale, and/or import wireless communication devices and/or to practice infringing methods in violation of one or more claims of the '256 Patent, including but not limited to at least claim 1.

76. Defendants have been on notice of the '256 Patent since at least as early as on or about March 13, 2015, or before, but have continued since that time to cause others to directly infringe the '256 Patent as alleged herein.

77. On information and belief, since TCT has been on notice of the '256 Patent, TCT has knowingly induced infringement of the '256 Patent, including but not limited to at least claim 1 of the '256 Patent, and possessed specific intent to encourage others' infringement.

78. On information and belief, since TCT has been on notice of the '256 Patent, TCT knew or should have known that its actions would induce actual infringement of the '256 Patent, including but not limited to at least claim 1 of the '256 Patent, by customers and/or end-users of

TCT's wireless communication devices, including but not limited to the Idol 3.

79. For example, since TCT has been on notice of the '256 Patent, TCT has purposefully and voluntarily made available wireless communication devices, including but not limited to the Idol 3, with the expectation that they would be utilized by customers and/or end-users in the United States in a way that infringes at least claim 1 of the '256 Patent.

80. Since TCT has been on notice of the '256 Patent, TCT has also instructed and/or encouraged customers and/or end-users of TCT's wireless communication devices, including but not limited to the Idol 3, to utilize such devices in a way that results in the infringement of at least claim 1 of the '256 Patent and has provided support to such customers and/or end-users.

COUNT IV

(INFRINGEMENT OF U.S. PATENT NO. 9,125,051)

81. Plaintiff incorporates paragraphs 1 through 11 herein by reference.

82. Plaintiff is the owner and assignee of the '051 Patent, entitled "Protocol for Allocating Upstream Slots Over a Link in a Point-to-Multipoint Communication System," with ownership of all substantial rights in the '051 Patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringement. A true and correct copy of the '051 Patent is attached as Exhibit D.

83. The '051 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

84. Plaintiff has been damaged as a result of TCT's infringing conduct described in this Count. TCT is thus liable to Plaintiff in an amount that adequately compensates it for their infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

85. TCT had notice and actual knowledge of its infringing conduct, including specific

products that infringe the claims of the '051 Patent, since at least October 23, 2015.

86. TCT has not produced or relied upon an opinion of counsel suggesting that the '051 Patent is invalid or is not infringed by TCT's wireless communication devices, including but not limited to the Idol 3.

87. TCT has not produced any evidence as to any investigation, design around or that any remedial action was taken with respect to the '051 Patent.

88. Accordingly, TCT's infringement is intentional and it has infringed and continues to infringe with actual notice and knowledge of the '051 Patent. Despite TCT's actual notice and knowledge that its actions constitute direct and indirect infringement of WPI's valid patent rights, TCT knowingly and intentionally continues to infringe.

89. Accordingly, TCT's infringement is willful and WPI seeks enhanced damages from TCT pursuant to 35 U.S.C. §284.

Direct Infringement

90. On information and belief, TCT has and continues to willfully directly infringe one or more claims of the '051 Patent in this judicial district and/or elsewhere in Texas and the United States, including but not limited to at least claim 21, by, among other things, making, using, offering for sale, selling and/or importing infringing wireless communication devices, including but not limited to the Idol 3, by practicing infringing methods by way of TCT's wireless communication devices, including but not limited to the Idol 3, and/or by directing or controlling the performance of infringing methods, including by customers and/or end-users of TCT's wireless communication devices, including but not limited to the Idol 3. TCT is thereby liable for infringement of the '051 Patent pursuant to 35 U.S.C. § 271.

Indirect Infringement – Inducement

91. Plaintiff contends that TCT has and continues to indirectly infringe one or more

claims of the '051 Patent, including but not limited to at least claim 21, by inducing others, including customers and/or end-users of TCT's wireless communication devices, including but not limited to the Idol 3, to make, use, sell, offer for sale, and/or import wireless communication devices and/or to practice infringing methods in violation of one or more claims of the '051 Patent, including but not limited to at least claim 21.

92. TCT has been on notice of the '051 Patent since at least service of this action, or before, but has continued since that time to cause others to directly infringe the '051 Patent as alleged herein.

93. On information and belief, since TCT has been on notice of the '051 Patent, TCT has knowingly induced infringement of the '051 Patent, including but not limited to at least claim 21 of the '051 Patent, and possessed specific intent to encourage others' infringement.

94. On information and belief, since TCT has been on notice of the '051 Patent, TCT knew or should have known that its actions would induce actual infringement of the '051 Patent, including but not limited to at least claim 21 of the '051 Patent, by customers and/or end-users of TCT's wireless communication devices, including but not limited to the Idol 3.

95. For example, since TCT has been on notice of the '051 Patent, TCT has purposefully and voluntarily made available wireless communication devices, including but not limited to the Idol 3, with the expectation that they would be utilized by customers and/or end-users in the United States in a way that infringes at least claim 21 of the '051 Patent.

96. Since TCT has been on notice of the '051 Patent, TCT has also instructed and/or encouraged customers and/or end-users of TCT's wireless communication devices, including but not limited to the Idol 3, to utilize such devices in a way that results in the infringement of at least claim 21 of the '051 Patent and has provided support to such customers and/or end-users.

ADDITIONAL ALLEGATIONS

97. Plaintiff has been damaged as a result of Defendants' infringing conduct, including Defendants' willful infringement, as described herein. TCT is thus liable to Plaintiff in an amount that adequately compensates Plaintiff for Defendants' infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by the Court under 35 U.S.C. § 284.

98. Plaintiff is also entitled to enhanced damages from Defendants for their willful infringement pursuant to 35 U.S.C. §284.

99. Defendants' actions complained of herein will continue unless Defendants are enjoined by this Court.

100. Plaintiff has complied with 35 U.S.C. § 287.

101. Defendants' actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendants are enjoined and restrained by this Court.

JURY DEMAND

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

PRAYER FOR RELIEF

Plaintiff requests that this Court find in its favor and against Defendants, and that this Court grant Plaintiff the following relief:

- a. Enter judgment for Plaintiff on this First Amended Complaint;
- b. Enter judgment that one or more claims of the '211, '991, '256, and '051 Patents have been infringed, either directly or indirectly by Defendants;
- c. Enter judgment that Defendants' infringement has been willful;

d. Enter judgment that Defendants account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendants' infringing activities and other conduct complained of herein;

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

f. Enter a permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with them, from infringing or inducing infringement of the '211, '991, '256, and '051 Patents, or, in the alternative, judgment that Defendants account for and pay to Plaintiff a reasonable royalty and an ongoing post-judgment royalty because of Defendants' past, present and future infringing activities and other conduct complained of herein;

g. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein;

h. Find the case to be exceptional under the provisions of 35 U.S.C. § 285;

i. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

DATED: October 26, 2016

By: /s/ Jared Veliz
Jared Veliz
California State Bar No. 276191
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon all counsel of record this 26th day of October, 2016 via the Court's CM/ECF system.

By: /s/ Jared Veliz
Jared Veliz