



infringing products and services; and encourage others to use its products and services in an infringing manner, including their customers.

4. Plaintiff VIS seeks past and future damages and prejudgment and postjudgment interest for HTC's past infringement of the Asserted Patents.

## **II. THE PARTIES**

5. Plaintiff Virginia Innovation Sciences is a corporation organized and existing under the laws of the State of Virginia, with its principal place of business located in this judicial district at 6301 Edsall Road, Suite 517, Alexandria, Virginia 22312.

6. Upon information and belief, HTC Corporation is a corporation organized under the laws of Taiwan with its principal place of business located at No. 23, Hsing Hua Road, Taoyuan City, Taoyuan, 33068 Taiwan, R.O.C., where it can be served with process. Upon information and belief, Defendant HTC Corporation is authorized to do business in Virginia.

7. Upon information and belief, Defendant HTC America, Inc. is a wholly-owned subsidiary of HTC Corporation and is a Washington corporation with its principal place of business at 13920 SE Eastgate Way, Ste. 400, Bellevue, Washington 98005. Upon information and belief, Defendant HTC America, Inc. is authorized to do business in Virginia where it can be served with process through its registered agent National Registered Agents Inc., 4701 Cox Road, Suite 285, Glen Allen, VA 23060.

## **III. JURISDICTION AND VENUE**

8. This is an action for patent infringement, which arises under the Patent Laws of the United States, in particular, 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§1331 and 1338(a).

9. This Court has personal jurisdiction over HTC, and venue is proper in this Court

pursuant to 28 U.S.C. §§1391(b), (c), and 1400. This Court has personal jurisdiction over HTC because, among other things, HTC has established minimum contacts within the forum such that the exercise of jurisdiction over HTC will not offend traditional notions of fair play and substantial justice. For example, HTC has placed products that practice and/or embody the claimed inventions of the Asserted Patents into the stream of commerce with the reasonable expectation and/or knowledge that purchasers and users of such products were located within this district. In addition, HTC has sold, advertised, marketed, and distributed products in this district that practice the claimed inventions of the Asserted Patents. HTC derives substantial revenue from the sale of infringing products distributed within the district, and/or expects or should reasonably expect its actions to have consequences within the District, and derive substantial revenue from interstate and international commerce.

#### **IV. PLAINTIFF'S PATENTS**

10. The '492 patent was filed on June 24, 2005, and issued on March 1, 2011. The '711 patent was filed on January 21, 2011, and issued on November 1, 2011. The '451 patent was filed on February 11, 2014, and issued on December 2, 2014. The '814 patent was filed on September 8, 2014, and issued on February 3, 2015. The '794 patent was filed on November 23, 2014, and issued on August 25, 2015. The '471 patent was filed on March 18, 2013, and issued on April 29, 2014. The '853 patent was filed on July 9, 2015, and issued on March 15, 2016. The '611 patent was filed on January 17, 2016, and issued on May 31, 2016. VIS has obtained all substantial right and interest to the Asserted Patents, including all rights to recover for all past and future infringements thereof.

11. The Asserted Patents generally disclose systems and methods for converting video signals for a mobile terminal to accommodate reproduction by an alternative display

terminal. The video signal from a wireless communication network is processed to provide a converted video signal appropriate for an alternative display terminal. This converted video signal is then provided to accommodate the corresponding video display on a screen provided by the alternative (e.g., external) display terminal. *See* '492 Patent, Abstract.

12. The Asserted Patents embody several key advancements over technology that was conventional at the time of filing on June 24, 2005. By way of example, claim 23 of the '492 Patent reads as follows:

23. An apparatus for processing signals to accommodate reproduction by an alternative display terminal, the apparatus comprising:

an interface module, which receives a video signal appropriate for displaying a video content on a mobile terminal, the video signal being received from a cellular network communication that is sent to the mobile terminal and then received by the interface module;

a signal conversion module, in operative communication with the interface module, which processes the video signal to produce a converted signal for use by the alternative display terminal, wherein processing by the signal conversion module includes converting the video signal from a compression format appropriate for the mobile terminal to a display format for the alternative display terminal that is different from the compression format, such that the converted video signal comprises a display format and a power level appropriate for driving the alternative display terminal; and

a device interface module, in operative communication with the signal conversion module, which provides the converted video signal to the alternative display terminal to accommodate displaying the video content by the alternative display terminal.

13. The foregoing is directed to a non-abstract apparatus comprising modules to receive a video signal suitable for display on a mobile terminal such as a cellular phone via the cellular network. A conversion module receives the video content. The conversion module processes the video signal, thereby generating a converted video signal for use by an alternative display, such as an HDTV. The converted video signal has a display format and power level suitable for display by the alternative display. These steps are not abstract; instead, they are a

technical solution to a specific technical problem in the telecommunications and signal processing fields. Nor are they tied to business improvement or economic activity.

14. The invention recited in claim 23 is not routine or conventional at the time of filing. At the time of invention, cell phones were used only for voice, at the most, text message signals, not for video signals. The provision of a conversion module that receives a compressed video signal appropriate for displaying video content on a cell phone and converting it to an HDTV signal at a suitable power level and signal format is certainly not conventional.

15. The claimed inventions do not confer a monopoly over the abstract idea of converting data from one form to another. They claim specific implementations of conversion systems applicable to specific types of data and allowing new and specific systems, including encoder, decoder, cellular phones and HDTVs. Claimed inventions include different technical solutions such as high definition digital format, alternative display, signals received through cellular networks, compressed, uncompressed, and encoded signals, wireless and wired transmissions for different signals, and powered through the wired transmission for converted signals by the HDTV, among many other technical distinctions.

16. As a consequence of the claimed inventions, the technical problem associated with fast increasing bandwidth for wireless signals and small displays for cellular phones was addressed.

#### **V. DEFENDANTS' ACTS**

17. HTC has infringed and continues to infringe the Asserted Patents by making, selling, offering for sale, importing, and using products and software in an infringing manner, including but not limited to HTC's smartphone, mobile phone, and tablet products, as well as any other products operating in a substantially similar manner. These products are capable of

receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal.

18. Moreover, HTC provides its customers with the accused products and software and instructs its customers to use the products and software in an infringing manner, including through its website at <http://www.HTC.com/us/support>.

19. In addition, HTC knowingly, actively induced and continues to knowingly, actively induce (or is willfully blind to the) infringement of one or more of the Asserted Patents within this district by making, using, offering for sale, and selling infringing products, as well as by contracting with others to use, market, sell, and offer to sell infringing products, all with knowledge of the Asserted Patents, and their claims, with knowledge that their customers will use, market, sell, and offer to sell infringing products in this district and elsewhere in the United States, and with the knowledge and specific intent to encourage and facilitate infringing sales and use of the products by others within this district and the United States by creating and disseminating promotional and marketing materials, instructional materials, and product manuals, and technical materials related to the infringing products.

20. Moreover, HTC knowingly contributed to the infringement of one or more of the Asserted Patents by others in this district, and continues to contribute to the infringement of one or more of the Patents by others in this district by selling or offering to sell components of infringing products in this district, which components constitute a material part of the inventions of the Asserted Patents, knowing of the Patents and their claims, knowing those components to be especially made or especially adapted for use to infringe one or more of the Asserted Patents, and knowing that those components are not staple articles or commodities of commerce suitable for substantial non-infringing use. HTC has not implemented a design around or otherwise taken

any remedial action with respect to the Asserted Patents. VIS will rely on a reasonable opportunity for discovery of evidentiary information regarding additional infringing products.

**COUNT ONE**

**PATENT INFRINGEMENT – U.S. PATENT NO. 7,899,492**

21. Plaintiff VIS realleges and incorporates herein paragraphs 1 - 20.

22. Plaintiff VIS is the assignee of the '492 patent, entitled "Methods, System and Apparatus for Displaying the Multimedia Information from Wireless Communication Networks," and holds all substantial rights in the same. Among other rights, Plaintiff VIS maintains the exclusive right to exclude others, the exclusive right to enforce, sue and recover damages for past and future infringements, and the exclusive right to settle any claims of infringement.

23. The '492 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

**DIRECT INFRINGEMENT (35 U.S.C. § 271(a))**

24. HTC has directly infringed, and continues to directly infringe, one or more claims of the '492 patent in this judicial district and elsewhere in Virginia and the United States.

25. HTC has directly infringed, and continues to directly infringe, at least one or more of claims 23 - 24, 26, 28 – 29, and 33 of the '492 patent, by, among other things, making, using, offering for sale, selling, and/or importing mobile phones and tablets that are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal. Such devices include, but are not limited to, HTC One M8, HTC One Max, HTC One X, HTC Butterfly (a.k.a Droid DNA), HTC Amaze 4G, HTC Droid DNA, HTC Droid Incredible 4G LTE, HTC Evo 3D, HTC Evo 4G LTE, HTC Hero

S, HTC One, HTC One A9, HTC One M7, HTC One M8 (Windows), HTC One M9 (a.k.a., 0PJA300), HTC One S, HTC One SV, HTC One X+, HTC Rezound, HTC Sensation 4G, HTC Vivid, HTC Sensation, HTC Sensation XE, HTC 10, HTC Evo 4G, HTC One VX, HTC Evo View 4G Tablet, HTC Jetstream Tablet, HTC Flyer, HTC Flyer CDMA, and all reasonably similar products of HTC.

**INDIRECT INFRINGEMENT (INDUCEMENT - 35 U.S.C. § 271(b))**

26. Based on the information presently available to VIS, VIS contends that HTC has indirectly infringed, and continues to indirectly infringe, one or more claims of the '492 patent by inducing direct infringement by third parties, including without limitation manufacturers, resellers, and/or end users of the products accused of infringing the '492 patent (the '492 Accused Products) in this District and elsewhere in the United States.

27. On information and belief, despite having knowledge of the '492 patent, HTC has specifically intended for persons who acquire and use the '492 Accused Products, including without limitation end-users of the '492 Accused Products, to acquire and use such devices in such a way that infringes at least one or more of claims 1 - 2, 4, 6 - 7, 11, 23 - 24, 26, 28 - 29, and 33 of the '492 patent, and HTC knew or should have known that their actions were inducing infringement.

28. Defendants have had knowledge of the '492 patent and the infringing nature of their activities at least as early as the date when VIS effected service of the original Complaint.

29. Direct infringement is the result of activities performed by third parties in relation to the '492 Accused Products, including without limitation by end users enabled and encouraged by HTC to use the '492 Accused Products in their normal, customary way to infringe the '492 patent.



30. With knowledge of the '492 patent, HTC directs and aids third parties, including without limitation end-users of the '492 Accused Products, to infringe the '492 patent by, among other things, (i) enabling a user of the '492 Accused Products to use the products to support receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal as claimed in the '492 Patent; (ii) providing instructions (including, by way of example, the tutorials, user guides, product guides, help library, and other documentation located at <http://www.HTC.com/us/support>) to end-users of the '492 Accused Products for using the products in their customary way; (iii) advertising the '492 Accused Products' support of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal; and (iv) providing to third parties the products and software and related equipment that may be required for or associated with infringement of the '492 patent, all with knowledge that the induced acts constitute patent infringement. HTC possesses specific intent to encourage infringement by third parties, including without limitation end-users of the '492 Accused Products.

**INDIRECT INFRINGEMENT (CONTRIBUTION - 35 U.S.C. §§ 271(c) and/or (f))**

31. Based on the information presently available to VIS, VIS contends that HTC has indirectly infringed, and continues to indirectly infringe at least one or more of claims 1 - 2, 4, 6 - 7, 11, 23 - 24, 26, 28 - 29, and 33 of the '492 patent by contributing to the infringement of the '492 patent under 35 U.S.C. §§ 271(c) and/or 271(f), either literally and/or under the doctrine of equivalents, by selling, offering for sale, and/or importing into the United States the '492 Accused Products.

32. The '492 Accused Products are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display

terminal. HTC knows that the '492 Accused Products (i) constitute a material part of the inventions claimed in the '492 patent; (ii) are especially made or adapted to infringe the '492 patent; (iii) are not staple articles or commodities of commerce suitable for non-infringing use; and (iv) are components used for or in systems that are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal as claimed in the '492 patent.

33. VIS is informed and believes that HTC intends to and will continue to directly and indirectly infringe the '492 patent. VIS has been damaged as a result of HTC's infringing conduct described in this Count. HTC is, thus, liable to VIS in an amount that adequately compensates VIS for its infringement, 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.

**COUNT TWO**  
**PATENT INFRINGEMENT – U.S. PATENT NO. 8,050,711**

34. Plaintiff VIS realleges and incorporates herein paragraphs 1 - 33.

35. Plaintiff VIS is the assignee of the '711 patent, entitled "Methods, System and Apparatus for Displaying the Multimedia Information from Wireless Communication Networks," and holds all substantial rights in the same. Among other rights, Plaintiff VIS maintains the exclusive right to exclude others, the exclusive right to enforce, sue and recover damages for past and future infringements, and the exclusive right to settle any claims of infringement.

36. The '711 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

**DIRECT INFRINGEMENT (35 U.S.C. § 271(a))**

37. HTC has directly infringed, and continues to directly infringe, one or more claims of the '711 patent in this judicial district and elsewhere in Virginia and the United States.

38. HTC has directly infringed, and continues to directly infringe, at least one or more of claims 15 – 16, 18, and 20 – 21 of the '711 patent by, among other things, making, using, offering for sale, selling, and/or importing mobile phones and tablets that are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal. Such devices include, but are not limited to, HTC One M8, HTC One Max, HTC One X, HTC Butterfly (a.k.a Droid DNA), HTC Amaze 4G, HTC Droid DNA, HTC Droid Incredible 4G LTE, HTC Evo 3D, HTC Evo 4G LTE, HTC Hero S, HTC One, HTC One A9, HTC One M7, HTC One M8 (Windows), HTC One M9 (a.k.a., 0PJA300), HTC One S, HTC One SV, HTC One X+, HTC Rezound, HTC Sensation 4G, HTC Vivid, HTC Sensation, HTC Sensation XE, HTC 10, HTC Evo 4G, HTC One VX, HTC Evo View 4G Tablet, HTC Jetstream Tablet, HTC Flyer, HTC Flyer CDMA, and all reasonably similar products of HTC.

**INDIRECT INFRINGEMENT (INDUCEMENT - 35 U.S.C. § 271(b))**

39. Based on the information presently available to VIS, VIS contends that HTC has indirectly infringed, and continues to indirectly infringe, one or more claims of the '711 patent by inducing direct infringement by third parties, including without limitation manufacturers, resellers, and/or end users of the products accused of infringing the '711 patent (“the '711 Accused Products”), in this District and elsewhere in the United States.

40. On information and belief, despite having knowledge of the '711 patent, HTC has specifically intended for persons who acquire and use the '711 Accused Products, including

without limitation end-users of the '711 Accused Products, to acquire and use such devices in such a way that infringes at least one or more of claims 1 – 2, 4, 6 – 7, 15 – 16, 18, 20 – 21 of the '711 patent and HTC knew or should have known that their actions were inducing infringement.

41. Defendants have had knowledge of the '711 patent and the infringing nature of their activities at least as early as the date when VIS effected service of the original Complaint.

42. Direct infringement is the result of activities performed by third parties in relation to the '711 Accused Products, including without limitation by end users enabled and encouraged by HTC to use the '711 Accused Products in their normal, customary way to infringe the '711 patent.

43. With knowledge of the '711 patent, HTC directs and aids third parties, including without limitation end-users of the '711 Accused Products, to infringe the '711 patent by, among other things, (i) enabling a user of the '711 Accused Products to use the products to support receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal as claimed in the '711 Patent; (ii) providing instructions (including, by way of example, the tutorials, user guides, product guides, help library, and other documentation located at <http://www.HTC.com/us/support>) to end-users of the '711 Accused Products for using the products in their customary way; (iii) advertising the '711 Accused Products' support of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal; and (iv) providing to third parties the products and software and related equipment that may be required for or associated with infringement of the '711 patent, all with knowledge that the induced acts constitute patent infringement. HTC possesses specific intent to encourage infringement by third parties, including without limitation end users of the '711 Accused Products.

**INDIRECT INFRINGEMENT (CONTRIBUTION - 35 U.S.C. §§ 271(c) and/or (f))**

44. Based on the information presently available to VIS, VIS contends that HTC has indirectly infringed, and continues to indirectly infringe at least one or more of claims 1 – 2, 4, 6 – 7, 15 – 16, 18, 20 – 21 of the '711 patent by contributing to the infringement of the '711 patent under 35 U.S.C. § 271(c) and/or 271(f), either literally and/or under the doctrine of equivalents, by selling, offering for sale, and/or importing into the United States, the '711 Accused Products.

45. The '711 Accused Products are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal. HTC knows that the '711 Accused Products (i) constitute a material part of the inventions claimed in the '711 patent; (ii) are especially made or adapted to infringe the '711 patent; (iii) are not staple articles or commodities of commerce suitable for non-infringing use; and (iv) are components used for or in systems that are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal as claimed in the '711 patent.

46. VIS is informed and believes that HTC intends to and will continue to directly and indirectly infringe the '711 patent. VIS has been damaged as a result of HTC's infringing conduct described in this Count. HTC is, thus, liable to VIS in an amount that adequately compensates VIS for its infringement, 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.

**COUNT THREE**  
**PATENT INFRINGEMENT – U.S. PATENT NO. 8,903,451**

47. Plaintiff VIS realleges and incorporates herein paragraphs 1–46.

48. Plaintiff VIS is the assignee of the '451 patent, entitled “Methods, System and Apparatus for Displaying the Multimedia Information from Wireless Communication

Networks,” and holds all substantial rights in the same. Among other rights, Plaintiff VIS maintains the exclusive right to exclude others, the exclusive right to enforce, sue and recover damages for past and future infringements, and the exclusive right to settle any claims of infringement.

49. The '451 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

**DIRECT INFRINGEMENT (35 U.S.C. § 271(a))**

50. HTC has directly infringed, and continues to directly infringe, one or more claims of the '451 patent in this judicial district and elsewhere in Virginia and the United States.

51. In particular, HTC has directly infringed, and continues to directly infringe at least one or more of claims 1 – 5, 11 – 12, 15, 18 – 21, 30 – 43, 45 – 51, 54 – 58, 67 – 68, and 70 of the '451 patent by, among other things, making, using, offering for sale, selling, and/or importing mobile phones and tablets that are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal. Such devices include, but are not limited to, HTC One M8, HTC One Max, HTC One X, HTC Butterfly (a.k.a Droid DNA), HTC Amaze 4G, HTC Droid DNA, HTC Droid Incredible 4G LTE, HTC Evo 3D, HTC Evo 4G LTE, HTC Hero S, HTC One, HTC One A9, HTC One M7, HTC One M8 (Windows), HTC One M9 (a.k.a., 0PJA300), HTC One S, HTC One SV, HTC One X+, HTC Rezound, HTC Sensation 4G, HTC Vivid, HTC Sensation, HTC Sensation XE, HTC 10, HTC Evo 4G, HTC One VX, HTC Evo View 4G Tablet, HTC Jetstream Tablet, HTC Flyer, HTC Flyer CDMA, HTC Flyer WiFi, and all reasonably similar products of HTC.

52. Further, HTC has directly infringed, and continues to directly infringe at least one or more of claims 9 – 10 and 13 – 14 of the '451 patent by, among other things, making, using,

offering for sale, selling, and/or importing mobile phones and tablets that are capable, when operating in conjunction with the HTC MHL to HDMI Adapter, of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal. Such devices include, but are not limited to, HTC One M8, HTC One Max, HTC One X, HTC Butterfly (a.k.a Droid DNA), HTC Amaze 4G, HTC Droid DNA, HTC Droid Incredible 4G LTE, HTC Evo 3D, HTC Evo 4G LTE, HTC Hero S, HTC One, HTC One A9, HTC One M7, HTC One M8 (Windows), HTC One M9 (a.k.a., 0PJA300), HTC One S, HTC One SV, HTC One X+, HTC Rezound, HTC Sensation 4G, HTC Vivid, HTC Sensation, HTC Sensation XE, HTC Evo View 4G Tablet, HTC Jetstream Tablet, HTC Flyer, HTC Flyer CDMA, HTC Flyer WiFi, and all reasonably similar products of HTC.

**INDIRECT INFRINGEMENT (INDUCEMENT - 35 U.S.C. § 271(b))**

53. Based on the information presently available to VIS, VIS contends that HTC has indirectly infringed, and continues to indirectly infringe, one or more claims of the '451 patent by inducing direct infringement by third parties, including without limitation manufacturers, resellers, and/or end users of the products accused of infringing the '451 patent ("the '451 Accused Products"), in this District and elsewhere in the United States.

54. On information and belief, despite having knowledge of the '451 patent, HTC has specifically intended for persons who acquire and use the '451 Accused Products, including without limitation end-users of the '451 Accused Products, to acquire and use such devices in such a way that infringes at least one or more of claims 1 – 5, 9 – 21, 30 – 43, 45 – 51, 54 – 58, 67 - 68, and 70 - 72 of the '451 patent and HTC knew or should have known that their actions were inducing infringement.

55. Defendants have had knowledge of the '451 patent and the infringing nature of

their activities at least as early as the date when VIS effected service of the original Complaint.

56. Direct infringement is the result of activities performed by third parties in relation to the '451 Accused Products, including without limitation by end users enabled and encouraged by HTC to use the '451 Accused Products in their normal, customary way to infringe the '451 patent.

57. With knowledge of the '451 patent, HTC directs and aids third parties, including without limitation end-users of the '451 Accused Products, to infringe the '451 patent by, among other things, (i) enabling a user of the '451 Accused Products to use the products to support receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal as claimed in the '451 patent; (ii) providing instructions (including, by way of example, the tutorials, user guides, product guides, help library, and other documentation located at <http://www.HTC.com/us/support>) to end-users of the '451 Accused Products for using the products in their customary way; (iii) advertising the '451 Accused Products' support of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal; and (iv) providing to third parties the products and software and related equipment that may be required for or associated with infringement of the '451 patent, all with knowledge that the induced acts constitute patent infringement. HTC possesses specific intent to encourage infringement by third parties, including without limitation end-users of the '451 Accused Products.

**INDIRECT INFRINGEMENT (CONTRIBUTION - 35 U.S.C. §§ 271(c) and/or (f))**

58. Based on the information presently available to VIS, VIS contends that HTC has indirectly infringed, and continues to indirectly infringe at least one or more of claims 1 – 5, 9 – 21, 30 – 43, 45 – 51, 54 – 58, 67 – 68, and 70 – 72 of the '451 patent by contributing to the



infringement of the '451 patent under 35 U.S.C. § 271(c) and/or 271(f), either literally and/or under the doctrine of equivalents, by selling, offering for sale, and/or importing into the United States, the '451 Accused Products.

59. The '451 Accused Products are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal. HTC knows that the '451 Accused Products (i) constitute a material part of the inventions claimed in the '451 patent; (ii) are especially made or adapted to infringe the '451 patent; (iii) are not staple articles or commodities of commerce suitable for non-infringing use; and (iv) are components used for or in systems that are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal as claimed in the '451 patent.

60. VIS is informed and believes that HTC intends to and will continue to directly and indirectly infringe the '451 patent. VIS has been damaged as a result of HTC's infringing conduct described in this Count. HTC is, thus, liable to VIS in an amount that adequately compensates VIS for its infringement, 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.

#### **COUNT FOUR**

#### **PATENT INFRINGEMENT – U.S. PATENT NO. 8,948,814**

61. Plaintiff VIS realleges and incorporates herein paragraphs 1 - 60.

62. Plaintiff VIS is the assignee of the '814 patent, entitled "Methods, System and Apparatus for Displaying the Multimedia Information from Wireless Communication Networks," and holds all substantial rights in the same. Among other rights, Plaintiff VIS maintains the exclusive right to exclude others, the exclusive right to enforce, sue and recover damages for past and future infringements, and the exclusive right to settle any claims of

infringement.

63. The '814 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

**DIRECT INFRINGEMENT (35 U.S.C. § 271(a))**

64. HTC has directly infringed, and continues to directly infringe, one or more claims of the '814 patent in this judicial district and elsewhere in Virginia and the United States. In particular, HTC has directly infringed, and continues to directly infringe at least one or more of claims 1 – 9, 11 – 17, 28 – 31, and 40 of the '814 patent by, among other things, making, using, offering for sale, selling, and/or importing mobile phones and tablets that are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal. Such devices include, but are not limited to, HTC One M8, HTC One Max, HTC One X, HTC Butterfly (a.k.a Droid DNA), HTC Amaze 4G, HTC Droid DNA, HTC Droid Incredible 4G LTE, HTC Evo 3D, HTC Evo 4G LTE, HTC Hero S, HTC One, HTC One A9, HTC One M7, HTC One M8 (Windows), HTC One M9 (a.k.a., 0PJA300), HTC One S, HTC One SV, HTC One X+, HTC Rezound, HTC Sensation 4G, HTC Vivid, HTC Sensation, HTC Sensation XE, HTC 10, HTC Evo 4G, HTC One VX, HTC Evo View 4G Tablet, HTC Jetstream Tablet, HTC Flyer, HTC Flyer CDMA, and all reasonably similar products of HTC.

65. Further, HTC has directly infringed, and continues to directly infringe at least one or more of claims 28 and 40 of the '814 patent by, among other things, making, using, offering for sale, selling, and/or importing mobile phones and tablets that are capable, when operating in conjunction with the HTC MHL to HDMI Adapter, of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display

terminal. Such devices include, but are not limited to, HTC One M8, HTC One Max, HTC One X, HTC Butterfly (a.k.a Droid DNA), HTC Amaze 4G, HTC Droid DNA, HTC Droid Incredible 4G LTE, HTC Evo 3D, HTC Evo 4G LTE, HTC Hero S, HTC One, HTC One A9, HTC One M7, HTC One M8 (Windows), HTC One M9 (a.k.a., 0PJA300), HTC One S, HTC One SV, HTC One X+, HTC Rezound, HTC Sensation 4G, HTC Vivid, HTC Sensation, HTC Sensation XE, HTC Evo View 4G Tablet, HTC Jetstream Tablet, HTC Flyer, HTC Flyer CDMA, HTC Flyer WiFi, and all reasonably similar products of HTC.

**INDIRECT INFRINGEMENT (INDUCEMENT - 35 U.S.C. § 271(b))**

66. Based on the information presently available to VIS, VIS contends that HTC has indirectly infringed, and continues to indirectly infringe, one or more claims of the '814 patent by inducing direct infringement by third parties, including without limitation manufacturers, resellers, and/or end users of the products accused of infringing the '814 patent ("the '814 Accused Products"), in this District and elsewhere in the United States.

67. On information and belief, despite having knowledge of the '814 patent, HTC has specifically intended for persons who acquire and use the '814 Accused Products, including without limitation end users of the '814 Accused Products, to acquire and use such devices in such a way that infringes the at least one or more of claims 1 – 9, 11 – 17, 18 – 20, 28 – 31, and 38 - 42 of the '814 patent and HTC knew or should have known that their actions were inducing infringement.

68. Defendants have had knowledge of the '814 patent and the infringing nature of their activities at least as early as the date when VIS effected service of the original Complaint.

69. Direct infringement is the result of activities performed by third parties in relation to the '814 Accused Products, including without limitation by end users enabled and encouraged

by HTC to use the '814 Accused Products in their normal, customary way to infringe the '814 patent.

70. With knowledge of the '814 patent, HTC directs and aids third parties, including without limitation end-users of the '814 Accused Products, to infringe the '814 patent by, among other things, (i) enabling a user of the '814 Accused Products to use the products to support receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal as claimed in the '814 patent; (ii) providing instructions (including, by way of example, the tutorials, user guides, product guides, help library, and other documentation located at <http://www.HTC.com/us/support>) to end-users of the '814 Accused Products for using the products in their customary way; (iii) advertising the '814 Accused Products' support of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal; and (iv) providing to third parties the products and software and related equipment that may be required for or associated with infringement of the '814 patent, all with knowledge that the induced acts constitute patent infringement. HTC possesses specific intent to encourage infringement by third parties, including without limitation end-users of the '814 Accused Products.

**INDIRECT INFRINGEMENT (CONTRIBUTION - 35 U.S.C. §§ 271(c) and/or (f))**

71. Based on the information presently available to VIS, VIS contends that HTC has indirectly infringed, and continues to indirectly infringe at least one or more of claims 1 – 9, 11 – 20, 28 – 31, and 38 – 42 of the '814 patent by contributing to the infringement of the '814 patent under 35 U.S.C. § 271(c) and/or 271(f), either literally and/or under the doctrine of equivalents, by selling, offering for sale, and/or importing into the United States, the '814 Accused Products.

72. The '814 Accused Products are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal. HTC knows that the '814 Accused Products (i) constitute a material part of the inventions claimed in the '814 patent; (ii) are especially made or adapted to infringe the '814 patent; (iii) are not staple articles or commodities of commerce suitable for non-infringing use; and (iv) are components used for or in systems that are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal as claimed in the '814 patent.

73. VIS is informed and believes that HTC intends to and will continue to directly and indirectly infringe the '814 patent. VIS has been damaged as a result of HTC's infringing conduct described in this Count. HTC is, thus, liable to VIS in an amount that adequately compensates VIS for its infringement, 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.

**COUNT FIVE**  
**PATENT INFRINGEMENT – U.S. PATENT NO. 9,118,794**

74. Plaintiff VIS realleges and incorporates herein paragraphs 1 - 73.

75. Plaintiff VIS is the assignee of the '794 patent, entitled "Methods, System and Apparatus for Displaying the Multimedia Information from Wireless Communication Networks," and holds all substantial rights in the same. Among other rights, Plaintiff VIS maintains the exclusive right to exclude others, the exclusive right to enforce, sue and recover damages for past and future infringements, and the exclusive right to settle any claims of infringement.

76. The '794 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

**DIRECT INFRINGEMENT (35 U.S.C. § 271(a))**

77. HTC has directly infringed, and continues to directly infringe, one or more claims of the '794 patent in this judicial district and elsewhere in Virginia and the United States.

78. In particular, HTC has directly infringed, and continues to directly infringe at least one or more of claims 1 – 16, 19 – 23, 26, 28, 30 – 34, and 37 – 38 of the '794 patent by, among other things, making, using, offering for sale, selling, and/or importing mobile phones and tablets that are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal. Such devices include, but are not limited to, HTC One M8, HTC One Max, HTC One X, HTC Butterfly (a.k.a Droid DNA), HTC Amaze 4G, HTC Droid DNA, HTC Droid Incredible 4G LTE, HTC Evo 3D, HTC Evo 4G LTE, HTC Hero S, HTC One, HTC One A9, HTC One M7, HTC One M8 (Windows), HTC One M9 (a.k.a., 0PJA300), HTC One S, HTC One SV, HTC One X+, HTC Rezound, HTC Sensation 4G, HTC Vivid, HTC Sensation, HTC Sensation XE, HTC 10, HTC Desire 510, HTC Desire 612 LTE, HTC Desire 816, HTC Desire Eye, HTC One E8, HTC Desire 626, HTC Desire 728g, HTC Desire 620, HTC One E9, HTC Desire 310, HTC One X9, HTC Desire 820, HTC Desire 320, HTC Desire 826, HTC Butterfly 2, HTC One M8 Harman Kardon Edition, HTC One Remix, HTC Desire 526, HTC Evo 4G, HTC One VX, HTC Evo View 4G Tablet, HTC Jetstream Tablet, HTC Flyer, HTC Flyer CDMA, HTC Flyer WiFi, and all reasonably similar products of HTC.

**INDIRECT INFRINGEMENT (INDUCEMENT - 35 U.S.C. § 271(b))**

79. Based on the information presently available to VIS, VIS contends that HTC has indirectly infringed, and continues to indirectly infringe, one or more claims of the '794 patent by inducing direct infringement by third parties, including without limitation manufacturers,

resellers, and/or end users of the products accused of infringing the '794 patent ("the '794 Accused Products"), in this District and elsewhere in the United States.

80. On information and belief, despite having knowledge of the '794 patent, HTC has specifically intended for persons who acquire and use the '794 Accused Products, including without limitation end-users of the '794 Accused Products, to acquire and use such devices in such a way that infringes at least one or more of claims 1 – 16, 19 – 23, 26, 28, 30 – 34, and 37 – 38 of the '794 patent and HTC knew or should have known that their actions were inducing infringement.

81. Defendants have had knowledge of the '794 patent and the infringing nature of their activities at least as early as the date when VIS effected service of this Complaint.

82. Direct infringement is the result of activities performed by third parties in relation to the '794 Accused Products, including without limitation by end users enabled and encouraged by HTC to use the '794 Accused Products in their normal, customary way to infringe the '794 patent.

83. With knowledge of the '794 patent, HTC directs and aids third parties, including without limitation end-users of the '794 Accused Products, to infringe the '794 patent by, among other things, (i) enabling a user of the '794 Accused Products to use the products to support receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal as claimed in the '794 patent; (ii) providing instructions (including, by way of example, the tutorials, user guides, product guides, help library, and other documentation located at <http://www.HTC.com/us/support>) to end-users of the '794 Accused Products for using the products in their customary way; (iii) advertising the '794 Accused Products' support of receiving video signals for a mobile terminal and converting those

signals to accommodate reproduction by an alternative display terminal; and (iv) providing to third parties the products and software and related equipment that may be required for or associated with infringement of the '794 patent, all with knowledge that the induced acts constitute patent infringement. HTC possesses specific intent to encourage infringement by third parties, including without limitation end-users of the '794 Accused Products.

**INDIRECT INFRINGEMENT (CONTRIBUTION - 35 U.S.C. §§ 271(c) and/or (f))**

84. Based on the information presently available to VIS, VIS contends that HTC has indirectly infringed, and continues to indirectly infringe at least one or more of claims 1 – 16, 19 – 23, 26, 28, 30 – 34, and 37 – 38 of the '794 patent by contributing to the infringement of the '794 patent under 35 U.S.C. § 271(c) and/or 271(f), either literally and/or under the doctrine of equivalents, by selling, offering for sale, and/or importing into the United States, the '794 Accused Products.

85. The '794 Accused Products are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal. HTC knows that the '794 Accused Products (i) constitute a material part of the inventions claimed in the '794 patent; (ii) are especially made or adapted to infringe the '794 patent; (iii) are not staple articles or commodities of commerce suitable for non-infringing use; and (iv) are components used for or in systems that are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal as claimed in the '794 patent.

86. VIS is informed and believes that HTC intends to and will continue to directly and indirectly infringe the '794 patent. VIS has been damaged as a result of HTC's infringing conduct described in this Count. HTC is, thus, liable to VIS in an amount that adequately



compensates VIS for its infringement, 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.

**COUNT SIX**  
**PATENT INFRINGEMENT – U.S. PATENT NO. 8,712,471**

87. Plaintiff VIS realleges and incorporates herein paragraphs 1 - 86.

88. Plaintiff VIS is the assignee of the '471 patent, entitled "Methods, System and Apparatus for Displaying the Multimedia Information from Wireless Communication Networks," and holds all substantial rights in the same. Among other rights, Plaintiff VIS maintains the exclusive right to exclude others, the exclusive right to enforce, sue and recover damages for past and future infringements, and the exclusive right to settle any claims of infringement.

89. The identified claims of the '471 patent are valid, enforceable and were duly issued in full compliance with Title 35 of the United States Code.

**DIRECT INFRINGEMENT (35 U.S.C. § 271(a))**

90. HTC has directly infringed, and continues to directly infringe, one or more claims of the '794 patent in this judicial district and elsewhere in Virginia and the United States.

91. In particular, HTC has directly infringed, and continues to directly infringe at least one or more of claims 26 – 27, and 41 - 42 of the '471 patent by, among other things, making, using, offering for sale, selling, and/or importing mobile phones and tablets that are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal. Such devices include, but are not limited to, HTC One M8, HTC One Max, HTC One X, HTC Butterfly (a.k.a Droid DNA), HTC Amaze 4G, HTC Droid DNA, HTC Droid Incredible 4G LTE, HTC Evo 3D, HTC Evo 4G LTE, HTC Hero S, HTC One, HTC One A9, HTC One M7, HTC One M8 (Windows), HTC One M9

(a.k.a., 0PJA300), HTC One S, HTC One SV, HTC One X+, HTC Rezound, HTC Sensation 4G, HTC Vivid, HTC Sensation, HTC Sensation XE, HTC 10, HTC Evo 4G, HTC One VX, HTC Evo View 4G Tablet, HTC Jetstream Tablet, HTC Flyer, HTC Flyer CDMA, HTC Flyer WiFi, and all reasonably similar products of HTC.

92. Further, HTC has directly infringed, and continues to directly infringe at least one or more of claims 43 – 48, and 50 of the '471 patent by, among other things, making, using, offering for sale, selling, and/or importing mobile phones and tablets that are capable, when operating in conjunction with the HTC MHL to HDMI Adapter, of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal. Such devices include, but are not limited to, HTC One M8, HTC One Max, HTC One X, HTC Butterfly (a.k.a Droid DNA), HTC Amaze 4G, HTC Droid DNA, HTC Droid Incredible 4G LTE, HTC Evo 3D, HTC Evo 4G LTE, HTC Hero S, HTC One, HTC One A9, HTC One M7, HTC One M8 (Windows), HTC One M9 (a.k.a., 0PJA300), HTC One S, HTC One SV, HTC One X+, HTC Rezound, HTC Sensation 4G, HTC Vivid, HTC Sensation, HTC Sensation XE, HTC Evo View 4G Tablet, HTC Jetstream Tablet, HTC Flyer, HTC Flyer CDMA, HTC Flyer WiFi, and all reasonably similar products of HTC.

**INDIRECT INFRINGEMENT (INDUCEMENT - 35 U.S.C. § 271(b))**

93. Based on the information presently available to VIS, VIS contends that HTC has indirectly infringed, and continues to indirectly infringe, one or more claims of the '471 patent by inducing direct infringement by third parties, including without limitation manufacturers, resellers, and/or end users of the products accused of infringing the '471 patent (“the '471 Accused Products”), in this District and elsewhere in the United States.

94. On information and belief, despite having knowledge of the '471 patent, HTC has

specifically intended for persons who acquire and use the '471 Accused Products, including without limitation end-users of the '471 Accused Products, to acquire and use such devices in such a way that infringes at least one or more of claims 2 – 3, 8 – 10, 26 – 27, 41 – 48, and 50 of the '471 patent and HTC knew or should have known that their actions were inducing infringement.

95. Defendants have had knowledge of the '471 patent and the infringing nature of their activities at least as early as the date when VIS effected service of the original Complaint.

96. Direct infringement is the result of activities performed by third parties in relation to the '471 Accused Products, including without limitation by end users enabled and encouraged by HTC to use the '471 Accused Products in their normal, customary way to infringe the '471 patent.

97. With knowledge of the '471 patent, HTC directs and aids third parties, including without limitation end-users of the '471 Accused Products, to infringe the '471 patent by, among other things, (i) enabling a user of the '471 Accused Products to use the products to support receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal as claimed in the '471 patent; (ii) providing instructions (including, by way of example, the tutorials, user guides, product guides, help library, and other documentation located at <http://www.HTC.com/us/support>) to end-users of the '471 Accused Products for using the products in their customary way; (iii) advertising the '471 Accused Products' support of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal; and (iv) providing to third parties the products and software and related equipment that may be required for or associated with infringement of the '471 patent, all with knowledge that the induced acts

constitute patent infringement. HTC possesses specific intent to encourage infringement by third parties, including without limitation end-users of the '471 Accused Products.

**INDIRECT INFRINGEMENT (CONTRIBUTION - 35 U.S.C. §§ 271(c) and/or (f))**

98. Based on the information presently available to VIS, VIS contends that HTC has indirectly infringed, and continues to indirectly infringe at least one or more of claims 2 – 3, 8 – 10, 26 – 27, 41 – 48, and 50 of the '471 patent by contributing to the infringement of the '471 patent under 35 U.S.C. § 271(c) and/or 271(f), either literally and/or under the doctrine of equivalents, by selling, offering for sale, and/or importing into the United States, the '471 Accused Products.

99. The '471 Accused Products are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal. HTC knows that the '471 Accused Products (i) constitute a material part of the inventions claimed in the '471 patent; (ii) are especially made or adapted to infringe the '471 patent; (iii) are not staple articles or commodities of commerce suitable for non-infringing use; and (iv) are components used for or in systems that are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal as claimed in the '471 patent.

100. VIS is informed and believes that HTC intends to and will continue to directly and indirectly infringe the '471 patent. VIS has been damaged as a result of HTC's infringing conduct described in this Count. HTC is, thus, liable to VIS in an amount that adequately compensates VIS for its infringement, 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.

**COUNT SEVEN**  
**PATENT INFRINGEMENT – U.S. PATENT NO. 9,286,853**

101. Plaintiff VIS realleges and incorporates herein paragraphs 1 - 100.

102. Plaintiff VIS is the assignee of the '853 patent, entitled "Methods, System and Apparatus for Displaying the Multimedia Information from Wireless Communication Networks," and holds all substantial rights in the same. Among other rights, Plaintiff VIS maintains the exclusive right to exclude others, the exclusive right to enforce, sue and recover damages for past and future infringements, and the exclusive right to settle any claims of infringement.

103. The identified claims of the '853 patent are valid, enforceable and were duly issued in full compliance with Title 35 of the United States Code.

**DIRECT INFRINGEMENT (35 U.S.C. § 271(a))**

104. HTC has directly infringed, and continues to directly infringe, one or more claims of the '853 patent in this judicial district and elsewhere in Virginia and the United States.

105. In particular, HTC has directly infringed, and continues to directly infringe at least one or more of claims 1 – 12, 14, and 34 - 40 of the '853 patent by, among other things, making, using, offering for sale, selling, and/or importing mobile phones and tablets that are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal. Such devices include, but are not limited to, HTC One M8, HTC One Max, HTC One X, HTC Butterfly (a.k.a Droid DNA), HTC Amaze 4G, HTC Droid DNA, HTC Droid Incredible 4G LTE, HTC Evo 3D, HTC Evo 4G LTE, HTC Hero S, HTC One, HTC One A9, HTC One M7, HTC One M8 (Windows), HTC One M9 (a.k.a., 0PJA300), HTC One S, HTC One SV, HTC One X+, HTC Rezound, HTC Sensation 4G, HTC Vivid, HTC Sensation, HTC Sensation XE, HTC Evo View 4G Tablet, HTC Jetstream

Tablet, HTC Flyer, HTC Flyer CDMA, HTC Flyer WiFi , and all reasonably similar products of HTC.

**INDIRECT INFRINGEMENT (INDUCEMENT - 35 U.S.C. § 271(b))**

106. Based on the information presently available to VIS, VIS contends that HTC has indirectly infringed, and continues to indirectly infringe, one or more claims of the '853 patent by inducing direct infringement by third parties, including without limitation manufacturers, resellers, and/or end users of the products accused of infringing the '853 patent (“the '853 Accused Products”), in this District and elsewhere in the United States.

107. On information and belief, despite having knowledge of the '853 patent, HTC has specifically intended for persons who acquire and use the '853 Accused Products, including without limitation end-users of the '853 Accused Products, to acquire and use such devices in such a way that infringes at least one or more of claims 1 – 12, 14, and 34 - 40 of the '853 patent and HTC knew or should have known that their actions were inducing infringement.

108. Defendants have had knowledge of the '853 patent and the infringing nature of their activities at least as early the date when VIS effected service of the original Complaint.

109. Direct infringement is the result of activities performed by third parties in relation to the '853 Accused Products, including without limitation by end users enabled and encouraged by HTC to use the '853 Accused Products in their normal, customary way to infringe the '853 patent.

110. With knowledge of the '853 patent, HTC directs and aids third parties, including without limitation end-users of the '853 Accused Products, to infringe the '853 patent by, among other things, (i) enabling a user of the '853 Accused Products to use the products to support receiving video signals for a mobile terminal and converting those signals to accommodate

reproduction by an alternative display terminal as claimed in the '853 patent; (ii) providing instructions (including, by way of example, the tutorials, user guides, product guides, help library, and other documentation located at <http://www.HTC.com/us/support>) to end-users of the '853 Accused Products for using the products in their customary way; (iii) advertising the '853 Accused Products' support of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal; and (iv) providing to third parties the products and software and related equipment that may be required for or associated with infringement of the '853 patent, all with knowledge that the induced acts constitute patent infringement. HTC possesses specific intent to encourage infringement by third parties, including without limitation end-users of the '853 Accused Products.

**INDIRECT INFRINGEMENT (CONTRIBUTION - 35 U.S.C. §§ 271(c) and/or (f))**

111. Based on the information presently available to VIS, VIS contends that HTC has indirectly infringed, and continues to indirectly infringe at least one or more of claims 1 – 12, 14, and 34 – 40 of the '853 patent by contributing to the infringement of the '853 patent under 35 U.S.C. § 271(c) and/or 271(f), either literally and/or under the doctrine of equivalents, by selling, offering for sale, and/or importing into the United States, the '853 Accused Products.

112. The '853 Accused Products are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal. HTC knows that the '853 Accused Products (i) constitute a material part of the inventions claimed in the '853 patent; (ii) are especially made or adapted to infringe the '853 patent; (iii) are not staple articles or commodities of commerce suitable for non-infringing use; and (iv) are components used for or in systems that are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative

display terminal as claimed in the '853 patent.

113. VIS is informed and believes that HTC intends to and will continue to directly and indirectly infringe the '853 patent. VIS has been damaged as a result of HTC's infringing conduct described in this Count. HTC is, thus, liable to VIS in an amount that adequately compensates VIS for its infringement, 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.

**COUNT EIGHT**  
**PATENT INFRINGEMENT – U.S. PATENT NO. 9,355,611**

114. Plaintiff VIS realleges and incorporates herein paragraphs 1 - 113.

115. Plaintiff VIS is the assignee of the '611 patent, entitled "Methods, System and Apparatus for Displaying the Multimedia Information from Wireless Communication Networks," and holds all substantial rights in the same. Among other rights, Plaintiff VIS maintains the exclusive right to exclude others, the exclusive right to enforce, sue and recover damages for past and future infringements, and the exclusive right to settle any claims of infringement.

116. The identified claims of the '611 patent are valid, enforceable and were duly issued in full compliance with Title 35 of the United States Code.

**DIRECT INFRINGEMENT (35 U.S.C. § 271(a))**

117. HTC has directly infringed, and continues to directly infringe, one or more claims of the '611 patent in this judicial district and elsewhere in Virginia and the United States.

118. In particular, HTC has directly infringed, and continues to directly infringe at least one or more of claims 1 – 13, 15, 31 – 37, 39, and 41 – 42 of the '611 patent by, among other things, making, using, offering for sale, selling, and/or importing mobile phones and tablets that are capable of receiving video signals for a mobile terminal and converting those signals to



accommodate reproduction by an alternative display terminal. Such devices include, but are not limited to, HTC One M8, HTC One Max, HTC One X, HTC Butterfly (a.k.a Droid DNA), HTC Amaze 4G, HTC Droid DNA, HTC Droid Incredible 4G LTE, HTC Evo 3D, HTC Evo 4G LTE, HTC Hero S, HTC One, HTC One A9, HTC One M7, HTC One M8 (Windows), HTC One M9 (a.k.a., 0PJA300), HTC One S, HTC One SV, HTC One X+, HTC Rezound, HTC Sensation 4G, HTC Vivid, HTC Sensation, HTC Sensation XE, HTC 10, HTC Evo View 4G Tablet, HTC Jetstream Tablet, HTC Flyer, HTC Flyer CDMA, HTC Flyer WiFi, and all reasonably similar products of HTC.

119. Further, HTC has directly infringed, and continues to directly infringe at least one or more of claims 48, 51, 53 – 55, and 57 – 60 of the '611 patent by, among other things, making, using, offering for sale, selling, and/or importing mobile phones and tablets that are capable, when operating in conjunction with the HTC MHL to HDMI Adapter, of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal. Such devices include, but are not limited to, HTC One M8, HTC One Max, HTC One X, HTC Butterfly (a.k.a Droid DNA), HTC Amaze 4G, HTC Droid DNA, HTC Droid Incredible 4G LTE, HTC Evo 3D, HTC Evo 4G LTE, HTC Hero S, HTC One, HTC One A9, HTC One M7, HTC One M8 (Windows), HTC One M9 (a.k.a., 0PJA300), HTC One S, HTC One SV, HTC One X+, HTC Rezound, HTC Sensation 4G, HTC Vivid, HTC Sensation, HTC Sensation XE, HTC Evo View 4G Tablet, HTC Jetstream Tablet, HTC Flyer, HTC Flyer CDMA, HTC Flyer WiFi, and all reasonably similar products of HTC.

**INDIRECT INFRINGEMENT (INDUCEMENT - 35 U.S.C. § 271(b))**

120. Based on the information presently available to VIS, VIS contends that HTC has indirectly infringed, and continues to indirectly infringe, one or more claims of the '611 patent

by inducing direct infringement by third parties, including without limitation manufacturers, resellers, and/or end users of the products accused of infringing the '611 patent ("the '611 Accused Products"), in this District and elsewhere in the United States.

121. On information and belief, despite having knowledge of the '611 patent, HTC has specifically intended for persons who acquire and use the '611 Accused Products, including without limitation end-users of the '611 Accused Products, to acquire and use such devices in such a way that infringes at least one or more of claims 1 – 15, 31 – 37, 39, and 41 – 42, 48, 51 – 55, and 57 – 60 of the '611 patent and HTC knew or should have known that their actions were inducing infringement.

122. Defendants have had knowledge of the '611 patent and the infringing nature of their activities at least as early as the date when VIS effected service of the original Complaint.

123. Direct infringement is the result of activities performed by third parties in relation to the '611 Accused Products, including without limitation by end users enabled and encouraged by HTC to use the '611 Accused Products in their normal, customary way to infringe the '611 patent.

124. With knowledge of the '611 patent, HTC directs and aids third parties, including without limitation end-users of the '611 Accused Products, to infringe the '611 patent by, among other things, (i) enabling a user of the '611 Accused Products to use the products to support receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal as claimed in the '611 patent; (ii) providing instructions (including, by way of example, the tutorials, user guides, product guides, help library, and other documentation located at <http://www.HTC.com/us/support>) to end-users of the '611 Accused Products for using the products in their customary way; (iii) advertising the '611

Accused Products' support of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal; and (iv) providing to third parties the products and software and related equipment that may be required for or associated with infringement of the '611 patent, all with knowledge that the induced acts constitute patent infringement. HTC possesses specific intent to encourage infringement by third parties, including without limitation end-users of the '611 Accused Products.

**INDIRECT INFRINGEMENT (CONTRIBUTION - 35 U.S.C. §§ 271(c) and/or (f))**

125. Based on the information presently available to VIS, VIS contends that HTC has indirectly infringed, and continues to indirectly infringe at least one or more of claims 1 – 15, 31 – 37, 39, and 41 – 42, 48, 51 – 55, and 57 – 60 of the '611 patent by contributing to the infringement of the '611 patent under 35 U.S.C. § 271(c) and/or 271(f), either literally and/or under the doctrine of equivalents, by selling, offering for sale, and/or importing into the United States, the '611 Accused Products.

126. The '611 Accused Products are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal. HTC knows that the '611 Accused Products (i) constitute a material part of the inventions claimed in the '611 patent; (ii) are especially made or adapted to infringe the '611 patent; (iii) are not staple articles or commodities of commerce suitable for non-infringing use; and (iv) are components used for or in systems that are capable of receiving video signals for a mobile terminal and converting those signals to accommodate reproduction by an alternative display terminal as claimed in the '611 patent.

127. VIS is informed and believes that HTC intends to and will continue to directly and indirectly infringe the '611 patent. VIS has been damaged as a result of HTC's infringing

conduct described in this Count. HTC is, thus, liable to VIS in an amount that adequately compensates VIS for its infringement, 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.

#### **VII. JURY DEMAND**

99. Plaintiff VIS demands a trial by jury of all matters to which it is entitled to trial by jury, pursuant to Fed. R. Civ. P. 38.

#### **VIII. PRAYER FOR RELIEF**

WHEREFORE, plaintiff Virginia Innovation Sciences, Inc. prays for judgment and seeks relief against HTC as follows:

- a. Judgment that one or more claims of U.S. Patent No. 7,899,492, U.S. Patent No. 8,050,711, U.S. Patent No. 8,903,451, U.S. Patent No. 8,948,814, U.S. Patent No. 9,118,794, U.S. Patent No. 8,712,471, U.S. Patent No. 9,286,853, U.S. Patent No. U.S. Patent No. 9,355,611 (“Asserted Patents”) have been infringed, either literally and/or under the doctrine of equivalents, by HTC;
- b. Award Plaintiff past and future damages together with prejudgment and post-judgment interest to compensate for the infringement by HTC of the Asserted Patents in accordance with 35 U.S.C. §284; and
- c. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: May 31, 2016

Respectfully submitted,

/s/ Stephen E. Noona

Stephen E. Noona  
Virginia State Bar No. 25367  
KAUFMAN & CANOLES, P.C.  
150 W. Main Street, Suite 2100  
Norfolk, VA 23510-1665  
Telephone: (757) 624-3239  
Facsimile: (888) 360-9092  
senoona@kaufcan.com

Andrew G. DiNovo (*pro hac vice*)  
Texas State Bar No. 00790594  
Adam G. Price (*pro hac vice*)  
Texas State Bar No. 24027750  
Christopher V. Goodpastor (*pro hac vice*)  
Texas State Bar No. 00791991  
DiNOVO PRICE ELLWANGER & HARDY LLP  
7000 N. MoPac Expressway, Suite 350  
Austin, TX 78731  
Telephone: (512) 539-2626  
Facsimile: (512) 539-2627  
adinovo@dpelaw.com  
aprice@dpelaw.com  
cgoodpastor@dpelaw.com

*Counsel for Plaintiff Virginia Innovative  
Sciences, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the May 31, 2016, I will cause the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will then send notification of such filing (NEF) to the following:

Conrad M. Shumadine  
WILLCOX & SAVAGE PC  
440 Monticello Ave., Suite 2200  
Norfolk, VA 23510  
Telephone: (757) 628-5500  
Facsimile: (757) 628-5566  
cshumadine@wilsav.com

Blair M. Jacobs  
PAUL HASTINGS LLP  
600 13<sup>th</sup> Street NW  
Washington, DC 20005  
Telephone: (202) 756-8000  
Facsimile: (202) 756-8199  
blairjacobs@paulhastings.com

Bryan James  
Philip Ou  
Yar Chaikovsky  
PAUL HASTINGS LLP  
1117 S. California Avenue  
Palo Alto, CA 94304  
Telephone: (650) 320-1800  
Facsimile: (650) 320-1900  
Bryanjames@paulhastings.com  
philipou@paulhastings.com  
yarchaikovsky@paulhastings.com

*Counsel for Defendants, HTC Corporation  
and HTC America, Inc.*

/s/ Stephen E. Noona  
Stephen E. Noona  
Virginia State Bar No. 25367  
KAUFMAN & CANOLES, P.C.  
150 W. Main Street, Suite 2100  
Norfolk, VA 23510-1665  
Telephone: (757) 624-3239

Facsimile: (888) 360-9092  
senoona@kaufcan.com