

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VESPER TECHNOLOGY RESEARCH, LLC

Plaintiff,

v.

**LG DISPLAY CO., LTD., LG ELECTRONICS
U.S.A., INC., LG DISPLAY AMERICA, INC.,
AND LG ELECTRONICS ALABAMA, INC.,**

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Vesper Technology Research, LLC (“Vesper” or “Plaintiff”), by and through its attorneys, brings this action and makes the following allegations of patent infringement relating to U.S. Patent No. 6,611,247 (the “247 Patent” or “patent-in-suit”). Defendants LG Display Co., LTD, LG Electronics U.S.A., Inc., LG Display America, Inc., and LG Electronics Alabama Inc. (collectively “LG” or “Defendant”) infringe the patent-in-suit in violation of the patent laws of the United States of America, 35 U.S.C. § 1 *et seq.*

INTRODUCTION

1. Vesper pursues the reasonable royalties owed for LG’s unauthorized use of patented groundbreaking technology related to the data transfer of a multi-level signal for providing display data to a display panel. Vesper was assigned the rights to these patented technologies by Himax Technologies Limited, a wholly-owned subsidiary of Himax Technologies, Inc. (“Himax”).

2. Himax is a pioneering fabless semiconductor company that produces display and imaging processing technologies. Himax is a worldwide market leader in technology used in televisions, laptops, monitors, mobile phones, tablets, digital camera, car navigation, virtual reality devices, and a myriad of other consumer electronic devices.

3. Himax products have been key components of flat panel displays. Its products include display drivers for large-sized TFT-LCD panels used in televisions, desktop monitors and notebook computers, as well as display drivers for small and medium-sized panels used in mobile handsets and consumer electronics products such as digital cameras, mobile gaming devices, and car navigation displays. In 2006, Himax became a publicly traded company on the NASDAQ Exchange. Himax supplies Google with liquid crystal on silicon displays for Google Glass, and in 2013 Google announced it would take a 6.3% stake in Himax Display, a subsidiary of Himax. Himax is also a major supplier of display technology for leading virtual reality companies such as Oculus, which was purchased by Facebook for \$2 billion in 2014.

4. The U.S. Patent and Trademark Office has granted Himax more than 600 patents for Himax's innovative inventions.

THE PARTIES

5. Vesper Technology Research, LLC ("Vesper") is a Texas limited liability company with its principal place of business located at 903 East 18th Street, Suite 216, Plano, Texas 75074.

6. Upon information and belief, LG Display Co., Ltd., is a Korean limited corporation with a principal place of business at LG Twin Tower, 128, Yeoui-daero, Yeongdeungpo-gu Seoul, Korea.

7. Upon information and belief, LG Electronics U.S.A., Inc. is a Delaware corporation having a principal place of business in Englewood Cliffs, New Jersey and does business in Houston, Texas and through sales in the judicial Eastern District of Texas. Upon information and belief, LG Electronics U.S.A., Inc. may be served with process by serving its agent for service, United States Corporation Company, 2711 Centerville Road, Ste. 400, Wilmington, DE 19808.

8. Upon information and belief, LG Display America, Inc. ("LG Display America") is a California corporation with its principal place of business at 2540 North First Street, Suite

400, San Jose, California 95131. Upon information and belief, LG Display America may be served with process by serving its agent for service, Dong Hoon Han, LG Display America, Inc., 2540 North First Street, Suite 400, San Jose, California 95131. Upon information and belief, LG Display America is a subsidiary of LG Display.

9. Upon information and belief, LG Electronics Alabama Inc. (“LG Alabama”) is an Alabama Corporation with its principal place of business at 201 James Record Road, Huntsville, Alabama 35824. Upon information and belief, LG Alabama may be served with process by serving its registered agent, Kyu M Yu at 201 James Record Road, Huntsville Alabama, 35824. Upon information and belief, LG Alabama is a subsidiary of LG Electronics.

JURISDICTION AND VENUE

10. This action arises under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has exclusive subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

11. Upon information and belief, this Court has personal jurisdiction over LG in this action because LG has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over LG would not offend traditional notions of fair play and substantial justice. LG, directly and/or through subsidiaries or intermediaries (including distributors, retailers, and others), has committed and continues to commit acts of infringement in this District by, among other things, offering to sell and selling products and/or services that infringe the patent-in-suit. In addition, at least Defendant LG Electronics U.S.A., Inc. is registered to do business in the State of Texas.

12. Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(d) and 1400(b). LG is registered to do business in Texas, and upon information and belief, has transacted business in the Eastern District of Texas and has committed acts of direct and indirect infringement in the Eastern District of Texas.

U.S. PATENT NO. 6,611,247

13. U.S. Patent No. 6,611,247 (the “‘247 patent”), entitled “Data Transfer System and Method For Multi-Level Signal Of Matrix Display,” was filed on July 1, 1999. Vesper is the owner by assignment of the ‘247 patent. A true and correct copy of the ‘247 patent is attached hereto as Exhibit A. The ‘247 patent claims specific methods and systems for transferring a multi-level signal for providing a display data to a matrix display panel.

14. The ‘247 patent has been cited as relevant prior art by the following companies:

- NEC Electronics Corp.
- LG Philips LCD Co., Ltd.
- Intel Corp.
- Samsung Electronics, Co., Ltd.
- Novatek Microelectronics Corp.
- Renesas Technology, Corp.
- LG Display Co., Ltd.

COUNT 1

INFRINGEMENT OF U.S. PATENT NO. 6,611,247

15. Vesper references and incorporates by reference the preceding paragraphs of this Complaint as if fully set forth herein.

16. LG designs, makes, sells, offers to sell, imports, and/or uses display products that use a data transfer system for a multi-level signal for providing a display data to a display panel. These include, by way of example only, the following: LG EB-B100 / EB-Z HDBaseT Receiver Box and LG displays LS75A, 55VH7B, 65SM5B, 55SM5B, 49SM5B, 43SM5B, 32SM5B, 32SM5KB, 55SH7DB, 49SH7DB, 42SH7DB, 86UH5C, 75UH5C, 65UH5B-B, 55UH5B-B, and 649UH5B-B, with the LG OPS Kit KT-OPSA (“LG Display Products” or “accused products”).

17. On information and belief, the LG Display Products are specifically designed to and specifically intended to display data received via a multi-level signal bus.

18. On information and belief, LG indirectly infringes the ‘247 patent by actively inducing infringement under 35 USC § 271(b).

19. On information and belief, LG had knowledge of the '247 patent since at least service of this Complaint or shortly thereafter, and on information and belief, LG knew of the '247 patent and knew of its infringement, including by way of this lawsuit.

20. On information and belief, LG intended to induce patent infringement by third-party customers and users of the LG Display Products and had knowledge that the inducing acts would cause infringement or was willfully blind to the possibility that its inducing acts would cause infringement. LG specifically intended and was aware that the normal and customary use of the accused products would infringe the '247 patent. LG performed the acts that constitute induced infringement, and would induce actual infringement, with knowledge of the '247 patent and with the knowledge that the induced acts would constitute infringement. For example, LG provides the LG Display Products that have the capability of operating in a manner that infringe one or more of the claims of the '247 patent, including at least claim 1, and LG further provides documentation and training materials that cause customers and end users of the accused products to utilize the products in a manner that directly infringe one or more claims of the '247 patent. By providing instruction and training to customers and end-users on how to use the LG Display Products in a manner that directly infringes one or more claims of the '247 patent, including at least claim 1, LG specifically intended to induce infringement of the '247 patent. On information and belief, LG engaged in such inducement to promote the sales of the accused products, e.g., through LG user manuals, product support, marketing materials, and training materials to actively induce the users of the LG Display Products to infringe the '247 patent.¹ Accordingly,

¹ See, e.g. *UH5B-B Ultra HD Smart Platform*, http://www.lg.com/us/commercial/documents/SPEC_UH5B_061652_PR.pdf; *SH7DB High Performance, Simple Installation*, http://www.lg.com/us/commercial/documents/LG_SPEC_SH7DB%20Series_082015_PR.pdf; *SM5KB Enhanced Smart Platform*, http://www.lg.com/us/commercial/documents/SPEC_32SM5KB_Revised-Final.pdf; *LG's LS75A series of full HD displays is now HDBaseT-enabled*, <http://hdbaset.org/lg-electronics-launches-hdbaset-enabled-digital-signage-displays/>; *SM5B Enhanced Smart Platform*, http://www.lg.com/us/commercial/documents/SPEC_SM5B_071601_PR.pdf; *Multiple Screen Split-Ultra HD Signage*, http://www.lg.com/us/commercial/documents/LG_SPEC_UH5C_051616_PR.pdf; *LG Digital*

LG has induced and continues to induce users of the LG Display Products to use the accused products in their ordinary and customary way to infringe the '247 patent, knowing that such use constitutes infringement of the '247 patent.

21. To the extent applicable, the requirements of 35 U.S.C. § 287(a) have been met with respect to the '247 patent.

22. As a result of LG's infringement of the '247 patent, Vesper has suffered monetary damages, and seeks recovery in an amount adequate to compensate for LG's infringement, but in no event less than a reasonable royalty for the use made of the invention by LG together with interest and costs as fixed by the Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Vesper respectfully requests that this Court enter:

- A. A judgment in favor of Plaintiff Vesper that LG has infringed, either literally and/or under the doctrine of equivalents, the '247 patent.
- B. An award of damages resulting from LG's acts of infringement in accordance with 35 U.S.C. § 284;
- C. A judgment and order finding that Defendant's infringement was willful, wanton, malicious, bad-faith, deliberate, consciously wrongful, flagrant, or characteristic of a pirate within the meaning of 35 U.S.C. § 284 and awarding to Plaintiff enhanced damages.
- D. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees against Defendant.
- E. Any and all other relief to which Vesper may show itself to be entitled.

JURY TRIAL DEMANDED

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Vesper requests a trial by

Signage in 2015, <http://www.slideshare.net/ClintonRoudenbush/roadshowlg-digital-signage-20150522-partner>.

jury of any issues so triable by right.

Dated: November 10, 2016

Respectfully submitted,

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