

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

SCA VENTURES, LLC )  
 )  
 Plaintiff, )  
 ) Civil Action No. 2:17-cv-684-JRG  
v. )  
 ) **JURY TRIAL DEMANDED**  
HUAWEI DEVICE USA, INC., )  
HUAWEI DEVICE CO., LTD. and )  
HUAWEI DEVICE (DONGGUAN) CO., LTD. )  
 )  
 Defendants. )  
\_\_\_\_\_ )

**FIRST AMENDED COMPLAINT**

For its Complaint, Plaintiff SCA Ventures, LLC ("SCA"), by and through the undersigned counsel, alleges as follows:

**THE PARTIES**

1. SCA is a Texas company with a place of business located at 5068 W. Plano Parkway, Suite 300, Plano, Texas 75093.
2. Defendant Huawei Device USA, Inc. is a Texas corporation with, upon information and belief, a place of business located at 5700 Tennyson Parkway, Suite 500, Plano, Texas 75024.
3. Defendant Huawei Device Co., Ltd. is a Chinese company with, upon information and belief, a place of business located at B-2 of Huawei Industrial Base, Bantian, Longgang District, Shenzhen, 518129, P. R. China.
4. Defendant Huawei Device (Dongguan) Co., Ltd. is a Chinese company with, upon information and belief, a place of business located at B2-5 of Nanfang Factory, No. 2 of

Xincheng Road, Songshan Lake Science and Technology Industrial Zone, Dongguan, Guangdong, China.

5. Upon information and belief, Huawei Device USA, Inc., Huawei Device Co., Ltd. and Huawei Device (Dongguan) Co., Ltd. (collectively, "Defendants") are related entities.

### **JURISDICTION AND VENUE**

6. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

7. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

8. Upon information and belief, Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in this district.

9. Venue is proper in this district pursuant to § 1400(b).

### **THE PATENT-IN-SUIT**

10. On October 19, 1999, United States Patent No. 5,969,698, entitled "Manually Controllable Cursor and Control Panel in a Virtual Image," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '698 patent is attached hereto as Exhibit A.

11. SCA is the assignee and owner of the right, title and interest in and to the '698 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

**COUNT I – INFRINGEMENT OF U.S. PATENT NO. 5,969,698**

12. SCI repeats and realleges the allegations of paragraphs 1 through 11 as if fully set forth herein.

13. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed at least claims 1 and 2 of the '698 patent by making, using, importing, offering for sale, and/or selling portable electronic equipment including a virtual display, including, but not limited to Huawei P8 Lite ("P8 Lite").

14. More specifically, P8 Lite is portable electronic equipment including a virtual display.



<https://i-cdn.phonearena.com/images/phones/52720-xlarge/Huawei-P8-lite-1.jpg>; *see also*

[\[c1.huawei.com/download/downloadCenter?downloadId=43307&siteCode=worldwide\]\(http://download-c1.huawei.com/download/downloadCenter?downloadId=43307&siteCode=worldwide\) \("User](http://download-</a></p></div><div data-bbox=)

Guide"). It includes electronics coupled to the virtual display for producing a manually

controllable virtual cursor image (*see, e.g.,* IPS-NEO LCD capacitive touchscreen with multitouch functionality).

<b>DISPLAY</b>	<b>Type</b>	IPS-NEO LCD capacitive touchscreen, 16M colors
	<b>Size</b>	5.2 inches (~71.4% screen-to-body ratio)
	<b>Resolution</b>	1080 x 1920 pixels (~424 ppi pixel density)
	<b>Multitouch</b>	Yes
	<b>Protection</b>	Corning Gorilla Glass 3
		- Emotion 3.1 UI

[http://www.gsmarena.com/huawei\\_p8-7006.php](http://www.gsmarena.com/huawei_p8-7006.php). The cursor image is viewable in the virtual display when activated (e.g., by touching editable text) and a virtual control panel image including alpha-numeric keys is viewable in the virtual display when activated (e.g., by selecting an editable text box).




- Touch to delete the character to the left of the cursor.
- Touch and hold to delete multiple characters to the left of the cursor.

User Guide at p. 21.

### Editing text

You can select, cut, copy, and paste text on your phone.



- **Select text:** Touch and hold the text to bring up . Then drag  or  to select more or less text, or touch **Select all** to select all text in a text box.
- **Copy text:** Select text and touch **Copy**.
- **Cut text:** Select text and touch **Cut**.
- **Paste text:** Touch and hold where you want to insert the text and then touch **Paste**.



*Id.* at p. 23. P8 Lite includes electronics being connected so that the alpha-numeric keys of the virtual control panel image are operable with the virtual cursor.



- 
- 1
    - Touch to switch between lowercase and uppercase letters.
    - Touch and hold or quickly touch twice to enable caps lock.

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  - 2
    - Enter numbers and symbols.

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  - 3
    - Touch to enter a comma.
    - Touch and hold to open the input options menu.

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  - 4
    - Touch to enter a space.
    - Touch and hold to choose another input method.

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  - 5
    - Touch to enter a period.
    - Touch and hold to enter symbols.

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  - 6
    - Touch to delete the character to the left of the cursor.
    - Touch and hold to delete multiple characters to the left of the cursor.

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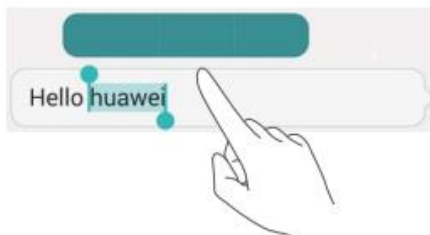
  - 7
    - Switch to voice input.




 The Android input method may not be available on all phones.

*Id.* at p. 22.

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- **Cut text:** Select text and touch **Cut**.
- **Paste text:** Touch and hold where you want to insert the text and then touch **Paste**.






*Id.* at p. 23. The electronics are further connected to operate the portable electronics equipment in response to operation of the alpha-numeric keys of the virtual control panel image with the virtual cursor image.

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- **Copy text:** Select text and touch **Copy**.
- **Cut text:** Select text and touch **Cut**.
- **Paste text:** Touch and hold where you want to insert the text and then touch **Paste**.



*Id.*

15. SCA is entitled to recover from Defendants the damages sustained by SCA as result of Defendants' infringement of the '698 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

### **JURY DEMAND**

SCI hereby demands a trial by jury on all issues so triable.

### **PRAYER FOR RELIEF**

WHEREFORE, SCA requests that this Court enter judgment against Defendants as follows:

- A. An adjudication that Defendants have infringed the '698 patent;



B. An award of damages to be paid by Defendants adequate to compensate Defendants for Defendants' past infringement of the '698 patent, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of SCA's reasonable attorneys' fees; and

D. An award to SCA of such further relief at law or in equity as the Court deems just and proper.

Dated: December 19, 2017

/s/ Richard C. Weinblatt  
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*Attorneys for Plaintiff*  
*SCA Ventures, LLC*

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 19, 2017, I electronically filed the above document with the Clerk of Court using CM/ECF which will send electronic notification of such filing(s) to all registered counsel.

/s/ Richard C. Weinblatt  
Richard C. Weinblatt