

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

**COMPACT LENS TECHNOLOGIES  
LLC,**

Plaintiff,

v.

**HUAWEI DEVICE CO., LTD., HUAWEI  
DEVICE (DONGGUAN) CO., LTD., and  
HUAWEI DEVICE USA INC.,**

Defendants.

Case No. 6:18-cv-00043

PATENT CASE

JURY TRIAL DEMANDED

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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Compact Lens Technologies, LLC (“CLT” or “Plaintiff”) files this Complaint against Huawei Device Co. Ltd., Huawei Device (Dongguan) Co., Ltd., and Huawei Device USA Inc. (collectively, “Defendants”) for infringement of U.S. Patent No. 7,321,474 (“the ’474 patent,” “the patent-in-suit,” or “the asserted patent”).

**THE PARTIES**

1. CLT is a Texas limited liability company with its principal place of business located at 5068 W. Plano Parkway, Suite 300, Plano, Texas 75093.

2. Huawei Device Co., Ltd. is a Chinese corporation with its principal place of business at B-2 of Huawei Industrial Base, Bantian, Longgang District, Shenzhen, 518129, People’s Republic of China. This Defendant does business in the State of Texas and in the Eastern District of Texas.

3. Huawei Device (Dongguan) Co., Ltd. is a Chinese corporation with its principal place of business at B2-5 of Nanfang Factory, No. 2 of Xincheng Road, Songshan Lake Science

and Technology Industrial Zone, Dongguan, Guangdong, People's Republic of China. This Defendant does business in the State of Texas and in the Eastern District of Texas.

4. Huawei Device USA Inc. is a Texas corporation with its principal place of business at 5700 Tennyson Parkway #600, Plano, Texas 75024. This Defendant does business in the State of Texas and in the Eastern District of Texas. This Defendant has a regular and established place of business in the Eastern District of Texas. This Defendant may be served with process through its agent, CT Corporation System, 1999 Bryan St., Suite 900, Dallas, Texas 75201.

### **JURISDICTION AND VENUE**

5. CLT brings this action for patent infringement under the patent laws of the United States, namely 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b). Defendants have committed acts of infringement in this judicial district, have purposely transacted business involving the accused products in this judicial district, and have regular and established places of business in this district. Defendant Huawei Device USA Inc. resides in this district.

7. Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this State and judicial district, including: (A) at least part of their infringing activities alleged herein; and (B) regularly doing or soliciting business, engaging in other persistent conduct, and/or deriving substantial revenue from goods sold and services provided to Texas residents.

### **COUNT I**

#### **(INFRINGEMENT OF U.S. PATENT NO. 7,321,474)**

8. CLT incorporates paragraphs 1 through 7 herein by reference.

9. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

10. CLT is the owner of the '474 patent, entitled "Photographic lens," with all substantial rights to the '474 patent, including the exclusive right to enforce, sue, and recover damages for past and future infringement. A copy of the '474 patent is attached as Exhibit 1.

11. The '474 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

12. Independent Claim 12 of the '474 patent recites:

A photographic lens comprising:  
a first lens having positive refractive power;  
a second lens having negative refractive power at a center portion, in which the negative refractive power becomes weaker from the center portion toward the peripheral portion of the second lens, and having a positive refractive power at the peripheral portion thereof;  
a third lens having positive refractive power; and  
a fourth lens having negative refractive power, wherein the lenses are numbered in order of location from the object.

*See* Exhibit 1, '474 patent, claim 12.

13. Dependent claim 13 of the '474 patent recites:

The photographic lens of claim 12, wherein the fourth lens has negative refractive power at a center portion, which becomes weaker from the center portion toward the peripheral portion of the fourth lens, and has a positive refractive power at the peripheral portion thereof.

*See* Exhibit 1, '474 patent, claim 13.

14. Dependent claim 19 of the '474 patent recites:

The photographic lens of claim 12, wherein the fourth lens has at least one aspheric surface.

*See* Exhibit 1, '474 patent, claim 19.

15. Dependent claim 20 of the '474 patent recites:

The photographic lens of claim 12, wherein each of the first through fourth lenses has at least one aspheric surface.

*See* Exhibit 1, '474 patent, claim 20.

16. Dependent claim 21 of the '474 patent recites:

The photographic lens of claim 12, wherein the third lens is a meniscus lens having a convex surface facing the image side.

*See* Exhibit 1, '474 patent, claim 21.

**(Direct Infringement)**

17. Defendants have, and continue to, directly infringe one or more claims of the '474 patent in this judicial district and elsewhere in the United States, including (for example) at least claims 12-13 and 19-21, by, among other things, making, using, selling, offering to sell, and/or selling within, and/or importing into, the United States smartphones and tablets incorporating a lens module ("the Huawei Accused Devices"), including but not limited to the Huawei Elate smartphone and the Huawei Honor 6X smartphone.

18. Each of the Huawei Accused Devices incorporates a lens module (i.e., a photographic lens). The lens module in each Huawei Accused Device includes four lenses. Annotated cross sections of exemplary lens modules are shown in Figures 1-2.



Figure 1 – Huawei Elate, Front Lens

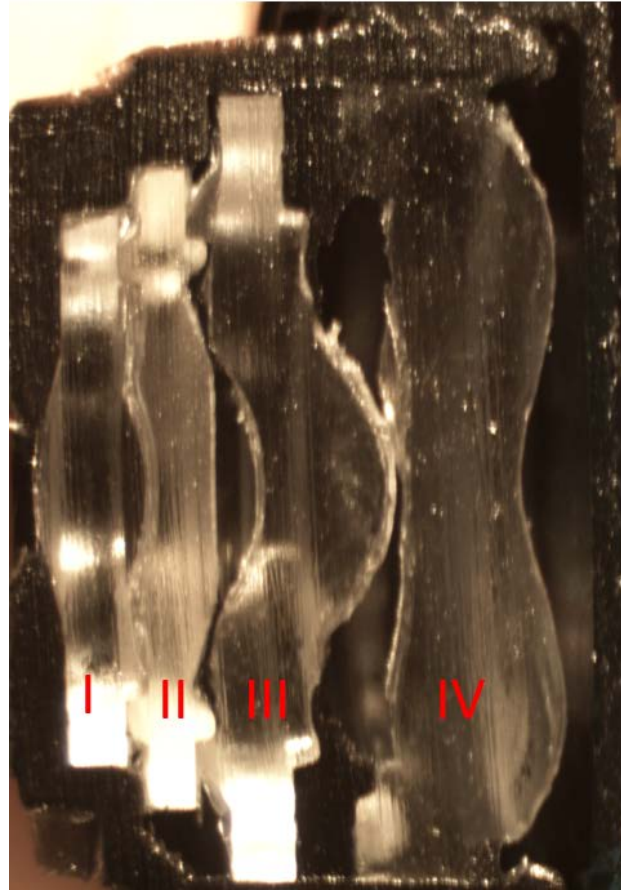


Figure 2 – Huawei Honor 6X, Front Lens

19. The lens module in each Huawei Accused Device includes a first lens having a positive refractive power; a second lens having negative refractive power at a center portion, in which the negative refractive power becomes weaker from the center portion toward the peripheral portion of the second lens, and having a positive refractive power at the peripheral portion; a third lens having positive refractive power; and a fourth lens having negative refractive power. This is evidenced, for example, by the lenses labeled I, II, III, and IV in Figures 1-2, which identify the first lens, second lens, third lens, and fourth lens, respectively.

20. In each of the Huawei Accused Devices, the fourth lens has negative refractive power at a center portion, which becomes weaker from the center portion toward the peripheral portion of the fourth lens, and has a positive refractive power at the peripheral portion thereof.

21. In each of the Huawei Accused Devices, each of the first through fourth lenses of the lens module has at least one aspheric surface.

22. In each of the Huawei Accused Devices, the third lens in the lens module is a meniscus lens having a convex surface facing the image side.

23. Defendant is liable for these direct infringements pursuant to 35 U.S.C. § 271.

### **Indirect Infringement**

24. CLT also contends that Defendants have, and continue to, indirectly infringe the '474 patent by inducing end users of the Huawei Accused Devices to infringe at least claims 12, 13, 19, 20, and 21 of the '474 patent through their use of the Huawei Accused Devices.

25. Defendants have had knowledge of the '474 patent since at least service of the original complaint in this matter.

26. Despite having knowledge of the '474 patent, Defendants have specifically intended, and continue to specifically intend, for persons who acquire and use the Huawei Accused Devices to use such devices in a manner that causes use of the lens module therein and, thus, direct infringement of the '474 patent, including at least claims 12, 13, 19, 20, and 21.

27. More specifically, on information and belief, despite having knowledge of the '474 patent, Defendants have provided, and continue to provide, instructional materials such as user guides, owner manuals, advertisements, marketing materials, and online resources (*see e.g.*, <https://consumer.huawei.com/us/phones/elate/>, <https://store.hihonor.com/us/honor-6x>) that specifically cause, teach, and encourage customers and other end users to use the Huawei Accused Devices in a way that results in use of the lens module therein. This is evidenced, for example, by Defendants encouraging and instructing customers and other end users to take pictures and otherwise use the camera feature of the Huawei Accused Devices. By providing such instructions,

Defendants know (and have known) that their actions have, and continue to, actively induce infringement.

28. CLT has been damaged as a result of Defendants' infringing conduct described in this Count. Defendants are, thus, liable to CLT in an amount that adequately compensates CLT for Defendants' 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.

**JURY DEMAND**

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

**PRAYER FOR RELIEF**

CLT asks that the Court find in its favor and against Defendants and that the Court grant CLT the following relief:

- a. Judgment that one or more claims of the '474 patent have been infringed either literally and/or under the doctrine of equivalents by Defendants;
- b. Judgment that Defendants account for and pay to Plaintiff all damages and costs incurred by Plaintiff because of Defendants' infringing activities and other conduct complained of herein;
- c. Judgment that Defendants account for and pay to Plaintiff a reasonable, ongoing, post-judgment royalty because of Defendants' infringing activities and other conduct complained of herein;
- d. That CLT be granted pre-judgment and post judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein; and
- e. That CLT be granted such other and further relief as the Court may deem just and proper under the circumstances.

DATED: January 31, 2018

COMPACT LENS TECHNOLOGY LLC

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