



“Display and Sensor Devices, Smart Systems and Healthcare Services.” *See* BOE Company Profile. BOE asserts that its “display and sensor products are widely used in a broad spectrum of applications such as mobile phone, tablet, notebook, monitor, TV, vehicle display, digital information display, healthcare, finance, and wearable devices.” *Id.* BOE’s TV display business was launched in 2010. BOE was formerly known as “Beijing Oriental Electronics Group Co., Ltd.” and changed its name in 2001. *See* BOE Course of Development.

3. On information and belief, BOE is a multinational corporation organized under the laws of the People’s Republic of China, with its principal place of business located at No.12 Xihuanzhong RD, BDA, Beijing, P.R.China, with Postal Code 100176. BOE does business in the State of Texas and in the Eastern District of Texas.

#### **JURISDICTION AND VENUE**

4. This action arises under the patent laws of the United States, namely 35 U.S.C. §§ 271, 281, and 284-285, among others.

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c). BOE is a foreign entity and may be sued in any judicial district under 28 U.S.C. § 1391(c)(3).

7. On information and belief, BOE is 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 its substantial business in this State and judicial district, including: (A) at least part of its 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. For example, BOE has “global marketing and R&D centers in 19 countries and

regions like the United States, Germany, the United Kingdom, France, Switzerland, Japan, South Korea, Singapore, India, Russia, Brazil and The United Arab Emirates, with its service networks covering the world's major areas such as Europe, America, Asia and Africa..” *See* BOE Company Profile *available at* <https://www.boe.com/en/about/gsj/s/>). The same Company Profile asserts that “Large size LCD panel shipments, small and medium size LCD panel shipments ranked first in the world.” *Id.*

8. This Court has personal jurisdiction over BOE, directly or through intermediaries, including its wholly-owned subsidiary, BOE Technology America Inc. (2350 Mission College Blvd Suite 1000, Santa Clara, CA with satellite offices in San Diego, Houston, and Boston), because it has committed acts within Texas giving rise to this action and/or has established minimum contacts with Texas such that personal jurisdiction over BOE would not offend traditional notions of fair play and substantial justice. *See* BOE Global webpage, USA region, (*available at* <https://www.boe.com/en/about/boe/q/>).

9. Upon information and belief, BOE controls its wholly-owned subsidiary listed above, as well as many other subsidiaries. *See* BOE Global, USA region. The subsidiary listed above gives BOE substantially the business advantages that it would have enjoyed if it conducted its business through its own offices or paid agents in the state.

10. BOE has placed and continues to place infringing thin-film transistor – liquid crystal display (“TFT-LCD”) panels into the stream of commerce via an established distribution channel with the knowledge and/or intent that those products were sold and continue to be sold in the United States and Texas, including in this District. In 2017, BOE reported 3,198,611,737.00 RMB (approximately \$465,665,700 USD) in sales revenue to the “Americas.” 2017 Annual Report at 16 (*available at* <https://www.boe.com/files/2018/0829/7156784848263569394.pdf>). Relative to

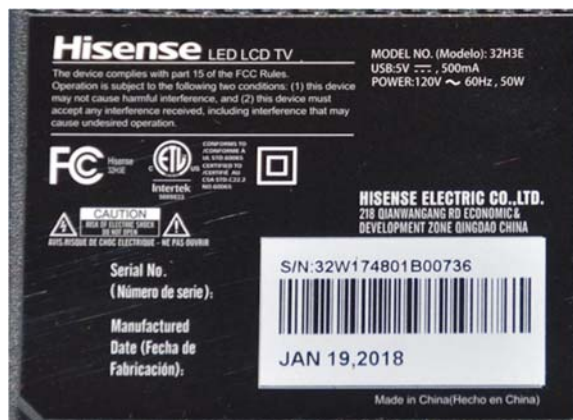
its worldwide sale revenue, BOE reports that the Display and Sensor Business Group accounted for 88% of total sales revenue in 2016 and 2017. *See* 2017 Annual Report at 15-16. In the first half of 2018, BOE reported 2,235,667,679.00 RMB (approximately \$325,481,467.58) in “operating revenue” to the “Americas.” *See* BOE Interim Report 2018 (*available at* <https://www.boe.com/files/2018/0829/5782155438880487121.pdf>) at 14.

11. On information and belief, BOE has significant ties to, and presence in, the State of Texas and the Eastern District of Texas, making venue in this judicial district both proper and convenient for this action.

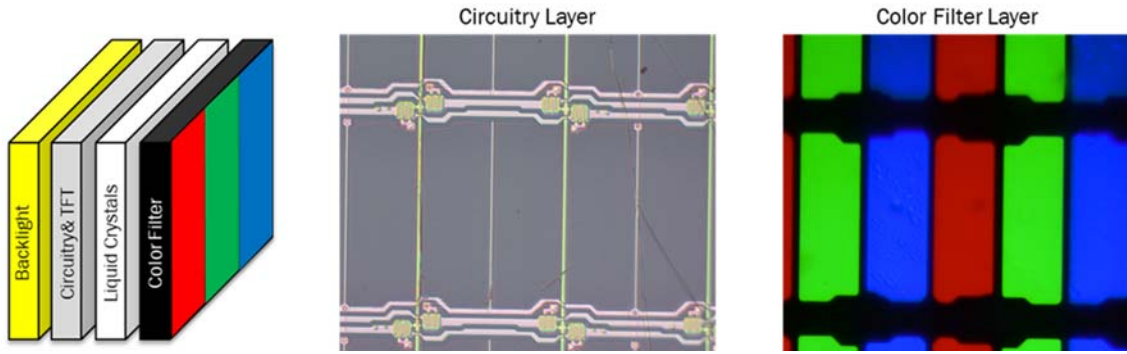
### **THE ASSERTED PATENTS AND TECHNOLOGY**

12. Upon information and belief, a significant portion of operating revenue of BOE is derived from the manufacture and sale of TFT-LCD flat panel displays and BOE’s main commodities include large-sized and small-to-medium-sized TFT-LCD related products. BOE asserts that its Display and Sensor Device division provides “TFTLCD, AMOLED, Micro Display and other intelligent interface devices for smartphones, tablet PCs, laptops, displayers, TVs, VR/AR devices, vehicles, wearable devices, industrial control, medical care, tiled display screens, etc.” *See* BOE Interim Report 2018 at 9-10. Furthermore, BOE has steadily improved its display production with “the first TFT-LCD Production Line of the highest generation in the world-- the 10.5th Generation BOE Hefei TFT-LCD Production Line.” *See id.* BOE’s 2018 Interim Report also states that “the shipment of BOE display screens was nearly 0.4 billion in the first half year of 2018, enjoying a year-on-year growth surpassing 35% and ranking 1st in the world, including 5 major display screens that ranks No. 1 respectively in terms of their market occupancy.” *Id.*

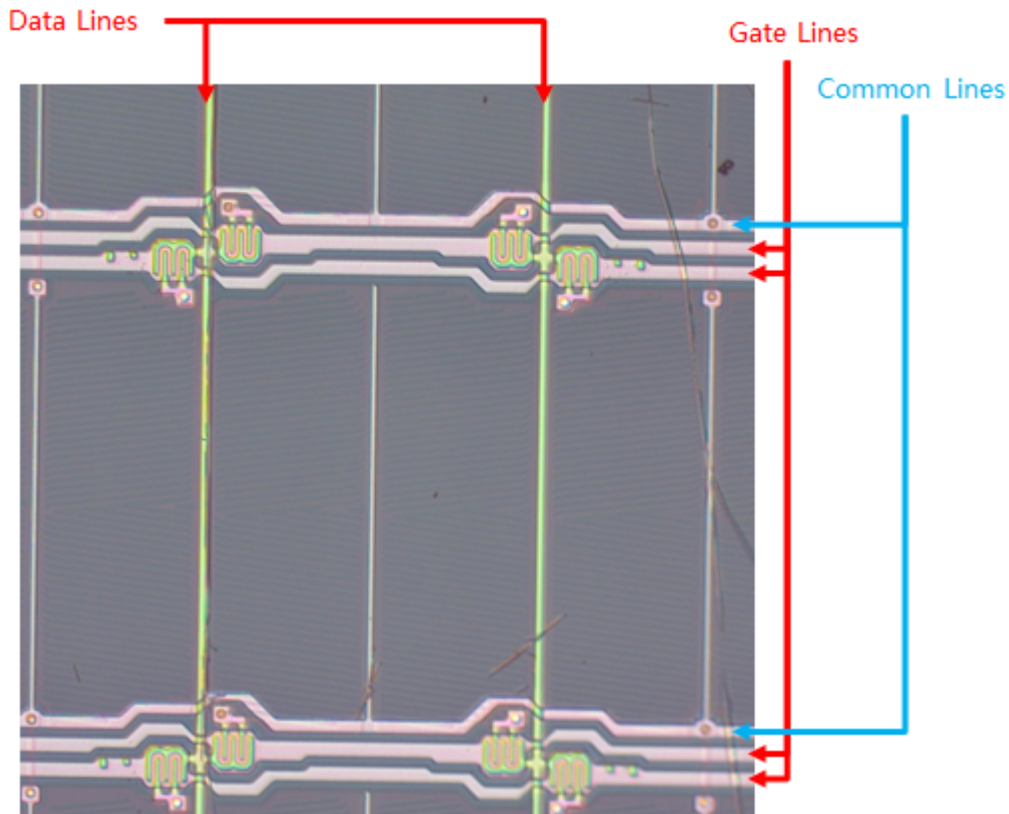
13. The Asserted Patents cover BOE’s TFT-LCDs, their components, and processes related to the same. An example of a BOE TFT-LCD is model no. HV320WHB-N86, which is used in end-user products such as Haier TV model no. 32G2000. Another example of a BOE TFT-LCD is model no. BOEI320WX1-01, which is used in end-user products such as Hisense TV model no. 32H3E. That monitor and the label for its BOE TFT-LCD panel are shown below:



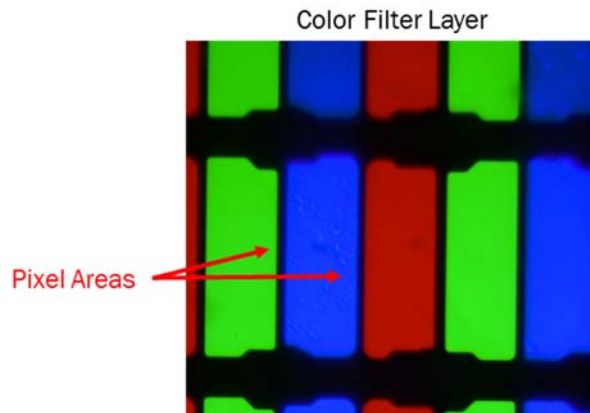
14. Typically, a TFT-LCD has the following structure shown below, comprising of a backlight, a TFT/circuitry layer, a liquid crystal layer, and a color filter:



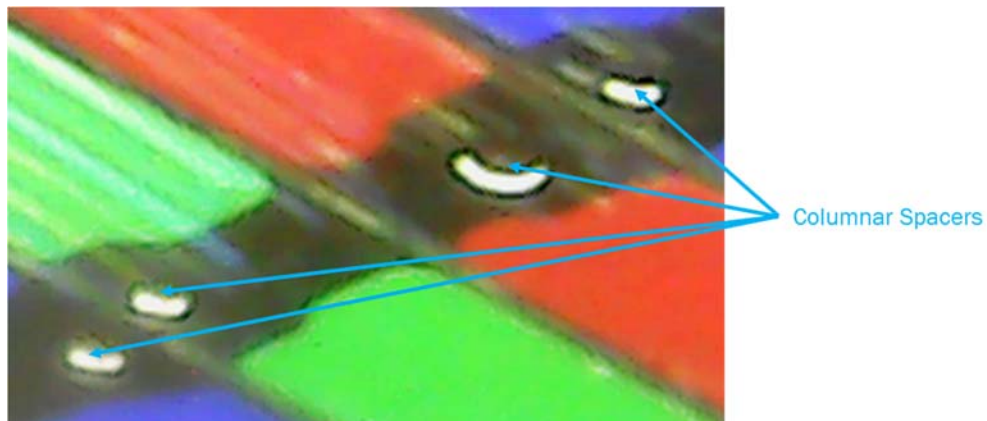
15. As shown above, the TFT-LCD panel contains a TFT array substrate and many TFTs. A teardown image below from the BOE TFT-LCD model no. BOEI320WX1-01 shows a sampling of TFTs and their accompanying circuitry lines, with larger rectangular areas associated with the pixels.



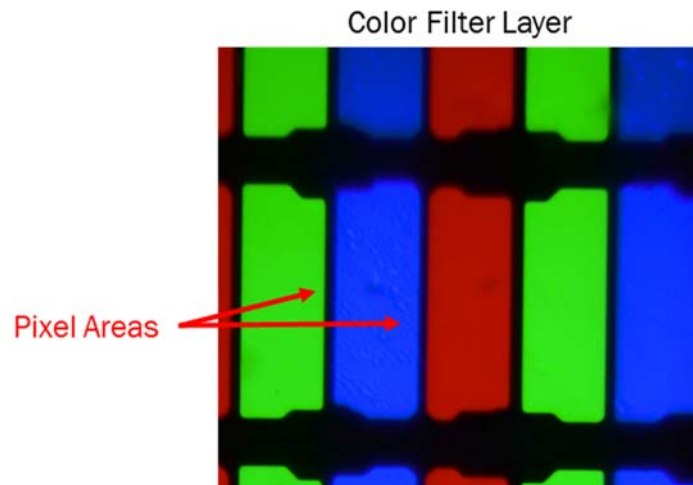
16. A TFT acts as a switch that operates its respective individual pixels using the circuitry lines. In that way, the pixels can be turned on and off to create an image on an LCD by allowing or preventing light to pass through. The individual pixels are more apparent when a color filter layer overlays the circuits as shown in the image below for the BOEI320WX1-01.



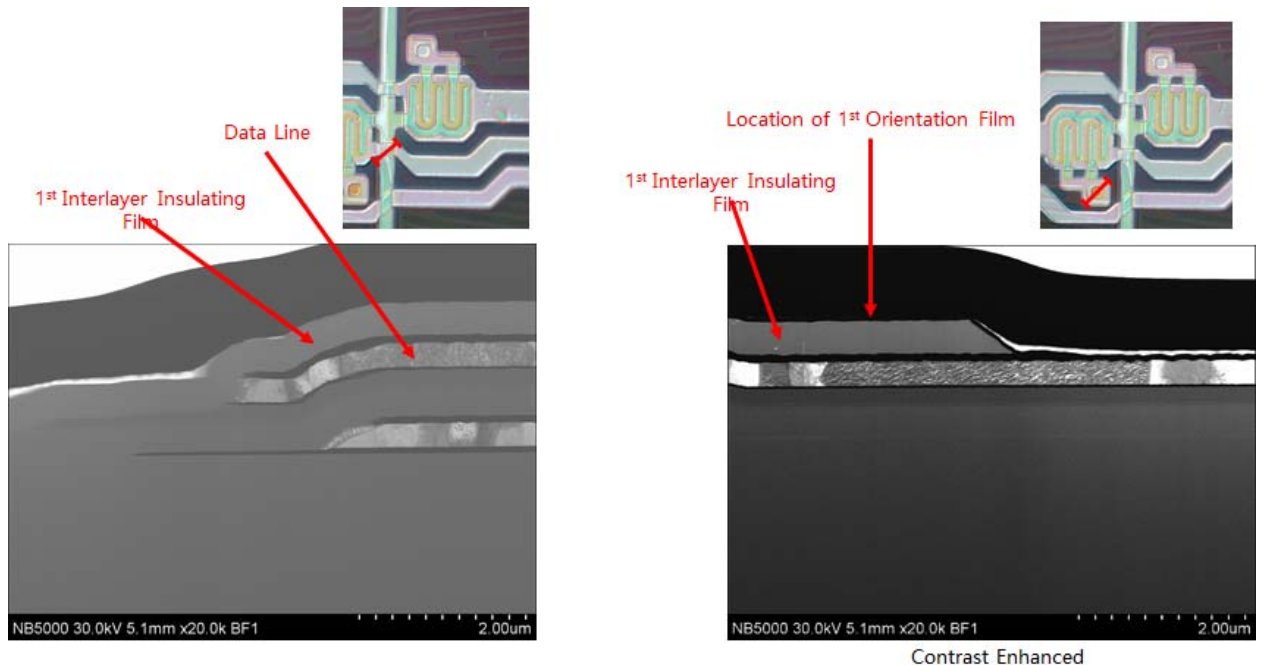
17. Another teardown image of the BOE TFT-LCD model no. BOEI320WX1-01 shows columnar spacers as annotated.



18. A TFT acts as a switch that operates its respective individual pixels using the circuitry lines. In that way, the pixels can be turned on and off to create an image on an LCD by allowing or preventing light to pass through. The individual pixels are more apparent when a color filter layer overlays the circuits as shown in the image below for the BOEI320WX1-01.

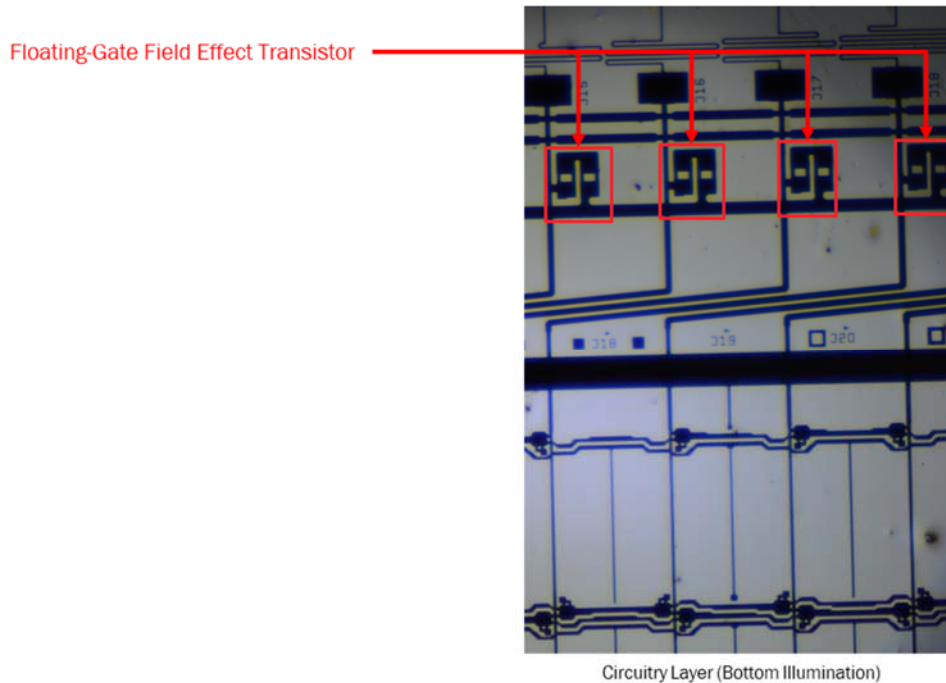


19. The microscopic teardown image below from the BOE TFT-LCD model no. BOEI320WX1-01 shows a sampling of films in the device:





20. Lastly, a teardown image below from the BOE TFT-LCD model no. BOEI320WX1-01 shows a sampling of floating-gate field effect transistors used for surge protection in the device.



### **COUNT I**

#### **(INFRINGEMENT OF U.S. PATENT NO. 7,046,327)**

21. Plaintiff incorporates paragraphs 1 through 20 herein by reference.
22. VPV is the assignee of the '327 patent, entitled "Liquid crystal display device including columnar spacer above gate line," with ownership of all substantial rights in the '327 patent, including the right to exclude others and to enforce, sue, and recover damages for past and future infringements.

23. The '327 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code. The '327 patent issued from U.S. Patent Application No. 10/833,318.

24. BOE has and continues to directly and/or indirectly infringe (by inducing infringement) one or more claims of the '327 patent in this judicial district and elsewhere in Texas and the United States.

25. Upon information and belief, BOE engages in the research, development, design, manufacture, and sales of TFT-LCD panels. *See* BOE Interim Report 2018 at 9-10.

26. BOE directly infringes the '327 patent via 35 U.S.C. § 271(a) by making, having made, offering for sale, selling, and/or importing those TFT-LCD panels, their components, and/or products containing same that incorporate the fundamental technologies covered by the '327 patent, or by having its controlled subsidiaries do the same. Furthermore, upon information and belief, BOE sells and makes TFT-LCD panels outside of the United States, intending and/or knowing that those panels are destined for the United States and/or designing those products for sale in the United States, thereby directly infringing the '327 patent.

27. For example, BOE infringes claim 1 of the '327 patent via its LCD panel model no. BOEI320WX1-01. That product includes a "liquid crystal display device including" each of the limitations of claim 1. The technology discussion above and the example accused TFT-LCD panel (BOEI320WX1-01) provide context for Plaintiff's allegations that each of those limitations are met. For example, the BOEI320WX1-01 includes a first substrate, a second substrate, and a liquid crystal layer sandwiched between the first and second substrates, the device comprising, on the first substrate: a gate line; a common line parallel to the gate line; a data line intersecting the gate line while sandwiching a gate insulating film on the gate line therebetween; a first interlayer insulating film coating the data line; and a first orientation film coating the first interlayer insulating film, and the device comprising, on the second substrate: a light shielding film opposite to the gate line; a second interlayer insulating film coating the light shielding film; a columnar

spacer located above the gate line apart from an intersection of the gate line and the data line and provided on the second interlayer insulating film; and a second orientation film coating the second interlayer insulating film and the columnar spacer, wherein a center of a top of the columnar spacer is shifted from above a widthwise center of the gate line toward above the common line, and the top of the columnar spacer partially overruns from above the gate line toward above the common line when viewed from the above, the top being directed to the first substrate.

28. At a minimum, BOE has known of the '327 patent at least as early as the filing date of the complaint. In addition, BOE has known of the '327 patent since September 6, 2018 when BOE was provided access to a data room containing claim charts, including for the '327 patent.

29. Upon information and belief, since at least the above-mentioned date when BOE was on notice of its infringement, BOE has actively induced, under U.S.C. § 271(b), distributors, importers and/or consumers that purchase or sell TFT-LCD panels that include all of the limitations of one or more claims of the '327 patent to directly infringe one or more claims of the '327 patent by using, offering for sale, selling, and/or importing the TFT-LCD panels. Since at least the notice provided on the above-mentioned date, BOE does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '327 patent. Upon information and belief, BOE intends to cause, and has taken affirmative steps to induce, infringement by the distributors, importers, and/or consumers by, inter alia, creating advertisements that promote the infringing use of the TFT-LCD panels, creating established distribution channels for the TFT-LCD panels into and within the United States, manufacturing the TFT-LCD panels in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or

providing technical support, replacement parts, or services for these products to these purchasers in the United States. *See, e.g.*, BOE's 2017 Annual Report at 16 and Interim Report 2018 at 14.

30. On information and belief, despite having knowledge of the '327 patent and knowledge that it is directly and/or indirectly infringing one or more claims of the '327 patent, BOE has nevertheless continued its infringing conduct and disregarded an objectively high likelihood of infringement. BOE's infringing activities relative to the '327 patent have been, and continue to be, willful, wanton, malicious, in bad-faith, deliberate, consciously wrongful, flagrant, characteristic of a pirate, and an egregious case of misconduct beyond typical infringement such that Plaintiff is entitled under 35 U.S.C. § 284 to enhanced damages up to three times the amount found or assessed.

31. VPV has been damaged as a result of BOE's infringing conduct described in this Count. BOE is, thus, liable to VPV in an amount that adequately compensates VPV for BOE's 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.

## **COUNT II**

(INFRINGEMENT OF U.S. PATENT NO. 6,870,593)

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

33. VPV is the assignee of the '593 patent, entitled "Liquid Crystal Display cell with improved spacer structure," with ownership of all substantial rights in the '593 patent, including the right to exclude others and to enforce, sue, and recover damages for past and future infringements.

34. The '593 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code. The '593 patent issued from U.S. Patent Application No. 10/242,604.

35. BOE has and continues to directly and/or indirectly infringe (by inducing infringement) one or more claims of the '593 patent in this judicial district and elsewhere in Texas and the United States.

36. Upon information and belief, BOE engages in the research, development, design, manufacture, and sales of TFT-LCD panels. *See* BOE Interim Report 2018 at 9-10.

37. BOE directly infringes the '593 patent by making, having made, offering for sale, selling, and/or importing those TFT-LCD panels, their components, and/or products containing same that incorporate the fundamental technologies covered by the '593 patent, or by having its controlled subsidiaries do the same. Furthermore, upon information and belief, BOE sells and has sold TFT-LCD panels outside of the United States, intending and/or knowing that those panels are destined for the United States and/or designing those products for sale in the United States, thereby directly infringing the '593 patent.

38. BOE directly infringes the '593 patent via 35 U.S.C. § 271(a) by making, having made, offering for sale, selling, and/or importing those TFT-LCD panels, their components, and/or products containing same that incorporate the fundamental technologies covered by the '593 patent, or by having its controlled subsidiaries do the same. Furthermore, upon information and belief, BOE sells and makes TFT-LCD panels outside of the United States, intending and/or knowing that those panels are destined for the United States and/or designing those products for sale in the United States, thereby directly infringing the '593 patent.

39. For example, BOE infringes claim 1 of the '593 patent via its LCD panel model no. HV320WHB-N86. That product includes a "A liquid crystal display cell including" each of the limitations of claim 1. The technology discussion above and the example accused TFT-LCD panel (HV320WHB-N86) provide context for Plaintiff's allegations that each of those limitations are met. For example, the HV320WHB-N86 includes a first substrate, a second substrate, a liquid crystal layer interposed between said first and second substrates; and a plurality of horizontal signal lines intersecting said vertical signal lines; and a spacer structure on said second substrate, and said spacer structure further including: at least a first type spacer having a first height, at least a second type spacer having a second height which is smaller than said first height, wherein said first type spacer comprises a first color filter layer over said second substrate, and a first column-shaped spacer over said first color filter layer, and said second type spacer comprises a second color filter layer over said second substrate, and a second column-shaped spacer over said second color filter layer, wherein said first and second color filter layers have the same thickness or height, while said first column-shaped spacer is larger in height than said second column-shaped spacer.

40. At a minimum, BOE has known of the '593 patent at least as early as the filing date of the complaint. In addition, BOE has known of the '593 patent since May 3, 2018, when BOE was provided access to a data room containing claim charts, including for the '593 patent.

41. Upon information and belief, since at least the above-mentioned date when BOE was on notice of its infringement, BOE has actively induced, under U.S.C. § 271(b), distributors, importers and/or consumers that purchase or sell TFT-LCD panels that include all of the limitations of one or more claims of the '593 patent to directly infringe one or more claims of the '593 patent by using, offering for sale, selling, and/or importing the TFT-LCD panels. Since at least the notice provided on the above-mentioned date, BOE does so with knowledge, or with

willful blindness of the fact, that the induced acts constitute infringement of the '593 patent. Upon information and belief, BOE intends to cause, and has taken affirmative steps to induce, infringement by the distributors, importers, and/or consumers by, inter alia, creating advertisements that promote the infringing use of the TFT-LCD panels, creating established distribution channels for the TFT-LCD panels into and within the United States, manufacturing the TFT-LCD panels in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States. *See, e.g.*, BOE's 2017 Annual Report at 16 and Interim Report 2018 at 14.

42. On information and belief, despite having knowledge of the '593 patent and knowledge that it is directly and/or indirectly infringing one or more claims of the '593 patent, BOE has nevertheless continued its infringing conduct and disregarded an objectively high likelihood of infringement. BOE's infringing activities relative to the '593 patent have been, and continue to be, willful, wanton, malicious, in bad-faith, deliberate, consciously wrongful, flagrant, characteristic of a pirate, and an egregious case of misconduct beyond typical infringement such that Plaintiff is entitled under 35 U.S.C. § 284 to enhanced damages up to three times the amount found or assessed.

43. VPV has been damaged as a result of BOE's infringing conduct described in this Count. BOE is, thus, liable to VPV in an amount that adequately compensates VPV for BOE's 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.

**COUNT III**

(INFRINGEMENT OF U.S. PATENT NO. 6,812,528)

44. Plaintiff incorporates paragraphs 1 through 43 herein by reference.

45. VPV is the assignee of the '528 patent, entitled "Surge protection circuit for semiconductor devices," with ownership of all substantial rights in the '528 patent, including the right to exclude others and to enforce, sue, and recover damages for past and future infringements.

46. The '528 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code. The '528 patent issued from U.S. Patent Application No. 09/874,296.

47. BOE has and continues to directly and/or indirectly infringe (by inducing infringement) one or more claims of the '528 patent in this judicial district and elsewhere in Texas and the United States.

48. Upon information and belief, BOE engages in the research, development, design, manufacture, and sales of TFT-LCD panels. *See* BOE Interim Report 2018 at 9-10.

49. BOE directly infringes the '528 patent by making, having made, offering for sale, selling, and/or importing those TFT-LCD panels, their components, and/or products containing same that incorporate the fundamental technologies covered by the '528 patent, or by having its controlled subsidiaries do the same. Furthermore, upon information and belief, BOE sells and has sold TFT-LCD panels outside of the United States, intending and/or knowing that those panels are destined for the United States and/or designing those products for sale in the United States, thereby directly infringing the '528 patent.

50. BOE directly infringes the '528 patent via 35 U.S.C. § 271(a) by making, having made, offering for sale, selling, and/or importing those TFT-LCD panels, their components, and/or



products containing same that incorporate the fundamental technologies covered by the '528 patent, or by having its controlled subsidiaries do the same. Furthermore, upon information and belief, BOE sells and makes TFT-LCD panels outside of the United States, intending and/or knowing that those panels are destined for the United States and/or designing those products for sale in the United States, thereby directly infringing the '528 patent.

51. For example, BOE infringes claim 23 of the '528 patent via its LCD panel model no. BOEI320WX1-01. That product includes a “surge protection circuit for a semiconductor display panel, comprising” each of the limitations of claim 23. The technology discussion above and the example accused TFT-LCD panel (BOEI320WX1-01) provide context for Plaintiff’s allegations that each of those limitations are met. For example, the BOEI320WX1-01 includes a plurality of vertical signal lines; a plurality of horizontal signal lines intersecting said vertical signal lines; and a plurality of floating-gate field effect transistors, each having a channel capacitance and including a floating gate electrode, a source electrode and a drain electrode, said source and drain electrodes of each of said transistors being respectively connected to said vertical signal lines, each of said transistors being responsive to the respective vertical signal line being subjected to a surge potential for developing a voltage on said channel capacitance sufficient to turn on said floating-gate field effect transistor and establish a low-impedance path to ground.

52. At a minimum, BOE has known of the '528 patent at least as early as the filing date of the complaint. In addition, BOE has known of the '528 patent since September 6, 2018, when BOE was provided access to a data room containing claim charts, including for the '528 patent.

53. Upon information and belief, since at least the above-mentioned date when BOE was on notice of its infringement, BOE has actively induced, under U.S.C. § 271(b), distributors, importers and/or consumers that purchase or sell TFT-LCD panels that include all of the

limitations of one or more claims of the '528 patent to directly infringe one or more claims of the '528 patent by using, offering for sale, selling, and/or importing the TFT-LCD panels. Since at least the notice provided on the above-mentioned date, BOE does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '528 patent. Upon information and belief, BOE intends to cause, and has taken affirmative steps to induce, infringement by the distributors, importers, and/or consumers by, inter alia, creating advertisements that promote the infringing use of the TFT-LCD panels, creating established distribution channels for the TFT-LCD panels into and within the United States, manufacturing the TFT-LCD panels in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States. *See, e.g.*, BOE's 2017 Annual Report at 16 and Interim Report 2018 at 14.

54. On information and belief, despite having knowledge of the '528 patent and knowledge that it is directly and/or indirectly infringing one or more claims of the '528 patent, BOE has nevertheless continued its infringing conduct and disregarded an objectively high likelihood of infringement. BOE's infringing activities relative to the '528 patent have been, and continue to be, willful, wanton, malicious, in bad-faith, deliberate, consciously wrongful, flagrant, characteristic of a pirate, and an egregious case of misconduct beyond typical infringement such that Plaintiff is entitled under 35 U.S.C. § 284 to enhanced damages up to three times the amount found or assessed.

55. VPV has been damaged as a result of BOE's infringing conduct described in this Count. BOE is, thus, liable to VPV in an amount that adequately compensates VPV for BOE's

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.

### **INJUNCTIVE RELIEF**

56. Plaintiff seeks preliminary and permanent injunctions as a result of BOE's infringement of the Asserted Patents. Plaintiff is likely to succeed in showing that BOE infringes the Asserted Patents. Because of that infringement, Plaintiff has suffered an irreparable injury, and the remedies available at law, such as monetary damages, are inadequate to compensate for that injury. For example, if Plaintiff must enforce a judgment against BOE in China, Plaintiff will face a historically challenging burden in persuading a Chinese court to enforce a judgment from a U.S. court, likely preventing Plaintiff from obtaining any monetary damages from BOE. Considering the balance of hardships between the Plaintiff and BOE, a remedy in equity is warranted; and the public interest would not be disserved by a permanent or preliminary injunction.

### **CONCLUSION**

57. Plaintiff is entitled to recover from BOE the damages sustained by Plaintiff as a result of BOE's wrongful acts 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.

58. Plaintiff has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute may give rise to an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

### **JURY DEMAND**

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

**PRAYER FOR RELIEF**

60. Plaintiff respectfully requests that the Court find in its favor and against BOE, and that the Court grant Plaintiff the following relief:

1. A judgment that BOE has infringed the Asserted Patents as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;
2. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by BOE;
3. A preliminary and permanent injunction against BOE, its subsidiaries, or anyone acting on its behalf from making, using, selling, offering to sell, or importing any products that infringe the Asserted Patents, and any other injunctive relief the Court deems just and equitable;
4. A judgment and order requiring BOE to pay Plaintiff damages under 35 U.S.C. § 284, including up to treble damages as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
5. A judgment and order requiring BOE to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
6. A judgment and order finding this to be an exceptional case and requiring BOE to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
7. Such other and further relief as the Court deems just and equitable.

Dated: October 18, 2018

Respectfully submitted,

/s/ Patrick J. Conroy by permission Andrea Fair

Patrick J. Conroy  
Texas Bar No. 24012448  
T. William Kennedy Jr.  
Texas Bar No. 24055771

**Bragalone Conroy PC**  
2200 Ross Avenue  
Suite 4500W  
Dallas, TX 75201  
Tel: (214) 785-6670  
Fax: (214) 785-6680  
pconroy@bcpc-law.com  
bkennedy@bcpc-law.com

T. John Ward, Jr.  
Texas State Bar No. 00794818  
E-mail: jw@wsfirm.com  
Claire Abernathy Henry  
Texas State Bar No. 24053063  
E-mail: claire@wsfirm.com  
Andrea L. Fair  
Texas State Bar No. 24078488  
E-mail: andrea@wsfirm.com

**WARD, SMITH & HILL, PLLC**  
PO Box 1231  
Longview, Texas 75606-1231  
(903) 757-6400 (telephone)  
(903) 757-2323 (facsimile)

*Counsel for Plaintiff Vista Peak Ventures,  
LLC*