



“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.” 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 webpage, 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.

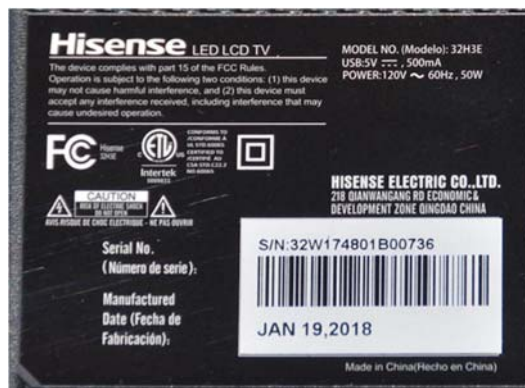
11. On information and belief, BOE has significant ties to, and presence in, the State of Texas and the Eastern District of Texas, making venue in this judicial district both proper and convenient for this action.

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

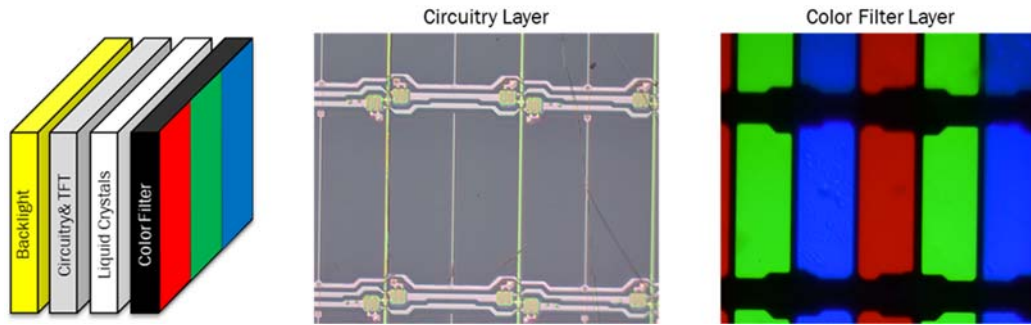
12. Upon information and belief, a significant portion of operating revenue of BOE is derived from the manufacture and sale of TFT-LCD flat panel displays and BOE’s main commodities include large-sized and small-to-medium-sized TFT-LCD related products. BOE asserts that its Display and Sensor Device 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

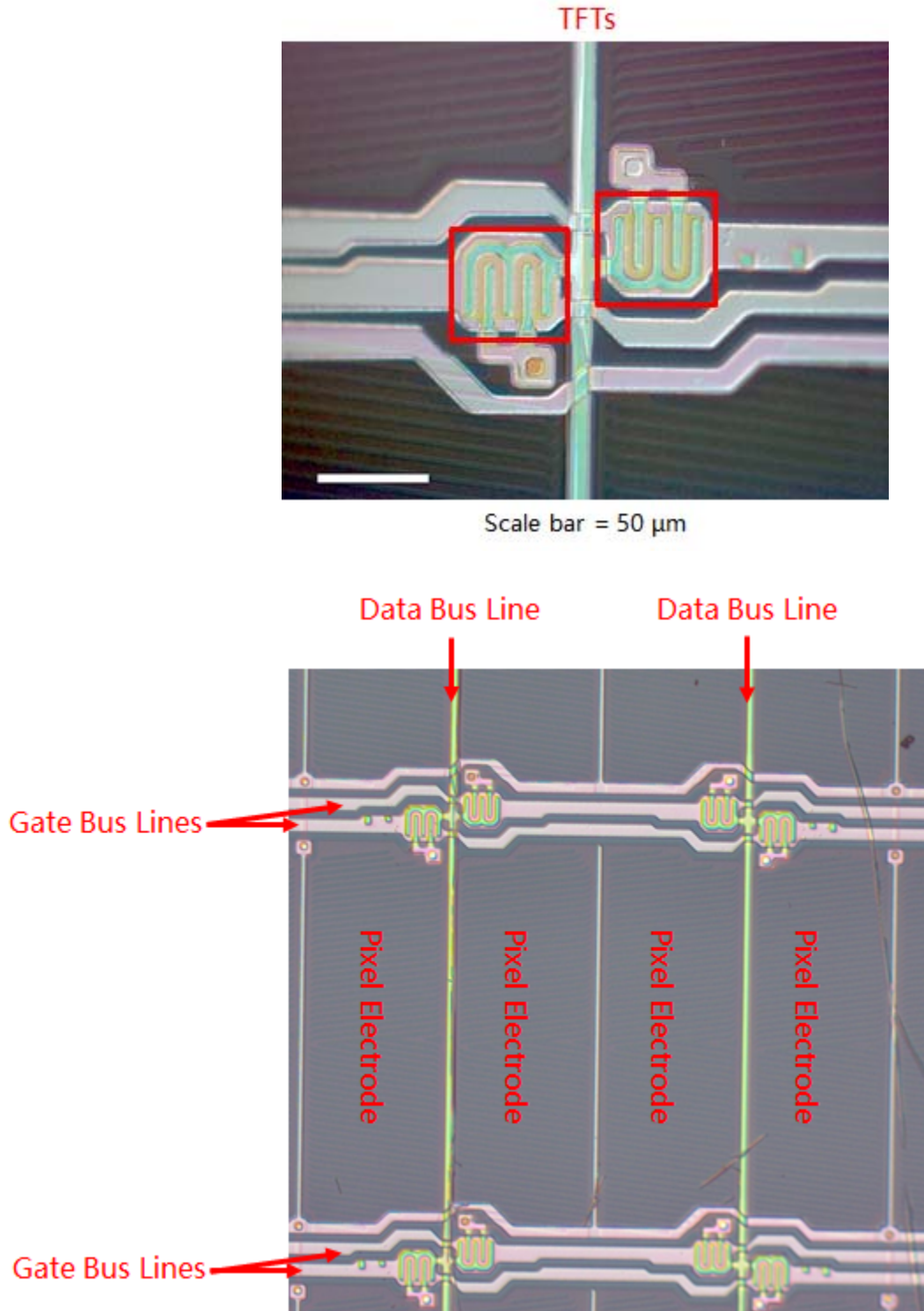
used in end-user products such as Haier TV model no. 32G2000. Another example of a BOE TFT-LCD is model no. BOEI320WX1-01, which is used in end-user products such as Hisense TV model no. 32H3E. That monitor and the label for its BOE TFT-LCD panel are shown below:



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:

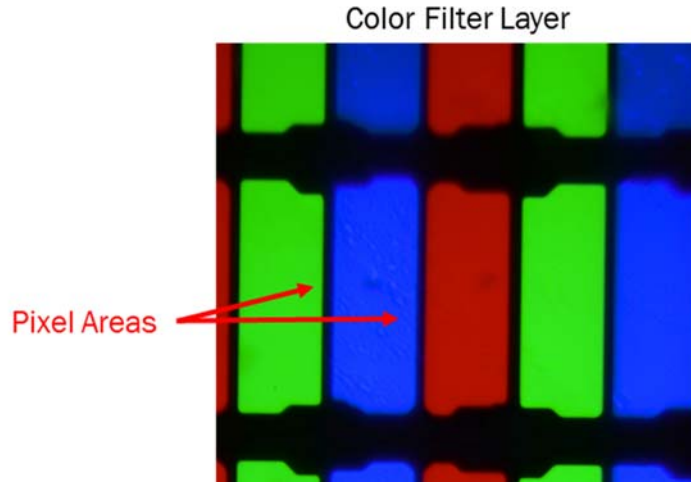


15. As shown above, the TFT-LCD panel contains a TFT array substrate and many TFTs. The teardown images below from the BOE TFT-LCD model no. BOEI320WX1-01 shows a sampling of TFTs and their accompanying circuitry lines, with larger rectangular areas associated with the pixels.

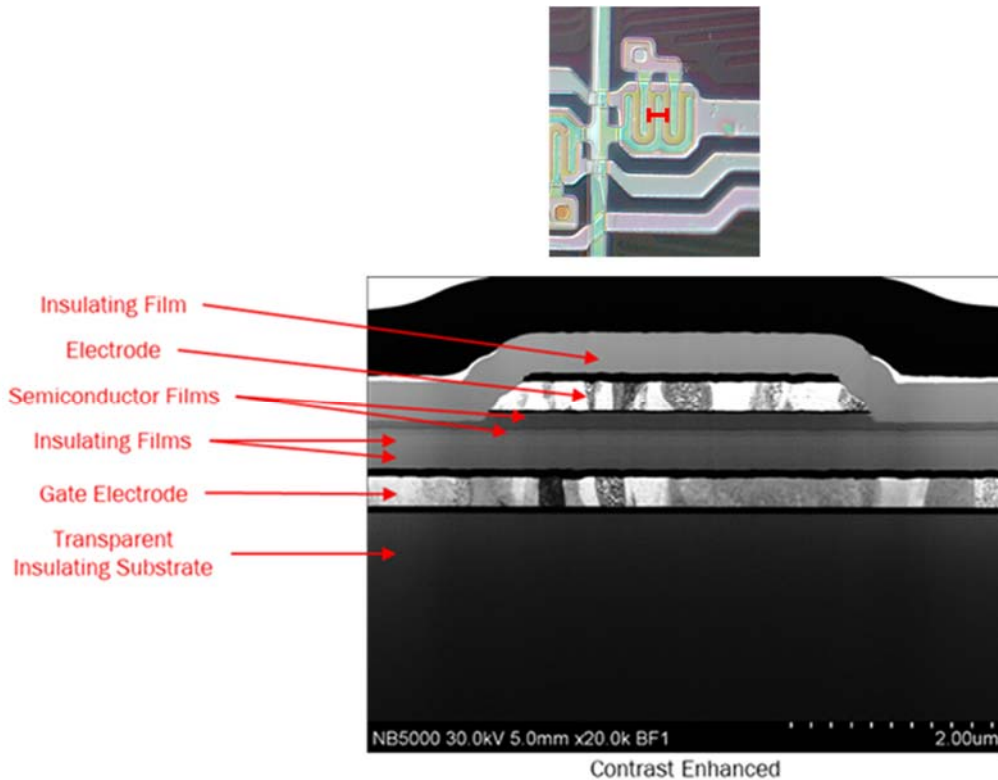


16. A TFT acts as a switch that operates its respective individual pixels using the circuitry lines. In that way, the pixels can be turned on and off to create an image on an LCD by

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. The microscopic view of a TFT in model no. BOEI320WX1-0 below shows a cross-sectional view of its components and identifies certain of them.





18. For in-plane switching devices, the output of the BOE TFTs creates electric fields that orient the liquid crystals to determine whether light passes through the pixels. When an electric field is created, the liquid crystal molecules orient themselves parallel to the electric field and rotate on the same plane, so that light can pass through a polarizer and create an image on the display.

**COUNT I**

(INFRINGEMENT OF U.S. PATENT NO. 6,078,375)

19. Plaintiff incorporates paragraphs 1 through 18 herein by reference.

20. VPV is the assignee of the '375 patent, entitled "Liquid crystal display device with wide viewing angle," with ownership of all substantial rights in the '375 patent, including the right to exclude others and to enforce, sue, and recover damages for past and future infringements.

21. The '375 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code. The '375 patent issued from U.S. Patent Application No. 09/154,039.

22. BOE has and continues to directly and/or indirectly infringe (by inducing infringement) one or more claims of the '375 patent in this judicial district and elsewhere in Texas and the United States.

23. 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.

24. BOE directly infringes the '375 patent via 35 U.S.C. § 271(a) by making, 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 '375 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 '375 patent.

25. For example, BOE infringes claim 1 of the '375 patent via its LCD panel model nos. HV320WHB-N86 and BOEI320WX1-01. Those products each include a "liquid crystal display device comprising" each of the limitations of claim 1. The technology discussion above and the example accused TFT-LCD panel (model nos. HV320WHB-N86 and BOEI320WX1-01) provide context for Plaintiff's allegations that each of those limitations are met. For example, the model nos. HV320WHB-N86 and BOEI320WX1-01 include a first substrate having a first principal surface; a first alignment film which is formed on said first principal surface and is subjected to a first aligning treatment; a second substrate having a second principal surface; a second alignment film which is formed on said second principal surface, said second alignment film oppositely disposed to said first alignment film with a predetermined space left between said first alignment film and said second alignment film, and said second alignment film subjected to a second aligning treatment in the same directional orientation as the first aligning treatment; a liquid crystal layer formed by a plurality of liquid crystal molecules which are interposed and sealed between said first and said second alignment films, a part of said molecules adjacent to said first alignment film having a first pretilt angle falling within a first predetermined range which is not smaller than two degrees from said first alignment film due to the influence of said first aligning treatment, the other part of said molecules adjacent to said second alignment film having a second pretilt angle falling within a second predetermined range which is not smaller than two degrees from said second alignment film due to influence of said second aligning treatment; and

field generating means for generating an electric field which is substantially parallel to said first and said second principal surfaces in said predetermined space to make said molecules rotate in accordance with said electric field.

26. BOE further infringes the '375 patent via 35 U.S.C. § 271(g) by selling, offering to sell, and/or importing TFT-LCD panels, their components, and/or products containing same, that are made by a process covered by the '375 patent. Upon information and belief, the infringing TFT-LCD panels, their components, and/or products containing same are not materially changed by subsequent processes, and they are neither trivial nor nonessential components of another product.

27. At a minimum, BOE has known of the '375 patent at least as early as the filing date of the complaint. In addition, BOE has known of the '375 patent since May 3, 2018, when BOE was provided access to a data room containing claim charts, including for the '375 patent.

28. 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 or are made using all of the limitations of one or more claims of the '375 patent to directly infringe one or more claims of the '375 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 '375 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.

29. On information and belief, despite having knowledge of the '375 patent and knowledge that it is directly and/or indirectly infringing one or more claims of the '375 patent, BOE has nevertheless continued its infringing conduct and disregarded an objectively high likelihood of infringement. BOE's infringing activities relative to the '375 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.

30. 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. 6,404,474)

31. Plaintiff incorporates paragraphs 1 through 30 herein by reference.

32. VPV is the assignee of the '474 patent, entitled "Horizontal electric field LCD with increased capacitance between pixel and common electrodes," with ownership of all

substantial rights in the '474 patent, including the right to exclude others and to enforce, sue, and recover damages for past and future infringements.

33. The '474 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code. The '474 patent issued from U.S. Patent Application No. 09/357,060.

34. BOE has and continues to directly and/or indirectly infringe (by inducing infringement) one or more claims of the '474 patent in this judicial district and elsewhere in Texas and the United States.

35. 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.

36. BOE directly infringes the '474 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 '474 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 '474 patent.

37. For example, BOE infringes claim 1 of the '474 patent via its LCD panel model no. BOEI320WX1-01. That product includes an “active matrix type liquid crystal display device comprising” 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 two opposing transparent insulating substrates and liquid crystal interposed therebetween, wherein said liquid crystal is

controlled by generating an electric field substantially parallel to the liquid crystal layer with a voltage applied between pixel electrodes and common electrodes both disposed on the first of said substrates, said display device further comprising: on said first substrate: a plurality of scanning lines and a plurality of signal lines orthogonal to one another; a thin film transistor provided near each intersection of a scanning line and a signal line; common electrodes extending substantially parallel to said scanning lines and having a plurality of comb-tooth projections extending toward said scanning lines; pixel electrodes formed substantially parallel to the comb-tooth projections in gaps between the adjacent comb-tooth projections of said common electrodes when said substrate is viewed from the normal direction, at least a portion of each pixel electrode being opposite to a common electrode interposed by an interlayer insulating film; an interlayer insulating film disposed between said common electrodes and said pixel electrodes; and a first alignment film formed above said pixel electrodes interposed by a protective insulating film; on said second substrate: a black matrix provided with openings in areas opposite to each of said pixel electrodes; and a second alignment film; and said active matrix type liquid crystal display device further comprising: accumulated capacitance increasing means for obtaining an accumulated capacitance between said pixel electrode and said common electrodes larger than that generated when said interlayer insulating film is of even thickness and flat structure.

38. At a minimum, BOE has known of the '474 patent at least as early as the filing date of the complaint. In addition, BOE has known of the '474 patent since September 6, 2018, when BOE was provided access to a data room containing claim charts, including for the '474 patent.

39. 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 '474 patent to directly infringe one or more claims of the '474 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 '474 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.

40. On information and belief, despite having knowledge of the '474 patent and knowledge that it is directly and/or indirectly infringing one or more claims of the '474 patent, BOE has nevertheless continued its infringing conduct and disregarded an objectively high likelihood of infringement. BOE's infringing activities relative to the '474 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.

41. 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. 7,009,673)

42. Plaintiff incorporates paragraphs 1 through 41 herein by reference.

43. VPV is the assignee of the '673 patent, entitled "Active matrix liquid crystal display having a thin film transistor over which alignment of liquid crystal molecules does not change," with ownership of all substantial rights in the '673 patent, including the right to exclude others and to enforce, sue, and recover damages for past and future infringements.

44. The '673 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code. The '673 patent issued from U.S. Patent Application No. 10/656,138.

45. BOE has and continues to directly and/or indirectly infringe (by inducing infringement) one or more claims of the '673 patent in this judicial district and elsewhere in Texas and the United States.

46. 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.

47. BOE directly infringes the '673 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 '673 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 '673 patent.



48. For example, BOE infringes claim 1 of the '673 patent via its LCD panel model nos. HV320WHB-N86 and BOEI320WX1-01. Those products each includes an "active matrix liquid crystal display, comprising" each of the limitations of claim 1. The technology discussion above and the example accused TFT-LCD panel (model nos. HV320WHB-N86 and BOEI320WX1-01) provide context for Plaintiff's allegations that each of those limitations are met. For example, model nos. HV320WHB-N86 and BOEI320WX1-01 include a pair of substrates with a liquid crystal layer between said substrates; a pixel electrode and a common electrode having a common longitudinal axis and that are arranged and adapted to generate an electric field parallel to said substrates in said liquid crystal layer, said liquid crystal layer having a non-zero initial alignment angle relative to the common longitudinal axis; and a thin film transistor having a source electrode and a drain electrode adjacent to a first part of said liquid crystal layer, said source and drain electrodes being arranged and adapted so that an electric field generated between said source and drain electrodes is one of substantially parallel to and perpendicular to the non-zero initial alignment angle, whereby an alignment of the first part of said liquid crystal layer does not change when an electric field is generated between said source and drain electrodes.

49. At a minimum, BOE has known of the '673 patent at least as early as the filing date of the complaint. In addition, BOE has known of the '673 patent since May 3, 2018, when BOE was provided access to a data room containing claim charts, including for the '673 patent.

50. 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 '673 patent to directly infringe one or more claims of the '673 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 '673 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.

51. On information and belief, despite having knowledge of the '673 patent and knowledge that it is directly and/or indirectly infringing one or more claims of the '673 patent, BOE has nevertheless continued its infringing conduct and disregarded an objectively high likelihood of infringement. BOE's infringing activities relative to the '673 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.

52. 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 IV**

(INFRINGEMENT OF U.S. PATENT NO. 7,499,119)

53. Plaintiff incorporates paragraphs 1 through 52 herein by reference.

54. VPV is the assignee of the '119 patent, entitled "Liquid crystal display device with thin-film transistors and method of fabricating the same," with ownership of all substantial rights in the '119 patent, including the right to exclude others and to enforce, sue, and recover damages for past and future infringements.

55. The '119 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code. The '119 patent issued from U.S. Patent Application No. 11/582,315.

56. BOE has and continues to directly and/or indirectly infringe (by inducing infringement) one or more claims of the '119 patent in this judicial district and elsewhere in Texas and the United States.

57. 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.

58. BOE directly infringes the '119 patent via 35 U.S.C. § 271(a) by making, 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 '119 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 '119 patent.

59. For example, BOE infringes claim 1 of the '119 patent via its LCD panel model nos. HV320WHB-N86 and BOEI320WX1-01. That product includes a "liquid-crystal display device comprising" each of the limitations of claim 1. The technology discussion above and the example accused TFT-LCD panel (model nos. HV320WHB-N86 and BOEI320WX1-01) provide context for Plaintiff's allegations that each of those limitations are met. For example, model nos. HV320WHB-N86 and BOEI320WX1-01 include a first interconnection line comprising a patterned Al or Al alloy layer, disposed directly on an insulating plate or over the plate by way of an underlying insulating layer: a first insulating layer formed on the plate to cover the first interconnection line, the first insulating layer having a contact hole that exposes a part of the first interconnection line; a first conductive material made of a plated metal, the first conductive material being in contact with the exposed part of the first interconnection line in the contact hole in such a way as to cover the whole exposed part thereof; and a first transparent conductive layer in contact with the first conductive material; wherein the first transparent conductive layer is electrically connected to the first interconnection line by way of the first conductive material.

60. BOE further infringes the '119 patent via 35 U.S.C. § 271(g) by selling, offering to sell, and/or importing TFT-LCD panels, their components, and/or products containing same, that are made by a process covered by the '119 patent. Upon information and belief, the infringing TFT-LCD panels, their components, and/or products containing same are not materially changed by subsequent processes, and they are neither trivial nor nonessential components of another product.

61. At a minimum, BOE has known of the '119 patent at least as early as the filing date of the complaint. In addition, BOE has known of the '119 patent since May 3, 2018, when BOE was provided access to a data room containing claim charts, including for the '119 patent.

62. 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 or are made using all of the limitations of one or more claims of the '119 patent to directly infringe one or more claims of the '119 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 '119 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.

63. On information and belief, despite having knowledge of the '119 patent and knowledge that it is directly and/or indirectly infringing one or more claims of the '119 patent, BOE has nevertheless continued its infringing conduct and disregarded an objectively high likelihood of infringement. BOE's infringing activities relative to the '119 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.

64. 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**

65. 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**

66. 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.

67. 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**

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

**PRAYER FOR RELIEF**

69. 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*