

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

KT IMAGING USA, LLC,

Plaintiff

-against-

KYOCERA CORPORATION,

Defendant

Civil Action No.: 4:19-cv-488

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff KT Imaging USA, LLC (“KTI” or “Plaintiff”), by way of this Complaint against Defendant Kyocera Corporation (“Kyocera” or “Defendant”), alleges as follows:

PARTIES

1. Plaintiff KT Imaging USA, LLC is a limited liability company organized and existing under the laws of the State of Texas, having its principal place of business at 106 E 6th Street, Suite 900, Austin, TX 78701.
2. On information and belief, Defendant Kyocera is a Japanese corporation with an address at 6 Takeda Tobadono-cho, Fushimi-ku Kyoto-shi, Kyoto 612-8501, Japan.

JURISDICTION AND VENUE

3. This is an action under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.*, for infringement by Kyocera of claims of U.S. Patent No. 6,876,544; U.S. Patent No. 7,196,322; and U.S. Patent No. 8,004,602 (collectively “the Patents-in-Suit”).
4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).
5. Kyocera is subject to personal jurisdiction of this Court because, *inter alia*, on

information and belief, (i) Kyocera has committed and continues to commit acts of patent infringement in the State of Texas, including by making, using, offering to sell, selling, and/or importing the accused products into Texas; (ii) Kyocera purposefully supplies and directs the accused products for storage, warehousing, and sales by distributors and resellers in the State of Texas; and (iii) Kyocera delivers its products into the stream of commerce with the expectation that they will be purchased by consumers in the State of Texas. In addition, or in the alternative, this Court has personal jurisdiction over Kyocera pursuant to Fed. R. Civ. P. 4(k)(2).

6. Venue is proper as to Kyocera in this district under 28 U.S.C. § 1391(c) because, *inter alia*, Kyocera is a foreign corporation.

BACKGROUND

7. On April 5, 2005, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 6,876,544 (“the ’544 Patent”), entitled “Image Sensor Module and Method for Manufacturing the Same.”

8. On March 27, 2007, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,196,322 (“the ’322 Patent”), entitled “Image Sensor Package.”

9. On August 23, 2011, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 8,004,602 (“the ’602 Patent”), entitled “Image Sensor Structure And Integrated Lens Module Thereof.”

10. KTI is the assignee and owner of the right, title, and interest in and to the Patents-in-Suit, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

NOTICE

11. By letter dated June 20, 2019, KTI notified Kyocera of the existence of the Patents-in-

Suit, and of infringement thereof by Kyocera. KTI's June 20, 2019 letter invited Kyocera to hold a licensing discussion with KTI.

12. As of the date of this Complaint, KTI has not received any response from Kyocera to its letter.

COUNT I: INFRINGEMENT OF THE '544 PATENT BY KYOCERA

13. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

14. On information and belief, Kyocera has infringed the '544 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, offering to sell, selling in the United States or importing into the United States the Kyocera Duraforce E6560 and Durafoce smartphones and all other products with substantially similar imaging sensors ("Accused Products").

15. For example, on information and belief, Kyocera has infringed and continues to infringe at least claim 1 of the '544 Patent by including an image sensor module to be mounted to a printed circuit board in each of the Accused Products. *See* Ex. 1. The rear facing image sensor module in the Accused Products comprises a substrate having an upper surface formed with a plurality of first connection points and a lower surface formed with a plurality of second connection points, which is electrically connected to the printed circuit board. *See* Exs. 1-2. The image sensor module further comprises a photosensitive chip mounted to the upper surface of the substrate. *See* Ex. 3. The image sensor module further comprises a plurality of wires for electrically connecting the photosensitive chip to the first connection points on the upper surface of the substrate. *See id.* The image sensor module further comprises a frame layer mounted to the upper surface of the substrate to surround the photosensitive chip, an inner edge of the frame layer being formed with an internal thread from top to bottom, and a transparent layer being fixed by the frame layer such that the photosensitive chip may receive optical signals passing

through the transparent layer. *See* Ex. 1. The image sensor module further comprises a lens barrel formed with a chamber at a center thereof and an external thread at an outer edge thereof, the external thread being screwed to the internal thread of the frame layer, wherein the lens barrel has a through hole and an aspheric lens from top to bottom. *See* Ex. 1.

16. On information and belief, Kyocera has induced infringement of the '544 Patent pursuant to 35 U.S.C. § 271(b), by actively and knowingly inducing, directing, causing, and encouraging others, including, but not limited to, its partners, resellers, distributors, customers, and end users, to make, use, sell, and/or offer to sell in the United States, and/or import into the United States, the Accused Products by, among other things, providing the accused products and incorporated image sensor technology, specifications, instructions, manuals, advertisements, marketing materials, and technical assistance relating to the installation, set up, use, operation, and maintenance of said products.

17. On information and belief, Kyocera has committed the foregoing infringing activities without a license.

18. On information and belief, Kyocera knew the '544 Patent existed and knew of exemplary infringing Kyocera products while committing the foregoing infringing acts thereby willfully, wantonly and deliberately infringing the '544 Patent.

COUNT II: INFRINGEMENT OF THE '322 PATENT BY KYOCERA

19. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

20. On information and belief, Kyocera has infringed the '322 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, offering to sell, selling in the United States or importing into the United States the Accused Products.

21. For example, on information and belief, Kyocera has infringed and continues to infringe at least claim 1 of the '322 Patent by including an image sensor module in each of the Accused

Products. *See* Ex. 1 (cross-sectional image of the rear facing camera in the Duraforce E6560 model). The image sensor module in the Accused Products comprises a substrate having an upper surface, and a lower surface on which second electrodes are formed, and a frame layer arranged on the upper surface of the substrate, a cavity formed between the frame layer and substrate, and a plurality of first electrodes are formed on the frame layer. *See* Exs. 1-4. The image sensor module in the Accused Products further comprises a photosensitive chip mounted on the upper surface of the substrate and located within the cavity, and electrically connected to the first electrodes of the frame layer. *See* Exs. 1-4. The image sensor module in the Accused Products further comprises a lens holder having an upper end face, a lower end face, and an opening penetrating through the lens holder from the upper end face to the lower end face, the upper end of the opening formed with an internal thread and the lower end of the opening formed with a breach, so that the internal diameter of the upper end of the opening is smaller than the lower end of the opening, the lens holder adhered on the upper surface of the substrate by glue, wherein, the frame layer is located within the breach of the lens holder. *See* Ex. 1. The image sensor module of the Accused Product further comprises a lens barrel having an upper end face, a lower end face, and an external thread screwed to the internal thread of the lens holder. *See id.*

22. On information and belief, Kyocera has induced infringement of the '322 Patent pursuant to 35 U.S.C. § 271(b), by actively and knowingly inducing, directing, causing, and encouraging others, including, but not limited to, its partners, resellers, distributors, customers, and end users, to make, use, sell, and/or offer to sell in the United States, and/or import into the United States, the Accused Products by, among other things, providing the accused products and incorporated image sensor technology, specifications, instructions, manuals, advertisements, marketing materials, and technical assistance relating to the installation, set up, use, operation, and

maintenance of said products.

23. On information and belief, Kyocera has committed the foregoing infringing activities without a license.

24. On information and belief, Kyocera knew the '322 Patent existed and knew of exemplary infringing Kyocera products while committing the foregoing infringing acts while committing the foregoing infringing acts, thereby willfully, wantonly and deliberately infringing the '322 Patent.

COUNT III: INFRINGEMENT OF THE '602 PATENT BY KYOCERA

25. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

26. On information and belief, Kyocera has infringed the '602 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, offering to sell, selling in the United States, or importing into the United States the Accused Products.

27. For example, on information and belief, Kyocera has infringed and continues to infringe at least claim 1 of the '602 Patent by including an image sensor structure with an integrated lens module in the Accused Products. *See* Ex. 5 (cross-sectional image of the front facing camera in the Kyocera Duraforce E6560 model). The image sensor structure in the Accused Products comprises a chip having a plurality of light-sensing elements arranged on a light sensing area of a first surface of the chip, a plurality of first conducting pads arranged around the light-sensing area and electrically connected to the light-sensing elements, and at least one conducting channel passing through the chip and electrically connected to the first conducting pads at one end as well as extending along with a second surface of the chip. *See* Exs. 5-6. The image sensor structure in the Accused Products comprises a lens module comprising a holder having a through hole and a contact surface on a bottom of the holder, wherein the contact surface is combined with the first surface, and at least one lens completely embedded inside the through hole and

integrated with the holder. *See* Ex. 5.

28. On information and belief, Kyocera has induced infringement of the '602 Patent pursuant to 35 U.S.C. § 271(b), by actively and knowingly inducing, directing, causing, and encouraging others, including, but not limited to, its partners, resellers, distributors, customers, and end users, to make, use, sell, and/or offer to sell in the United States, and/or import into the United States, the Accused Products by, among other things, providing the accused products and incorporated image sensor technology, specifications, instructions, manuals, advertisements, marketing materials, and technical assistance relating to the installation, set up, use, operation, and maintenance of said products.

29. On information and belief, Kyocera has committed the foregoing infringing activities without a license.

30. On information and belief, Kyocera knew the '602 Patent existed and knew of exemplary infringing Kyocera products while committing the foregoing infringing acts while committing the foregoing infringing acts, thereby willfully, wantonly and deliberately infringing the '602 Patent.

PRAYER FOR RELIEF

WHEREFORE, KTI prays for judgment in its favor against Kyocera for the following relief:

- A. Entry of judgment in favor of KTI against Kyocera on all counts;
- B. Entry of judgment that Kyocera has infringed the Patent-in-Suit;
- C. Entry of judgment that Kyocera's infringement of the Patents-in-Suit has been willful;
- D. An order permanently enjoining Kyocera from infringing the Patent-in-Suit;

E. Award of compensatory damages adequate to compensate KTI for Kyocera's infringement of the Patent-in-Suit, in no event less than a reasonable royalty trebled as provided by 35 U.S.C. § 284;

F. Award of reasonable attorneys' fees and expenses against Kyocera pursuant to 35 U.S.C. § 285;

G. KTI's costs;

H. Pre-judgment and post-judgment interest on KTI's award; and

I. All such other and further relief as the Court deems just or equitable.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Fed. R. Civ. Proc., Plaintiff hereby demands trial by jury in this action of all claims so triable.

Dated: July 3, 2019

Respectfully submitted,

/s/ Stafford Davis w/ permission of lead atty
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