

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

KT IMAGING USA, LLC,

Plaintiff

-against-

LIGHTCOMM TECHNOLOGY CO., LTD.,

Defendant

Civil Action No.: 4:19-cv-486

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff KT Imaging USA, LLC (“KTI”), by way of this Complaint against Defendant Lightcomm Technology Co., Ltd. (“Lightcomm” 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 Lightcomm is a foreign corporation with an address at Rm. 1808 18/F, Fo Tan Industrial Centre Nos. 26-28, Au Pui Wan Street, Fo Tan Shatin New Territories, Hong Kong, People’s Republic of China. *See* Ex. 1 (“Model Declaration Letter” submitted by Lightcomm to the Federal Communications Commission).

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 Lightcomm of claims of U.S. Patent No. 8,004,602.
4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).
5. Lightcomm is subject to personal jurisdiction of this Court because, *inter alia*, on

information and belief, (i) Lightcomm 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) Lightcomm purposefully supplies and directs the accused products for storage, warehousing, and sales by distributors and resellers in the State of Texas; and (iii) Lightcomm 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 Lightcomm pursuant to Fed. R. Civ. P. 4(k)(2).

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

BACKGROUND

7. 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” or “the Patent-in-Suit”), entitled “Image Sensor Structure And Integrated Lens Module Thereof.”

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

NOTICE

9. By letter dated May 24, 2019, KTI notified Lightcomm of the existence of the Patent-in-Suit, and of infringement thereof by Lightcomm. KTI’s letter identified an exemplary infringing Lightcomm products and an exemplary infringed claim for the Patent-in-Suit. KTI’s May 24, 2019 letter invited Lightcomm to hold a licensing discussion with KTI.

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

COUNT I: INFRINGEMENT OF THE '602 PATENT BY LIGHTCOMM

11. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.
12. On information and belief, Lightcomm 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 DL718, MID1016-MK, DL1016, MID1016-MA, MID1016-L, DL1016-MK, DL1016MK, and DL10XXXXXX tablets, and all other tablets and products with substantially similar imaging sensors ("Accused Products").
13. For example, on information and belief, Lightcomm 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 each of the Accused Products. *See Ex. 2* (cross-sectional image of the rear facing camera in the DL718 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. 2-5*. 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. 2*.
14. On information and belief, Lightcomm 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.

15. On information and belief, Lightcomm has committed the foregoing infringing activities without a license.

16. On information and belief, Lightcomm knew the '602 Patent existed, knew of an exemplary infringed claim of the '602 Patent, and knew of exemplary infringing Lightcomm products 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 the Defendant for the following relief:

- A. Entry of judgment in favor of KTI against the Defendant on all counts;
- B. Entry of judgment that the Defendant has infringed the Patent-in-Suit;
- C. Entry of judgment that the Defendant' infringement of the Patent-in-Suit has been willful;
- D. An order permanently enjoining the Defendant from infringing the Patent-in-Suit;
- E. Award of compensatory damages adequate to compensate KTI for the Defendant'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 the Defendant 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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