

United States District Court  
Northern District of California

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Attorneys for Plaintiffs  
HTC Corporation and  
HTC America, Inc.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

HTC CORPORATION and HTC AMERICA,  
Inc.,

Plaintiffs,

v.

MOTIVA PATENTS LLC,

Defendant.

CIVIL ACTION NO. \_\_\_\_\_

COMPLAINT FOR DECLARATORY  
JUDGEMENT

JURY TRIAL DEMANDED

**PLAINTIFFS HTC CORPORATION AND HTC AMERICA, INC.’S COMPLAINT FOR  
DECLARATORY JUDGMENT**

Plaintiffs HTC Corporation and HTC America, Inc. (collectively, “HTC”), for their  
Complaint for Declaratory Judgment, aver and allege as follows:

Plaintiffs HTC Corporation and  
HTC America, Inc.’s Complaint  
for Declaratory Judgement

**THE PARTIES**

1  
2 1. Plaintiff HTC Corporation is a Taiwanese corporation with its principal place of  
3 business at No. 23, Xinghua Road, Taoyuan District, Taoyuan City, Taiwan.

4 2. Plaintiff HTC America, Inc., is a Washington State corporation with a place of  
5 business at 308 Occidental Avenue South, Suite 300, Seattle, Washington 98104.

6 3. Defendant Motiva Patents LLC (“Motiva”) is a limited-liability company formed  
7 under the laws of the State of Texas, with its principal place of business at 2322 Pinehurst St.,  
8 Tyler, Texas 75703.  
9

10 **JURISDICTION AND VENUE**

11 4. On October 3, 2018, Motiva filed a lawsuit against HTC Corporation in the United  
12 States District Court for the Eastern District of Texas, accusing HTC Corporation of directly and  
13 indirectly infringing U.S. Patent Nos. 7,292,151 (the “’151 Patent”), 7,952,483 (the “’483 Patent”),  
14 8,159,354 (the “’354 Patent”), 8,427,325 (the “’325 Patent”), and 9,427,659 (the “’659 Patent”)  
15 (collectively, the “Patents-in-Suit”) in the United States. *Motiva Patents, LLC v. HTC*  
16 *Corporation*, No. 9:18-cv-179-JRG, Dkt. No. 1 (E.D. Tex. Oct. 3, 2018).  
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18 5. In particular, Motiva accused HTC’s Vive and Vive Pro products (collectively, the  
19 “Accused Products”) of infringing claims of the Patents-in-Suit, including the shipment and sale  
20 of the Accused Products in this District.

21 6. On October 3, 2018, Motiva also filed a lawsuit against Facebook Technologies,  
22 LLC f/k/a Oculus VR, LLC (“Facebook”), accusing Facebook of directly and indirectly infringing  
23 the Patents-in-Suit. *Motiva Patents, LLC v. Facebook Technologies, LLC f/k/a Oculus VR, LLC*,  
24 No. 9:18-cv-178-JRG, Dkt. No. 1 (E.D. Tex. Oct. 3, 2018).  
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1           7.       On information and belief, Facebook is a Delaware company with its principal  
2 place of business in Menlo Park, California, within this District.

3           8.       On information and belief, Motiva noticed and took depositions of Facebook  
4 employees in the Northern District of California during January 2019 and March 2019 and  
5 otherwise directed communications and demands for discovery and settlement to Facebook in this  
6 District, as part of its lawsuit filed against Facebook.

7           9.       On information and belief, Motiva negotiated and entered into a principle  
8 agreement with Facebook to settle its lawsuit against Facebook and license the Patents-in-Suit to  
9 Facebook, including directing communications to Facebook in this District.

10          10.      On information and belief, Motiva's primary business is the assertion and/or  
11 licensing of patents, including the Patents-in-Suit.

12          11.      On information and belief, Motiva's contacts with Facebook in California,  
13 specifically in this District, were in furtherance of Motiva's efforts to assert and license the Patents-  
14 in-Suit.  
15

16          12.      On October 4, 2019, HTC Corporation filed a motion to dismiss Motiva's  
17 complaint and the pending lawsuit for lack of subject matter jurisdiction because Motiva lacked—  
18 and never did have—constitutional standing to file the lawsuit. The assignment of the Patents-in-  
19 Suit to Motiva was void due to Motiva's failure to adhere to the requirements of a previous  
20 agreement regarding the Patents-in-Suit. *Motiva Patents, LLC v. Sony Corp. et al*, No. 9:18-cv-  
21 180-JRG, Dkt. No. 136 (E.D. Tex. Oct. 4, 2019).  
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23          13.      On October 6, 2019, Motiva voluntarily dismissed its lawsuit against HTC in  
24 response to HTC's motion to dismiss and stated that it would execute a new assignment on the  
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1 Patents-in-Suit. Motiva Patents, LLC v. Sony Corp. et al, No. 9:18-cv-180-JRG, Dkt. No. 139  
2 (E.D. Tex. Oct. 6, 2019).

3 14. This action arises under the patent laws of the United States, namely 35 U.S.C. §  
4 271.

5 15. This Court has subject-matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6 16. Motiva is subject to this Court's specific personal jurisdiction under due process  
7 and/or the California Long Arm Statute due at least to Motiva's targeting of specific residents of  
8 this State and judicial district, including Facebook, against whom Motiva filed a patent  
9 infringement action asserting the Patents-in-Suit, against whom Motiva conducted activities in this  
10 District in furtherance of its primary business, against whom Motiva sought an injunction in its  
11 complaint filed in the Eastern District of Texas, to whom Motiva directed communications in this  
12 District, and with whom Motiva reached an agreement in principal on a settlement and license  
13 agreement.  
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15 17. Venue is appropriate under 28 U.S.C. § 1391(b) at least because this District is the  
16 location where a substantial portion of the events at issue in this suit occurred, including shipments  
17 of the accused products. Venue is also appropriate under 28 U.S.C. § 1391(c) at least because  
18 Motiva is deemed to reside in this District under § 1391(c), as it is subject to this Court's personal  
19 jurisdiction with respect to this action.  
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21 **FIRST CAUSE OF ACTION**

22 **Declaratory Judgment of Non-infringement of U.S. Patent No. 7,292,151**

23 18. HTC restates and incorporates by reference its allegations in paragraphs 1 through  
24 17, as if fully set forth herein.  
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1 19. On October 3, 2018, Motiva filed a lawsuit against HTC Corporation in which  
2 Motiva accused HTC Corporation of directly and indirectly infringing the '151 Patent in the United  
3 States. In the lawsuit, Motiva alleged that the Accused Products infringe the '151 Patent.

4 20. HTC Corporation denies that it has directly infringed, either literally or under the  
5 doctrine of equivalents, any valid claim of the '151 Patent, individually or in concert with HTC  
6 America, Inc. HTC Corporation also denies that it has indirectly infringed, by inducement or by  
7 contribution, any valid claim of the '151 Patent, individually or in concert with HTC America, Inc.  
8 HTC denies that the Accused Products infringe any valid claim of the '151 Patent.  
9

10 21. An actual case or controversy has arisen and exists between HTC and Motiva,  
11 regarding whether HTC infringes the '151 patent.

12 22. Declaratory relief is necessary and appropriate so that HTC may ascertain its rights  
13 regarding the '151 patent.

14 23. For the reasons set forth above, HTC respectfully requests that this Court declare  
15 that HTC Corporation and HTC America, Inc. have not directly infringed the '151 Patent, either  
16 literally or under the doctrine of equivalents, and have not indirectly infringed, by inducement or  
17 by contribution, the '151 Patent.  
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19 **SECOND CAUSE OF ACTION**  
20 **Declaratory Judgment of Non-infringement of U.S. Patent No. 7,952,483**

21 24. HTC restates and incorporates by reference its allegations in paragraphs 1 through  
22 23, as if fully set forth herein.

23 25. On October 3, 2018, Motiva filed a lawsuit against HTC Corporation in which  
24 Motiva accused HTC Corporation of directly and indirectly infringing the '483 Patent in the United  
25 States. In the lawsuit, Motiva alleged that the Accused Products infringe the '483 Patent.  
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1 contribution, any valid claim of the '354 Patent, individually or in concert with HTC America, Inc.  
2 HTC denies that the Accused Products infringe any valid claim of the '354 Patent.

3 33. An actual case or controversy has arisen and exists between HTC and Motiva,  
4 regarding whether HTC infringes the '354 patent.

5 34. Declaratory relief is necessary and appropriate so that HTC may ascertain its rights  
6 regarding the '354 patent.

7 35. For the reasons set forth above, HTC respectfully requests that this Court declare  
8 that HTC Corporation and HTC America, Inc. have not directly infringed the '354 Patent, either  
9 literally or under the doctrine of equivalents, and have not indirectly infringed, by inducement or  
10 by contribution, the '354 Patent.  
11

12 **FOURTH CAUSE OF ACTION**  
13 **Declaratory Judgment of Non-infringement of U.S. Patent No. 8,427,325**

14 36. HTC restates and incorporates by reference its allegations in paragraphs 1 through  
15 35, as if fully set forth herein.

16 37. On October 3, 2018, Motiva filed a lawsuit against HTC Corporation in which  
17 Motiva accused HTC Corporation of directly and indirectly infringing the '325 Patent in the United  
18 States. In the lawsuit, Motiva alleged that the Accused Products infringe the '325 Patent.

19 38. HTC Corporation denies that it has directly infringed, either literally or under the  
20 doctrine of equivalents, any valid claim of the '325 Patent, individually or in concert with HTC  
21 America, Inc. HTC Corporation also denies that it has indirectly infringed, by inducement or by  
22 contribution, any valid claim of the '325 Patent, individually or in concert with HTC America, Inc.  
23 HTC denies that the Accused Products infringe any valid claim of the '325 Patent.  
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25 39. An actual case or controversy has arisen and exists between HTC and Motiva,  
26 regarding whether HTC infringes the '325 patent.  
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1 literally or under the doctrine of equivalents, and have not indirectly infringed, by inducement or  
2 by contribution, the '659 Patent.

3 **PRAYER FOR RELIEF**

4 HTC respectfully prays for the following relief:

- 5 a. A judgment in favor of HTC;
- 6 b. Find and declare that neither HTC Corporation nor HTC America, Inc., has  
7 infringed, contributed to the infringement of, or induced others to infringe, either directly  
8 or indirectly, literally or under the doctrine of equivalents, any valid claim of the Patents-  
9 in-Suit;
- 10
- 11 c. An order that this case is exceptional and an award to HTC of its reasonable costs  
12 and expenses of litigation, including attorneys' fees and expert witness fees;
- 13 d. Such other and further relief as this Court may deem just and proper.

14 **DEMAND FOR A JURY TRIAL**

15 In accordance with Rule 38 of the Federal Rules of Civil Procedure, HTC respectfully  
16 demands a jury trial of all issues triable to a jury in this action.  
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Dated: October 7, 2019

Respectfully submitted,  
/s/ Chao (Wendy) Wang  
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**ATTORNEYS FOR HTC CORPORATION  
AND HTC AMERICA, INC.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 7th day of October, 2019, with a copy of the foregoing document via the Court’s CM/ECF system pursuant to Local Rule CV-5(a)(3).

/s/ Fred I. Williams  
Fred I. Williams