

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

**VANTAGE MICRO LLC,**

**Plaintiff,**

**v.**

**HUAWEI DEVICE USA, INC., HUAWEI  
DEVICE CO., LTD., HUAWEI  
TECHNOLOGIES USA INC., HUAWEI  
TECHNOLOGIES CO. LTD., AND  
HISILICON TECHNOLOGIES CO., LTD.,**

**Defendants.**

**Civil Action No. \_\_\_\_\_**

**DEMAND FOR JURY TRIAL**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Vantage Micro LLC (“Vantage Micro” or “Plaintiff”) hereby alleges for its Complaint for patent infringement against Defendants Huawei Device USA Inc. (“Huawei USA”), Huawei Device Co., Ltd. (“Huawei Device”), Huawei Technologies USA Inc. (“HTUS”), Huawei Technologies Co. Ltd. (“HTCL”), and HiSilicon Technologies Co., Ltd. (“HiSilicon”) (collectively “Huawei” or “Defendants”) on personal knowledge as to its own actions and on information and belief as to the actions of others, as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

**THE PARTIES**

2. Plaintiff Vantage Micro is a limited liability company organized under the laws of the State of Delaware, with its principal place of business at 717 North Union Street, Suite 9, Wilmington, DE 19805.

3. On information and belief, Defendant Huawei USA is a Texas corporation with its principal place of business in Plano, Texas. Huawei USA distributes, markets, and sells mobile devices, including smartphones in the United States. Upon information and belief, Defendant Huawei USA is authorized to do business in Texas and has a North American Headquarters located at 5700 Tennyson Parkway, Suite 500, Plano, Texas 75024. Huawei USA may be served through its registered agent CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

4. Defendant Huawei Device is a Chinese company with a principal place of business at 8 Shitou Road, North Area, Shenzhen, 518129, China. Huawei Device is involved in the design, manufacture, and sale of mobile devices. Huawei Device's subsidiaries in the United States include Huawei USA.

5. Defendant HTUS is a Texas Corporation with a place of business in Plano, Texas located at 5700 Tennyson Parkway, Suite 500, Plano, Texas 75024. HTUS may be served through its registered agent CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

6. Defendant HTCL is a Chinese company with a place of business at Huawei Industrial Base (Shenzhen Campus), Bantian, Longgang District, Shenzhen 518129, People's Republic of China.

7. Defendant HiSilicon is a Chinese company with its principal place of business in Bantian, Longgang District, Shenzhen, People's Republic of China. On information and belief, HiSilicon is a wholly owned subsidiary of HTCL.

8. On information and belief, Huawei sells and offers to sell products and services throughout the United States, including in this District, through its website, through major electronics retailers in North America, and in concert and partnership with third parties who sell mobile phones, personal computers, servers, notebook computers, televisions, and other consumer products, including products that infringe the patents asserted in this action (as discussed further below).

9. On information and belief, Huawei conducts a significant amount of business in Texas and this District through online sales and advertisements directly to consumers, through product sales by Huawei's distributors and resellers, and in concert and partnership with third parties who sell mobile phones, personal computers, servers, notebook computers, televisions, and other consumer products.

10. Vantage Micro is the assignee and owner of the patents at issue in this action: U.S. Patents Nos. 6,678,838, 7,414,606, and 9,959,593 (collectively, the "Asserted Patents"). Vantage Micro holds all substantial rights, title, and interest in the Asserted Patents, including the exclusive right to sue Huawei for infringement and recover damages, including damages for past infringement.

11. Vantage Micro seeks monetary damages and prejudgment interest for Defendants' past and ongoing direct and indirect infringement of the Asserted Patents.

#### **JURISDICTION AND VENUE**

12. This action for patent infringement arises under the patent laws of the United States, Title 35 of the United States Code.

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

14. This Court has personal jurisdiction over Huawei USA, Huawei Device, HTUS, HTCL, and HiSilicon because those companies have sufficient minimum contacts with the forum as a result of business conducted within the State of Texas and within this District. For example, Huawei USA's main headquarters is located in this district. Personal jurisdiction also exists specifically over HTUS and HTCL because these companies, directly or through subsidiaries or intermediaries, make, use, offer for sale, sell, and/or import products or services within the State of Texas and within this District that directly or indirectly infringe the Asserted Patents or that are the instrumentalities for infringing one or more claims of the Asserted Patents (as discussed further below).

15. Furthermore, personal jurisdiction over Huawei in this action comports with due process. Huawei has conducted and regularly conducts business within the United States and this District. Huawei has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in the State of Texas and this District. Huawei has sought protection and benefit from the laws of the State of Texas by placing products that infringe the Asserted Patents into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District. Having purposefully availed itself of the privilege of conducting business within this District, Huawei should reasonably and fairly anticipate being brought into court here.

16. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b) at least because various of the Huawei entities are foreign corporations and are subject to personal jurisdiction in this District and have regularly conducted business in this District, and because certain of the acts complained of herein occurred in this District. Additionally, Huawei—directly

or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents—ships, distributes, offers for sale, imports, and/or sells its products in the United States and this District. Huawei has purposefully and voluntarily placed one or more of its products into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. These products have been, and continue to be, purchased by consumers and businesses in this District.

**THE ASSERTED PATENTS**

17. On January 13, 2004, the United States Patent and Trademark Office (“USPTO”) duly and legally issued U.S. Patent No. 6,678,838 (“the ’838 Patent”), entitled “Method to Track Master Contribution Information in a Write Buffer.” A copy of the ’838 Patent is attached hereto as Exhibit 1.

18. Vantage Micro owns all substantial right, title, and interest in the ’838 Patent, and holds the right to sue and recover damages for infringement thereof, including past infringement.

19. On August 19, 2008, the USPTO duly and legally issued U.S. Patent No. 7,414,606 (“the ’606 Patent”), entitled “Method and Apparatus for Detecting a Flat Panel Display Monitor.” A copy of the ’606 Patent is attached hereto as Exhibit 2.

20. Vantage Micro owns all substantial right, title, and interest in the ’606 Patent, and holds the right to sue and recover damages for infringement thereof, including past infringement.

21. On May 1, 2018, the USPTO duly and legally issued U.S. Patent No. 9,959,593 (“the ’593 Patent”), entitled “Memory Controller Having Plurality of Channels that Provides Simultaneous Access to Data When Accessing Unified Graphics Memory.” A copy of the ’593 Patent is attached hereto as Exhibit 3.

22. Vantage Micro owns all substantial right, title, and interest in the '593 Patent, and holds the right to sue and recover damages for infringement thereof, including past infringement.

**COUNT I - INFRINGEMENT OF U.S. PATENT NO. 6,678,838**

23. Vantage Micro incorporates and realleges the preceding paragraphs as if fully set forth herein.

24. At least as of May 9, 2019, Vantage Micro placed Huawei on actual notice of the '838 Patent and actual notice that its actions constituted and continued to constitute infringement of the '838 Patent. Huawei has had actual knowledge of the '838 Patent and its own infringement of the '838 Patent since at least that time.

25. Huawei has infringed one or more claims of the '838 Patent, including but not limited to Claim 11, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, at least by using electronic products wherein multiple masters (including but not limited to computer processors, processor cores, graphics processors, and noncore master peripherals) write data to a memory (including but not limited to shared memory), where the memory includes information to associate a master with the data ("'838 Infringing Products"). The '838 Patent Infringing Products include the Kirin 970 System-on-Chip (SoC) product.

26. Discovery is expected to uncover the full extent of Huawei's infringement of the '838 Patent beyond the '838 Infringing Products already identified through public information.

27. Attached hereto as Exhibit 4, and incorporated by reference herein, is a claim chart detailing how the Kirin 970 System-on-Chip (SoC), one of the '838 Infringing Products, directly infringes independent Claim 11 of the '838 patent. On information and belief, any use of the Kirin 970 SoC necessarily practices the method of Claim 11 of the '838 Patent. Each of the elements of Claim 11 is found in the representative Huawei product as shown in Exhibit 4.

28. On information and belief, Huawei has induced infringement of one or more claims of the '838 Patent, including but not limited to Claim 11, pursuant to 35 U.S.C. § 271(b), by encouraging its customers of the '838 Infringing Products and other third parties (including, *inter alia*, the downstream customers of its customers) to make, sell, offer to sell, and/or import in the United States without authorization the '838 Infringing Products (or products of which the '838 Infringing Products are components) as described above and/or by encouraging those same customers and third parties to use the '838 Infringing Products (or products of which the '838 Infringing Products are components) to perform the method of at least Claim 11 of the '838 Patent. Huawei has engaged in acts of inducement with the knowledge (at least as of May 14, 2019) that such actions constituted infringement of one or more claims of the '838 Patent and the specific intent to encourage that infringement.

29. Huawei's acts of inducement include, *inter alia*: providing the '838 Infringing Products to its customers and other third parties and intending them to use the '838 Infringing Products; providing information, advertising, and instructions for these products through its own and third-party websites (*see, e.g.*, <http://www.hisilicon.com/en/Products/ProductList/Kirin>); providing potential customers with instructions on how to obtain these products and warranting the products when obtained through authorized distribution networks (*see, e.g.*, <http://www.hisilicon.com/en/AboutUs/WhereToBuy#a-sale>); and, on information and belief, providing support and training to enable customers and other third parties to use the products in an infringing way. Specifically, on information and belief, each Defendant has aided and abetted at least each other Defendant in each other Defendant's acts of infringement.

30. On information and belief, Huawei has contributed to infringement of one or more claims of the '838 Patent under 35 U.S.C. § 271(c), including but not limited to Claim 11,

by offering to sell or selling within the United States, and/or importing into the United States without authorization, one or more components of the '838 Infringing Products (or products of which the '838 Infringing Products are components) with the knowledge that (at least as of May 9, 2019) that such components are especially made or especially adapted for use in an infringement of the '838 Patent and are not are staple articles of commerce suitable for substantial non-infringing use.

31. Huawei has directly and indirectly infringed the '838 Patent and is thus liable for infringement of the '838 Patent pursuant to 35 U.S.C. § 271.

32. Vantage Micro has suffered, and continues to suffer, damages as a result of Huawei's infringement of the '838 Patent.

33. Huawei continued to infringe the '838 Patent from at least May 9, 2019 until its expiration, despite being on notice of the '838 Patent and its infringement. Huawei has therefore infringed the '838 Patent knowingly, willfully, deliberately, and in disregard of Plaintiff's patent rights since at least May 14, 2019, at least by infringing with actual knowledge of its direct and indirect infringement or while remaining willfully blind to the fact of its direct and indirect infringement. As a result of at least this conduct, Vantage Micro is entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

34. Vantage Micro reserves the right to modify its infringement theories as discovery progresses in this case. Vantage Micro shall not be estopped for purposes of its infringement contentions or its claim constructions by the claim charts that it provides with this Complaint. Vantage Micro intends the claim chart (Exhibit 4) for the '838 patent to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. The claim chart is not



Vantage Micro's preliminary or final infringement contentions or preliminary or final claim construction positions.

**COUNT II - INFRINGEMENT OF U.S. PATENT NO. 7,414,606**

35. Vantage Micro incorporates and realleges the preceding paragraphs as if fully set forth herein.

36. At least as of May 9, 2019, Vantage Micro placed Huawei on actual notice of the '606 Patent and actual notice that its actions constituted and continue to constitute infringement of the '606 Patent. Huawei has had actual knowledge of the '606 Patent and its own infringement of the '606 Patent since at least that time.

37. Huawei has infringed and continues to infringe one or more claims of the '606 Patent, including but not limited to Claim 6, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, offering to sell, and/or importing in the United States without authority microprocessors and graphics processing units ("GPUs"), systems-on-chips ("SoCs"), and similar products, devices, systems, and/or components of systems that detect, or support the detection of, monitors, including, but not limited to, Liquid Crystal Display ("LCD"), Light-Emitting Diode ("LED"), and Plasma Display Panel ("PDP") monitors using various connection interfaces or "ports," including, but not limited to, High-Definition Multimedia Interface ("HDMI"), DisplayPort ("DP"), and/or Digital Visual Interface ("DVI") connections that support or comply with the HDMI, DP, and/or DVI specification ("'606 Infringing Products"). Examples of '606 Infringing Products include, without limitation, Huawei's camera SoC chipsets and solutions (e.g., Hi3559A V100, Hi3519A V100, Hi3516D V300, Hi3556A V100, Hi3559 V200, Hi3559A V100, Hi3559C V100, Hi3559 V100, Hi3716M V430, Hi3716M V430, Hi3798C V200, Hi3798M V200H, Hi3798M V300, Hi3798M V310,

Hi3796M V200, Hi3798M V200, Hi3796M V100, Hi3798M V100, Hi3716M V420, Hi3716M V410, and Hi3751 V553), processors (e.g., Hi3536, Hi3536C, Hi3536D V100, Hi3531D V100, Hi3521D V100, Hi3520D V400, Hi3520D V300, and Hi3520D V200), TV solutions (e.g., Hi3731 V201, Hi3731 V101, Hi3751 V811, Hi3751 V810, Hi3751 V551, Hi3751 V730, Hi3751 V620, Hi3751 V510, Hi3751 V310, Hi3751 V320, and Hi3751 V600), set-top box solutions (e.g., Hi3716M V310 and Hi3716M V330), and HiKey and Kirin solutions (e.g., HiKey 970 and HiKey 960 powered by Kirin series such as Kirin 970 and Kirin 960, respectively).

38. Discovery is expected to uncover the full extent of Huawei's infringement of the '606 Patent beyond the '606 Infringing Products already identified through public information.

39. Attached hereto as Exhibit 5, and incorporated by reference herein, is a claim chart detailing how a '606 Infringing Product (HiSilicon HiKey 960) infringes independent Claim 6 of the '606 Patent. Each of the elements of Claim 6 is found in this Huawei product as shown in Exhibit 5. Huawei is directly infringing, literally infringing, and/or infringing the '606 Patent under the doctrine of equivalents. Huawei is thus liable for infringement of the '606 Patent pursuant to 35 U.S.C. § 271.

40. At least as of May 9, 2019, Huawei was placed on actual notice of the '606 Patent and actual notice that its actions constituted and continue to constitute infringement of one or more claims of the '606 Patent.

41. On information and belief, Huawei has induced and continues to induce infringement of one or more claims of the '606 Patent, including but not limited to, Claim 6, pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties such as users, distributors, wholesalers, and retailers of the '606 Infringing Products to make, use, sell, offer to sell, and/or import in the United States without authorization the '606 Infringing

Products (or products of which the '606 Infringing Products are components) as described above and/or by encouraging those same customers and third parties to use the '606 Infringing Products (or products of which the '606 Infringing Products are components).

42. Huawei's acts of inducement include, without limitation: providing the '606 Infringing Products to its customers and other third parties and intending them to use the '606 Infringing Products with hardware, software, and other infrastructure that enable and/or make use of these products; providing information, advertising, and instructions for these products through its own and third-party websites (*see, e.g.,* <http://www.hisilicon.com/en/Products/ProductList/Kirin> (advertising the Kirin Series, some of the '606 Infringing Products)); encouraging customers and other third parties to communicate directly with Huawei representatives about the '606 Infringing Products for purposes of technical assistance and repair (*see, e.g.,* <https://uniportal.hisilicon.com/hiuniportal/?redirect=https%3A%2F%2Fhisupport.hisilicon.com%2Fhisupport%2Fsmall%2FsiteHisi%2Fpage%2Findex.html> (providing consumers with a login portal through which technical issues and concerns regarding the '606 Infringing Products can be addressed)); encouraging customers and other third parties to use the '606 Infringing Products (*see, e.g.,* <http://www.hisilicon.com/en/Media-Center/News/Key-Information-About-the-Huawei-Kirin980> (recommending consumers to use the '606 Infringing Products) and <https://www.anandtech.com/show/10766/huawei-announces-hisilicon-kirin-960-a73-g71> (discussing the '606 Infringing Products at a media briefing)); providing instructions on how to use the '606 Infringing Products (e.g., "HiKey 960 Development Board Hardware User Manual," available at <https://fccid.io/QISHIKEY960> (last accessed Aug. 6, 2019) (offering instructions on how to use one of the '606 Infringing Products ); and "HiKey 960 Schematic," available at

[http://mirror.lemaker.org/HiKEY960%20Board\\_SCH.pdf](http://mirror.lemaker.org/HiKEY960%20Board_SCH.pdf) (last accessed Aug. 6, 2019), (providing instructions to consumers and third parties on building or developing one of the '606 Infringing Products)); and encouraging customers and third parties to use the '606 Infringing Products (*see, e.g.*, <http://www.hisilicon.com/en/Media-Center/News/Key-Information-About-the-Huawei-Kirin980> (recommending consumers to use the '606 Infringing Products) and <https://www.anandtech.com/show/10766/huawei-announces-hisilicon-kirin-960-a73-g71> (discussing the '606 Infringing Products at a media briefing)).

43. For example, Huawei's technical documentation supplied with a '606 Infringing Product, HiKey 960, instructs users to configure the product for use with HDMI, DisplayPort, and/or DVI connections, and to detect a HDMI-compliant, DisplayPort-compliant, and/or DVI-compliant monitor (*see, e.g.*, "HiKey 960 Development Board Hardware User Manual," available at <https://fccid.io/QISHIKEY960> (last accessed Aug. 6, 2019)).

44. Huawei performed acts of inducement despite its actual knowledge since at least May 9, 2019, of the '606 Patent and its knowledge that the specific actions it actively induced and continues to actively induce on the part of its customers and other third parties constitute infringement of the '606 Patent. At the very least, because Huawei has been, and remains, on notice of the '606 Patent and the accused infringement, it has been, and remains, willfully blind regarding the infringement that it has induced and continues to induce.

45. On information and belief, Huawei has contributed to, and continues to contribute to, infringement of one or more claims of the '606 Patent, including but not limited to Claim 6, pursuant to 35 U.S.C. § 271(c) by offering to sell or selling within the United States, importing and/or supplying in the United States without authority one or more components of the '606 Infringing Products (or products of which the '606 Infringing Products are components) with the

knowledge (at least as of May 14, 2019) that such components are especially made or especially adapted for use in an infringement of the '606 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

46. For example, these components detect, or support the detection of, a monitor and are also critical and material components for displaying, or controlling the display of, images on a smartphone, tablet, desktop, laptop, television, and other consumer products according to the claimed invention of at least one claim of the '606 Patent. Huawei supplied, and continues to supply, these system on-chip components, products, or devices, including, without limitation, the '606 Infringing Products with the knowledge of the '606 Patent and with the knowledge that these components constitute critical and material parts of the claimed inventions of the '606 Patent. Moreover, Huawei knows at least by virtue of its knowledge of its own products and the '606 Patent that these components are especially made and/or especially adapted for use as claimed in the '606 Patent and there is no substantial non-infringing use of the claimed elements of these components.

47. Vantage Micro has suffered, and continues to suffer, damages as a result of Huawei's infringement of the '606 Patent.

48. Huawei has continued to infringe the '606 Patent since at least May 9, 2019, despite being on notice of the '606 Patent and its infringement. Huawei has therefore infringed the '606 Patent knowingly, willfully, deliberately, and in disregard of Plaintiff's patent rights since at least May 14, 2019, at least by infringing with actual knowledge of its direct and indirect infringement or while remaining willfully blind to the fact of its direct and indirect infringement. As a result of at least this conduct, Vantage Micro is entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

49. Vantage Micro reserves the right to modify its infringement theories as discovery progresses in this case. Vantage Micro shall not be estopped for purposes of its infringement contentions or its claim constructions by the claim charts that it provides with this Complaint. Vantage Micro intends the claim chart (Exhibit 5) for the '606 Patent to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. The claim chart is not Vantage Micro's preliminary or final infringement contentions or preliminary or final claim construction positions.

**COUNT III - INFRINGEMENT OF U.S. PATENT NO. 9, 959,593**

50. Vantage Micro incorporates and realleges the preceding paragraphs as if fully set forth herein.

51. At least as of May 9, 2019, Vantage Micro placed Huawei on actual notice of the '593 Patent and actual notice that its actions constituted and continued to constitute infringement of the '593 Patent. Huawei has had actual knowledge of the '593 Patent and its own infringement of the '593 Patent since at least that time.

52. On information and belief, Huawei has infringed one or more claims of the '593 Patent, including but not limited to Claim 1, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, offering to sell, and/or importing in the United States without authority, products, devices, systems, and/or components of systems that control, or include a memory controller that controls, memory channels to provide simultaneous access to data for CPU and data for clients in a unified system/graphics memory ("593 Infringing Products"). Examples of '593 Infringing Products include, without limitation, at least Huawei's Hi series (e.g., Hi3xxx) and Kirin series (e.g., Kirin 980, Kirin 970, Kirin 710).

53. Discovery is expected to uncover the full extent of Huawei's infringement of the '593 Patent beyond the '593 Infringing Products already identified through public information.

54. Attached hereto as Exhibit 6, and incorporated by reference herein, is a claim chart detailing how Huawei's Kirin 960 infringes independent Claim 1 of the '593 patent. On information and belief, any use of the Kirin 960 necessarily infringes at least one claim of the '593 Patent. Each of the elements of Claim 6 is found in this Huawei product Kirin 960 as shown in Exhibit 6.

55. On information and belief, Huawei has induced infringement of one or more claims of the '593 Patent, including but not limited to Claim 1, pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties (including, *inter alia*, the downstream customers of its customers), such as users, distributors, wholesalers, and retailers of the '593 Infringing Products to make, use, sell, offer to sell, and/or import in the United States without authorization the '593 Infringing Products (or products of which the '593 Infringing Products are components) as described above and/or by encouraging those same customers and third parties to use the '593 Infringing Products (or products of which the '593 Infringing Products are components) to perform the method of one or more claims, including, but not limited to, Claim 1, of the '593 Patent. Huawei has engaged in acts of inducement with the knowledge (at least as of May 9, 2019) that such actions constituted infringement of one or more claims of the '593 Patent and the specific intent to encourage that infringement.

56. Huawei's acts of inducement include, without limitation: providing the '593 Infringing Products to its customers and other third parties and intending them to use the '593 Infringing Products; providing information, advertising, and instructions for these products through its own and third-party websites (*see, e.g.*,

<http://www.hisilicon.com/en/Products/ProductList/Kirin> (advertising the Kirin Series, some of the '593 Infringing Products)); encouraging customers and other third parties to communicate directly with Huawei representatives about these products for purposes of technical assistance and repair (*see, e.g.*, <https://uniportal.hisilicon.com/hiuniportal/?redirect=https%3A%2F%2Fhisupport.hisilicon.com%2Fhisupport%2Fsmall%2FsiteHisi%2Fpage%2Findex.html> (providing consumers with a login portal through which technical issues and concerns regarding the '593 Infringing Products can be addressed)); and encouraging customers and other third parties to use the '593 Infringing Products (*see, e.g.*, <http://www.hisilicon.com/en/Media-Center/News/Key-Information-About-the-Huawei-Kirin980> (recommending consumers to use the '593 Infringing Products) and <https://www.anandtech.com/show/10766/huawei-announces-hisilicon-kirin-960-a73-g71> (discussing the '593 Infringing Products at a media briefing)).

57. On information and belief, Huawei has contributed to infringement of one or more claims of the '593 Patent, including but not limited to Claim 1, pursuant to 35 U.S.C. § 271(c) by offering to sell or selling within the United States and/or importing into the United States without authorization one or more components of the '593 Infringing Products (or products of which the '593 Infringing Products are components) with the knowledge (at least as of May 9, 2019) that such components are especially made or especially adapted for use in an infringement of the '593 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

58. Huawei supplied these components, including, without limitation, components of the '593 Infringing Products with the knowledge of the '593 Patent and with the knowledge that these components constitute critical and material parts of the claimed inventions of the '593



Patent. Moreover, Huawei knew at least by virtue of its knowledge of its own products and the '593 Patent that these components are especially made and/or especially adapted for use as claimed in the '593 Patent and there is no substantial non-infringing use for these components.

59. Huawei has directly and indirectly infringed the '593 Patent and is thus liable for infringement of the '593 Patent pursuant to 35 U.S.C. § 271.

60. Vantage Micro has suffered, and continues to suffer, damages as a result of Huawei's infringement of the '593 Patent.

61. Huawei has continued to infringe the '593 Patent since at least May 9, 2019, despite being on notice of the '593 Patent and its infringement. Huawei has therefore infringed the '593 Patent knowingly, willfully, deliberately, and in disregard of Plaintiff's patent rights since at least May 14, 2019, at least by infringing with actual knowledge of its direct and indirect infringement or while remaining willfully blind to the fact of its direct and indirect infringement. As a result of at least this conduct, Vantage Micro is entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

62. Vantage Micro reserves the right to modify its infringement theories as discovery progresses in this case. Vantage Micro shall not be estopped for purposes of its infringement contentions or its claim constructions by the claim charts that it provides with this Complaint. Vantage Micro intends the claim chart (Exhibit 6) for the '593 Patent to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. The claim chart is not Vantage Micro's preliminary or final infringement contentions or preliminary or final claim construction positions.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Vantage Micro demands judgment for itself and against Defendant Huawei as follows:

- a. A judgment that Huawei has infringed, and continues to infringe, one or more claims of each of the Asserted Patents;
- b. A judgment that Huawei has induced infringement, and continues to induce infringement, of one or more claims of each of the Asserted Patents;
- c. A judgment that Huawei has contributed to, and continues to contribute, to the infringement of one or more claims of each of the Asserted Patents;
- d. A judgment that Huawei has willfully infringed one or more claims of each of the Asserted Patents;
- e. A judgment awarding Vantage Micro all damages adequate to compensate for Huawei's infringement, and in no event less than a reasonable royalty for Huawei's acts of infringement, including all pre-judgment and post-judgment interest at the maximum rate allowed by law;
- f. A judgment awarding Vantage Micro treble damages pursuant to 35 U.S.C. § 284 as a result of Huawei's willful conduct;
- g. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding Vantage Micro its reasonable attorneys' fees; and
- h. A judgment awarding Vantage Micro such other relief as the Court may deem just and equitable.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff Vantage Micro demands a trial by jury of this action.

Dated: October 7, 2019

DEVLIN LAW FIRM LLC

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