

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

LIGHTSIDE TECHNOLOGIES LLC,

Plaintiff,

v.

TTE TECHNOLOGY, INC.,
TTE CORP., TCL ELECTRONIC HOLDINGS
LIMITED, TCL INDUSTRIES HOLDINGS
(H.K.) LIMITED, and
TCL INDUSTRIAL HOLDINGS CO., LTD.,

Defendants.

Civil Action No. 5:19-cv-1458

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Lightside Technologies LLC (“Lightside” or “Plaintiff”) files this Complaint for Patent Infringement against Defendants TTE Technology, Inc., TTE Corp., TCL Electronic Holdings Limited, TCL Industries Holdings (H.K.) Limited, and TCL Industrial Holdings Co., Ltd. (collectively, “TCL” or “Defendants”), based on knowledge to itself and information and belief as to Defendants as follows.

NATURE OF ACTION

1. Pursuant to 35 U.S.C. § 271, this is an action for infringement of U.S. Patent Nos. 6,370,198 (“the ’198 Patent”) and 8,842,727 (“the ’727 Patent”) (collectively, the “Patents-in-Suit”).

PARTIES

2. Lightside is a Texas limited liability company with a principal place of business at 26611 Woodward Avenue, Huntington Woods, MI 48070.

3. Defendant TTE Technology, Inc. d/b/a TCL USA (“TCL USA”) is a Delaware corporation with a regular and established place of business located at 1860 Compton Avenue, Corona, CA 92881. TCL USA may be served with process via its registered agent.

4. Defendant TTE Corp. is a parent company of TCL USA and is a Delaware Corporation with a regular and established place of business located at 8553 Bash St. Suite 204, Indianapolis, IN 46250. TTE Corp. may be served with process via its registered agent.

5. Defendant TCL Electronics Holdings Limited is a parent company of TCL USA and is a Chinese Corporation with a regular and established place of business at Shenzhen, China. TCL Electronics Holdings Limited may be served under the terms of the Hague Service Convention Treaty.

6. Defendant TCL Industries Holdings (H.K.) Limited is a parent company of TCL USA and is a Hong Kong Chinese Corporation with a regular and established place of business at Hong Kong, China. TCL Industries Holdings (H.K.) Limited may be served under the terms of the Hague Service Convention Treaty.

7. Defendant TCL Industrial Holdings Co., Ltd. is a parent company of TCL USA and is a Chinese Corporation with a regular and established place of business at Shenzhen, China. TCL Industries Holdings Co., Ltd. may be served under the terms of the Hague Service Convention Treaty.

8. This action is properly commenced against the Defendants in a single action, under 35 USC § 299(a), as (1) any right to relief is asserted against the Defendants jointly, severally, or in the alternative, with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences relating to the making, using, importing into the United States, offering

for sale, or selling of the same accused television products; and (2) questions of fact common to all Defendants will arise in this action.

JURISDICTION AND VENUE

9. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

10. Pursuant to 28 U.S.C. §§ 1331 and 1338, this Court has original jurisdiction over the subject matter of this action as it is an action arising under the Patent Laws of the United States.

11. This Court has personal jurisdiction over Defendants as: (i) Defendants conduct business in this Judicial District, directly or through intermediaries; (ii) at least a portion of the alleged infringements occurred in this Judicial District; and (iii) Defendants regularly solicit business, engage in other established and persistent courses of conduct, or derive revenue from goods and services provided to individuals in this Judicial District.

12. Venue is proper in this Judicial District under 28 U.S.C. § 1400(b) because defendant TCL USA maintains its corporate headquarters in Corona, California, has committed acts of infringement within this Judicial District and has an established place of business in this Judicial District and because defendant TCL has committed acts of infringement within this Judicial District and has an established place of business in this Judicial District.

THE PATENTS-IN-SUIT

13. On April 9, 2002, the United States Patent and Trademark Office (“USPTO”) issued the ’198 Patent, titled “Wide-Band Multi-Format Audio/Video Production System With Frame-Rate Conversion,” to Ken Washino of Dumont, NJ. A true and correct copy of the ’198 Patent is provided herewith as Exhibit 1.

14. On September 23, 2014, the USPTO issued the '727 Patent, titled "Wide-Band Multi-Format Audio/Video Production System with Frame-Rate Conversion," to Ken Washino of Dumont, NJ. A true and correct copy of the '727 Patent is provided herewith as Exhibit 2.

15. Plaintiff is the owner and assignee of all substantial rights, title, and interest in the Patents-in-Suit, as evidenced by the recorded assignment submitted herewith as Exhibit 3.

16. The Patents-in-Suit are presumed valid under 35 U.S.C. § 282(a).

BACKGROUND

17. Ken Washino is the inventor of the inventions claimed and disclosed in the '198 and '727 Patents.

18. Mr. Washino is the epitome of the ingenious tinkerer who used inventive skills and a deep understanding of the industry to resolve a long-standing problem that succeeded where others had failed.

19. Mr. Washino was born in Aichi Prefecture, Japan, on February 21, 1953. His parents operated a small commercial farm in this rural area. He became interested in communications and electronics at an early age, acquiring an amateur ham radio license by the time he was thirteen years old. During his junior high school and high school years, he built a transmitter and receiver from salvaged parts of an old tube television. From such experiences, he learned the basics of analog communications.

20. In 1974, Mr. Washino found a position as an audio recording engineer with a Japanese documentary film company working in the U.S. This expanded to other production and post-production tasks. During the years that Mr. Washino worked in this business, he gained a working knowledge of film production and of production and post-production processes.

21. After Mr. Washino returned to Japan, he earned an Electronics Engineering degree from Nihon Kogakuin Technical College in Tokyo in 1979, and in 1981 acquired a first class broadcast engineering license. By that time, Mr. Washino was already working as a camera design engineer for Ikegami, a Japanese manufacturer of high-end video cameras. In 1985, he was appointed Video Field Sales Engineer and sent to the U.S. This experience enabled Mr. Washino to acquire a deep insight into the competitive market for equipment and services and to appreciate the needs of and problems encountered by video professionals. Mr. Washino then decided to establish himself in the U.S. permanently and formed his own video services company, focused on video production, post-production, and video cassette duplication in New York City.

22. By late 1986, Mr. Washino had acquired the market knowledge, technical skills, and financial resources to begin working on some of the ideas he had to improve efficiency and preserve quality in video field production. He identified the need for a universal camera control system and developed a prototype. Subsequent experimentation with early digital video devices soon led to his 1992 inventions for Video Field Production, Video Monitoring and Conferencing, and PC-Based Audio/Video Production. In 1989, Mr. Washino began working on high-speed video duplication and filed his first patent application in 1993.

23. From then on, Mr. Washino developed a long series of inventions related to video production, post-production and signal distribution that could accommodate the coming digital and High-Definition “multiple format” future.

24. By October 2014, Mr. Washino had been granted twenty U.S. patents on inventions for which he is the inventor or co-inventor, with fourteen foreign equivalents.

25. The Washino '198 and '727 Patents are directed to the field of video production, photographic image processing, and computer graphics. The inventions disclosed in the Patents-in-Suit relate to multi-format digital video production methods and devices.

26. Upon information and belief, Defendants, including TCL USA, make, sell, offer for sale, use, and/or imports UHD TVs and HDTVs, including TCL Roku HDTVs and UHD TVs (referred to as "Accused Products") in the United States that implement the claimed inventive concepts of the Patents-in Suit.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,370,198

27. Plaintiff incorporates by reference each of its foregoing allegations.

28. Without license or authorization and in violation of 35 U.S.C. § 271(a), on information and belief, Defendants directly infringe one or more claims of the '198 Patent in this Judicial District and throughout the United States, literally or under the doctrine of equivalents, including by using their Accused Products in a manner that performs all of the limitations of the asserted claims as shown in the accompanying claim chart, submitted herewith as Exhibit 4.

29. On information and belief, since at least the date that Defendants were served with a copy of this Complaint, Defendants have known of the '198 Patent and that use of their Accused Products result in direct infringement of one or more claims of the '198 Patent, and Defendants have engaged in actions which have knowingly resulted in such direct infringement.

30. Without license or authorization and in violation of 35 U.S.C. § 271(b), on information and belief, Defendants infringe one or more claims of the '198 Patent in this Judicial District and throughout the United States, literally or under the doctrine of equivalents, by actively inducing direct infringement of the '198 Patent via end-user use of their Accused Products, which, when used in normal operation and as prescribed by written operational guidance for the Accused

Products as provided by Defendants, result in such end-users performing all of the limitations of the asserted claims, as shown and described in detail in the accompanying claim chart, submitted herewith as Exhibit 4.

31. Without license or authorization and in violation of 35 U.S.C. § 271(c), on information and belief, Defendants indirectly infringe one or more claims of the '198 Patent in this Judicial District and throughout the United States, literally or under the doctrine of equivalents, through offers to sell or sales within the United States or imports into the United States of one or more component(s) of an apparatus for use in practicing the methods of the '198 Patent claims and constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of the '198 Patent claims, and not an article or commodity suitable for substantial noninfringing use, wherein Defendants' Accused Products, when used in normal operation and as prescribed by written operational guidance for the Accused Products as provided by Defendants, result in such end-users performing all of the limitations of the asserted claims as shown in the accompanying claim chart, submitted herewith as Exhibit 4.

32. Plaintiff reserves the right to modify its infringement theories as discovery progresses in this case; it shall not be estopped for infringement contentions or claim construction purposes by the claim charts that it provides with this Complaint. The claim charts are intended to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure; they do not represent Plaintiff's preliminary or final infringement contentions or preliminary or final claim construction positions.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 8,842,727

33. Plaintiff incorporates by reference each of its foregoing allegations.

34. Without license or authorization and in violation of 35 U.S.C. § 271(a), on information and belief, Defendants directly infringe one or more claims of the '727 Patent in this Judicial District and throughout the United States, literally or under the doctrine of equivalents, including by using their Accused Products in a manner that performs all of the limitations of the asserted claims, as shown in the accompanying claim chart, submitted herewith as Exhibit 5.

35. On information and belief, since at least the date that Defendants were served with a copy of this Complaint, on information and belief, Defendants have known of the '727 Patent and that use of their Accused Products result in direct infringement of one or more claims of the '727 Patent, and have engaged in actions which have knowingly resulted in such direct infringement.

36. Without license or authorization and in violation of 35 U.S.C. § 271(b), on information and belief, Defendants infringe one or more claims of the '727 Patent in this Judicial District and throughout the United States, literally or under the doctrine of equivalents, by actively inducing direct infringement of the '727 Patent via end-user use of their Accused Products, which, when used in normal operation and as prescribed by written operational guidance for the Accused Products as provided by Defendants, result in such end-users performing all of the limitations of the asserted claims as shown in the accompanying claim chart, submitted herewith as Exhibit 5.

37. Without license or authorization and in violation of 35 U.S.C. § 271(c), on information and belief, Defendants indirectly infringe one or more claims of the '727 Patent in this Judicial District and throughout the United States, literally or under the doctrine of equivalents, through offers to sell or sales within the United States or imports into the United States of one or more component(s) of an apparatus for use in practicing the methods of the '727 Patent claims and constituting a material part of the invention, knowing the same to be especially made or especially

adapted for use in an infringement of the '727 Patent claims, and not an article or commodity suitable for substantial noninfringing use, wherein Defendants' Accused Products, when used in normal operation and as prescribed by written operational guidance for the Accused Products as provided by Defendants, result in such end-users performing all of the limitations of the asserted claims as shown in the accompanying claim chart, submitted herewith as Exhibit 5.

38. Plaintiff reserves the right to modify its infringement theories as discovery progresses in this case; it shall not be estopped for infringement contentions or claim construction purposes by the claim charts that it provides with this Complaint. The claim charts are intended to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure; they do not represent Plaintiff's preliminary or final infringement contentions or preliminary or final claim construction positions.

PRAYER FOR RELIEF

Plaintiff requests the following relief:

A. That this Court enter a Judgment that Defendants have directly infringed the Patents-in-Suit under 35 U.S.C. § 271(a);

B. That this Court enter a Judgment that Defendants have indirectly infringed the Patents-in-Suit under 35 U.S.C. § 271(b);

C. That this Court enter a Judgment that Defendants have indirectly infringed the Patents-in-Suit under 35 U.S.C. § 271(c);

D. An accounting of all infringing acts including, but not necessarily limited to, those acts presented before this Court;

E. Pursuant to 35 U.S.C. § 284, an Order for an award of damages adequate to compensate Plaintiff for Defendants' past and future infringement, including any infringement from the date of filing of this Complaint through the date of judgment, and in no event less than a reasonably royalty, together with interest and costs;

F. Award reasonable attorneys' fees, costs, and expenses incurred by Plaintiff in prosecuting this action, pursuant to 35 U.S.C. § 285; and

G. Award such other and further relief at law or in equity that this Court deems just and proper.

JURY TRIAL DEMAND

Plaintiff demands a trial by jury on all claims and issues so triable under Federal Rule of Civil Procedure 38(b).

Dated: December 18, 2019

Respectfully Submitted,

WEIDE & MILLER, LTD.,

/s/ R. Scott Weide

R. Scott Weide (CA Bar No. 155998)

sweide@weidemiller.com

F. Christopher Austin

caustin@weidemiller.com

10655 Park Run Drive, Suite 100

Las Vegas, NV 89144

Tel: 702-382-4804

Fax: 702-382-4805

Counsel for Plaintiff

LIGHTSIDE TECHNOLOGIES, LLC