

FUJIFILM HOLDINGS, <https://holdings.fujifilm.com/en/about/companyprofile> (last visited Feb. 20, 2020). Fujifilm Holdings develops, produces, sells, and services products in the fields of “imaging solutions,” “healthcare & material solutions,” and “document solutions.” *Id.* Fujifilm Holdings is a publicly-traded company on the Tokyo Stock Exchange.

3. Upon information and belief, Fujifilm Corp. was established under the laws of Japan in 2006 taking over the business of its predecessor Fuji Photo Film Corporation. *See Company Overview, FUJIFILM CORPORATION*, <https://www.fujifilm.co.jp/corporate/aboutus/outline/index.html> (last visited Feb. 20, 2020). As a wholly-owned subsidiary of Fujifilm Holdings, Fujifilm Corp. engages in “imaging solutions,” including the manufacture, sale, and servicing of digital cameras and other products that include TFT-LCD (thin-film transistor – liquid crystal display) panels. *Id.*

4. Upon information and belief, Fujifilm Holdings and Fujifilm Corp. share the same headquarters located at 7-3, Akasaka 9-chome, Minato-ku, Tokyo 107-0052, Japan.

5. Defendants own and control U.S.-based subsidiaries that conduct business in the U.S. on behalf of Defendants. *See List of Affiliated Companies, FUJIFILM CORPORATION*, <https://www.fujifilm.com/jp/ja/about/corporate/affiliates/americas> (last visited Feb. 20, 2020). For example, Fujifilm North America Corporation (“Fujifilm N.A.”) is a marketing subsidiary of Fujifilm Holdings America Corporation (“Fujifilm America”), which are both subsidiaries of Defendants. *See id.*; *see also About Fujifilm, FUJIFILM HOLDINGS AMERICA CORPORATION*, <http://www.fujifilmusa.com/northamerica/> (last visited Feb. 20, 2020). Of the five operating divisions of Fujifilm N.A., “[t]he Electronic Imaging Division markets consumer digital cameras.” *Id.*

6. Upon information and belief, Defendants maintain a corporate presence in the U.S. via their wholly-owned, U.S.-based subsidiaries. For example, Fujifilm America oversees the operation and invests in “Fujifilm’s business in the United States.” *See List of Affiliated Companies*, FUJIFILM CORPORATION, <https://www.fujifilm.com/jp/ja/about/corporate/affiliates/americas>. Fujifilm N.A. engages in “sales of imaging and graphic system-related products and optical devices” in the U.S. *Id.* Each of Fujifilm America (a corporation formed in New York) and Fujifilm N.A. (a corporation formed in Delaware) maintain offices in the U.S., including at 200 Summit Lake Drive, Valhalla, NY 10595-1356, USA, and at 1100 King Georges Post Road Edison, NJ 08837. *See id.*; *see also Support and Contact Center*, FUJIFILM HOLDINGS AMERICA CORPORATION, <https://www.fujifilmusa.com/support/ServiceSupportContactInfo.do?catid=464128&prodcats=234644> (last visited Feb. 20, 2020).

7. Upon information and belief, Defendants, along with their subsidiaries Fujifilm America and Fujifilm N.A., as part of global network of overseas sales, marketing, and manufacturing subsidiaries, have operated as agents of one another and vicariously as parts of the same business group to work in concert together and enter into agreements that are nearer than arm’s length. Defendants, via at least Fujifilm America and Fujifilm N.A.’s activities, conduct business in the United States, including in Texas and this judicial district. *See Trois v. Apple Tree Auction Center, Incorporated*, 882 F.3d 485, 490 (5th Cir. 2018) (“A defendant may be subject to personal jurisdiction because of the activities of its agent within the forum state....”); *see also Cephalon, Inc. v. Watson Pharmaceuticals, Inc.*, 629 F.Supp.2d 338, 348 (D. Del. 2009) (“The agency theory may be applied not only to parents and subsidiaries, but also to companies that are

‘two arms of the same business group,’ operate in concert with each other, and enter into agreements with each other that are nearer than arm's length.”).

JURISDICTION AND VENUE

8. This action arises under the patent laws of the United States, namely 35 U.S.C. §§ 271, 281, and 284-285, among others.

9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10. Upon information and belief, Fujifilm Holdings is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this State and this judicial district, including: (A) at least part of its infringing activities alleged herein which purposefully avail the Defendant of the privilege of conducting those activities in this state and this judicial district and, thus, submits itself to the jurisdiction of this court; and (B) regularly doing or soliciting business, engaging in other persistent conduct targeting residents of Texas and this judicial district, and/or deriving substantial revenue from infringing goods offered for sale, sold, and imported and services provided to and targeting Texas residents and residents of this judicial district vicariously through and/or in concert with its alter egos, intermediaries, agents, distributors, importers, customers, subsidiaries, and/or consumers.

11. This Court has personal jurisdiction over Fujifilm Holdings, directly and/or through intermediaries, distributors, importers, customers, subsidiaries, and/or consumers including its U.S.- based, wholly-owned subsidiary (and Defendant in this action) Fujifilm Corp. and its U.S.- based, wholly-owned subsidiaries, Fujifilm America and Fujifilm N.A. Through direction and control of these subsidiaries, Fujifilm Holdings has committed acts of direct and/or indirect patent infringement within Texas, and elsewhere within the United States, giving rise to this action and/or

has established minimum contacts with Texas such that personal jurisdiction over Fujifilm Holdings would not offend traditional notions of fair play and substantial justice. For example, Fujifilm Holding's U.S.-based subsidiaries confirm, via their website, that Fujifilm N.A. is the company's "regional headquarters for the Americas" and that it "manufactures, markets, and provides service for a broad spectrum of industries," in the U.S. including the "photographic" industry. See *About FUJIFILM Holdings America Corporation*, FUJIFILM NORTH AMERICA CORPORATION, available at <https://www.fujifilmusa.com/about/holdings/index.html> (last visited Feb. 20, 2020). Fujifilm N.A. also, for the benefit of Fujifilm Holdings and its subsidiary Fujifilm Corp. warrants all Fujifilm-branded digital cameras. See *LIMITED U.S. PRODUCT WARRANTY*, FUJIFILM NORTH AMERICA CORPORATION, available at <https://www.fujifilmusa.com/shared/bin/FUJIFILM-1-Year-Limited-Warranty.pdf>.

12. Upon information and belief, Fujifilm Holdings controls or otherwise directs and authorizes all activities of its subsidiaries and intermediaries, including, but not limited to Fujifilm Corp., Fujifilm America, and Fujifilm N.A. Via at least these subsidiaries and intermediaries, Fujifilm Holdings has placed and continues to place infringing TFT-LCD panels into the U.S. stream of commerce via established distribution channels, by distributing, marketing, offering for sale, selling, servicing, and warranting Fujifilm-branded products.

13. Upon information and belief, Fujifilm Holdings has "grown to become a global corporation with 279 consolidated subsidiaries and an overseas sales weighting of about 59% (overseas sales of JPY 1,425 billion) in fiscal 2018" and claims 32 subsidiaries in North America. See *Integrated Report 2019*, FUJIFILM HOLDINGS CORPORATION, at p. 4, available at <https://ir.fujifilm.com/en/investors/ir-materials/integrated-report.html> (follow *Integrated Report 2019* Download Entire Report links for .pdf document). Fujifilm Holdings maintains a corporate

presence in the United States that “play[s] a major role in Fujifilm’s global manufacturing system.” See *Product Lineup*, FUJIFILM HOLDINGS AMERICA CORPORATION, https://www.fujifilmusa.com/about/corporate_profile/fujifilm_companies/manufacturing/products_services/page_01.html (last visited Feb. 20, 2020). Fujifilm Holdings, via its subsidiaries, ships product to “30 Fujifilm locations in the United States, as well as other ‘direct to US customer’ shipments.” See *id.* (follow “Distribution Center” tab). Fujifilm Holdings, via its subsidiaries, also “imports products from other worldwide Fujifilm locations for distribution into the US market place” and “provides storage for some of the raw materials required for manufacturing Fujifilm products” in the U.S. See *id.*

14. Upon information and belief, the corporate presence in the United States of Fujifilm Holding’s subsidiaries and intermediaries give Fujifilm Holdings substantially the business advantages that it would have enjoyed if it conducted its business through its own offices or paid agents in the state of Texas. In 2019, Fujifilm Holdings reported nearly \$4.2 billion U.S. dollars in revenue from primarily U.S. customers. See *Consolidated Financial Statements with Report of Independent Auditors* FUJIFILM HOLDINGS, at p. 75, available at <https://ir.fujifilm.com/en/investors/ir-materials/integrated-report.html> (follow link for .pdf document). Worldwide, the “Electronic Imaging” division, which includes digital cameras sold in the U.S., generated \$816 million U.S. dollars of revenue in 2019. *Id.*

15. Via its alter egos, agents, intermediaries, distributors, importers, customers, subsidiaries, and/or consumers maintaining a business presence, operating in, and/or residing in the U.S., Fujifilm Holdings’ TFT-LCD panels, including products accused in this action are or have been widely distributed and sold in retail stores, both brick and mortar and online, in the U.S., including in Texas and within this judicial district. See *Litecubes, LLC v. Northern Light Products*,

Inc., 523 F.3d 1353, 1369-70 (Fed. Cir. 2008) (“[T]he sale [for purposes of § 271] occurred at the location of the buyer.”); *see also Semcon IP Inc. v. Kyocera Corporation*, No. 2:18-cv-00197-JRG, 2019 WL 1979930, at *3 (E.D. Tex. May 3, 2019) (denying accused infringer’s motion to dismiss because plaintiff sufficiently plead that purchases of infringing products outside of the United States for importation into and sales to end users in the U.S. may constitute an offer to sell under § 271(a)). For example, Fujifilm Holdings’ Fujifilm digital cameras, including Finepix X-T100, Finepix AX330, and XP80, are marketed, sold, and serviced via Defendants’ websites including www.fujifilm-x.com and www.fujifilmusa.com, via social media (e.g., Facebook, Twitter, Instagram, and YouTube), via authorized dealers, and in various retail stores which target U.S. consumers in this judicial district. *See, e.g., Support and Contact Center, FUJIFILM HOLDINGS AMERICA CORPORATION*, <https://www.fujifilmusa.com/support/ServiceSupportContactInfo.do?catid=464128&prodcats=234644>.

16. Upon information and belief, Fujifilm Holdings, in concert with and/or by controlling Fujifilm Corp., researches, designs, develops, and manufactures the products incorporating infringing TFT-LCD panels and then directs its U.S.-based subsidiaries to import, offer for sale, and sell the accused products in the United States. *See, e.g., United States v. Hui Hsiung*, 778 F.3d 738, 743 (9th Cir. 2015) (finding that the sale of infringing TFT-LCD panels to third parties rather than for direct import into the U.S. did not “place [defendants’] conduct beyond the reach of United States law [or] escape culpability under the rubric of extraterritoriality”).

17. Upon information and belief, Fujifilm Holdings along with its subsidiaries also purchases infringing TFT-LCD panels from foreign-based third-party manufactures, such as Japan Display Inc. (“JDI”) and Wintek Corporation (“Wintek”). Fujifilm Holdings incorporates these

TFT-LCD panels into end-user products, such as digital cameras. These end-user products are then distributed, offered for sale, sold or used in the United States and/or imported into the United States by Fujifilm Holdings or its alter egos, agents, intermediaries, distributors, importers, customers, subsidiaries, or consumers. For example, Fujifilm digital camera model no. X-T100 incorporates JDI LCD panel model no. LPM030M369. These end user products are then offered for sale and sold alongside other Fujifilm products, and used in the U.S. by consumers via a network of authorized dealers, including within Texas and this judicial district. *See Shop*, FUJIFILM CORPORATION, <https://fujifilm-x.com/en-us/shop/> (last visited Feb. 20, 2020). As a result, Fujifilm Holdings has, vicariously through and/or in concert with its alter egos, agents, intermediaries, distributors, importers, customers, subsidiaries, and/or consumers, placed products incorporating infringing TFT-LCD panels into the stream of commerce via established distribution channels with the knowledge and/or intent that those products were sold and continue to be sold in the United States and Texas, including in this judicial district.

18. In the alternative, the Court has personal jurisdiction over Fujifilm Holdings under Federal Rule of Civil Procedure 4(k)(2), because the claims for patent infringement in this action arise under federal law, Fujifilm Holdings is not subject to the jurisdiction of the courts of general jurisdiction of any state, and exercising jurisdiction over Fujifilm Holdings is consistent with the U.S. Constitution.

19. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 because, among other things, Fujifilm Holdings is not a resident in the United States, and thus may be sued in any judicial district, including this one, pursuant to 28 U.S.C. § 1391(c)(3). *See also In re HTC Corporation*, 889 F.3d 1349, 1357 (Fed. Cir. 2018) (“The Court’s recent decision in *TC Heartland* does not alter” the alien-venue rule.).

20. Upon information and belief, Fujifilm Corp. is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this State and this judicial district, including: (A) at least part of its infringing activities alleged herein which purposefully avail the Defendant of the privilege of conducting those activities in this state and this judicial district and, thus, submits itself to the jurisdiction of this court; and (B) regularly doing or soliciting business, engaging in other persistent conduct, and/or deriving substantial revenue from infringing goods offered for sale, sold, and imported and services provided to and targeting Texas residents and residents of this judicial district vicariously through and/or in concert with its alter egos, intermediaries, agents, distributors, importers, customers, subsidiaries, and/or consumers.

21. This Court has personal jurisdiction over Fujifilm Corp., directly and/or through intermediaries, distributors, importers, customers, subsidiaries, and/or consumers including its U.S.-based, wholly-owned subsidiaries Fujifilm America, and Fujifilm N.A. Through direction and control of these subsidiaries, Fujifilm Corp. has committed acts within Texas giving rise to this action and/or has established minimum contacts with Texas such that personal jurisdiction over Fujifilm Corp. would not offend traditional notions of fair play and substantial justice. For example, Fujifilm Corp.'s U.S.-based subsidiaries confirm, via their website, that Fujifilm N.A. is Fujifilm Corp.'s "regional headquarters for the Americas" and that it "manufactures, markets, and provides service for a broad spectrum of industries," in the U.S. including the "photographic" industry. *See About FUJIFILM Holdings America Corporation, FUJIFILM NORTH AMERICA CORPORATION, available at <https://www.fujifilmusa.com/about/holdings/index.html>.* Fujifilm N.A. also, for the benefit of Fujifilm Corp., warrants all Fujifilm-branded digital cameras

which are manufactured by Fujifilm Corporation or its suppliers, which at the time of manufacture were intended by Fujifilm Corporation for retail sale or distribution

within the market of the United States of America and its territories (the “U.S.”), and which are distributed through Fujifilm North America Corporation and its authorized dealers to the original end user within the U.S.

See LIMITED U.S. PRODUCT WARRANTY, FUJIFILM NORTH AMERICA CORPORATION, available at <https://www.fujifilmusa.com/shared/bin/FUJIFILM-1-Year-Limited-Warranty.pdf>.

22. Upon information and belief, Fujifilm Corp. controls or otherwise directs its subsidiaries and intermediaries, including, but not limited to Fujifilm America and Fujifilm N.A. Fujifilm Corp., via these U.S.-based subsidiaries, has placed and continues to place infringing TFT-LCD panels into the U.S. stream of commerce via established distribution channels, by distributing, marketing, offering for sale, selling, servicing, and warranting Fujifilm-branded products.

23. Upon information and belief, Fujifilm Corp., as part of the Fujifilm group, has “grown to become a global corporation with 279 consolidated subsidiaries and an overseas sales weighting of about 59% (overseas sales of JPY 1,425 billion) in fiscal 2018” and claims 32 subsidiaries in North America. *See Integrated Report 2019*, FUJIFILM HOLDINGS CORPORATION, at p. 4, available at <https://ir.fujifilm.com/en/investors/ir-materials/integrated-report.html>. Fujifilm Corp. along with its parent Fujifilm Holdings, maintains a corporate presence in the United States that “play[s] a major role in Fujifilm’s global manufacturing system.” *See Product Lineup*, FUJIFILM HOLDINGS AMERICA CORPORATION, https://www.fujifilmusa.com/about/corporate_profile/fujifilm_companies/manufacturing/products_services/page_01.html. Fujifilm Corp., via its subsidiaries, ships product to “30 Fujifilm locations in the United States, as well as other ‘direct to US customer’ shipments.” *See id.* (follow “Distribution Center” tab). Fujifilm Corp., via its subsidiaries, also “imports products from other worldwide Fujifilm locations for distribution into the US market place” and “provides storage for some of the raw materials required for manufacturing Fujifilm products” in the U.S. *See id.*

24. Upon information and belief, these subsidiaries and intermediaries give Fujifilm Corp. substantially the business advantages that it would have enjoyed if it conducted its business through its own offices or paid agents in the state of Texas. In 2019, Fujifilm Holdings, the parent Fujifilm Corp., reported nearly \$4.2 billion U.S. dollars in revenue from primarily U.S. customers. *See Consolidated Financial Statements with Report of Independent Auditors FUJIFILM HOLDINGS*, at p. 75, available at <https://ir.fujifilm.com/en/investors/ir-materials/integrated-report.html> (follow link for .pdf document). Worldwide, the “Electronic Imaging” division, which includes digital cameras sold by Fujifilm Corp. in the U.S., generated \$816 million U.S. dollars of revenue in 2019. *Id.*

25. Via its alter egos, agents, intermediaries, distributors, importers, customers, subsidiaries, and/or consumers maintaining a business presence, operating in, and/or residing in the U.S., Fujifilm Holdings’ TFT-LCD panels, including products accused in this action are or have been widely distributed and sold in retail stores, both brick and mortar and online, in the U.S., including in Texas and within this judicial district. For example, Fujifilm Corp.’s digital cameras, including Finepix X-T100, Finepix AX330, and XP80, are marketed, sold, and serviced via Defendants’ Fujifilm websites including www.fujifilm-x.com and www.fujifilmusa.com, via social media (e.g., Facebook, Twitter, Instagram, and YouTube), via authorized dealers, and in various retail stores which target U.S. consumers in this judicial district. *See, e.g., Support and Contact Center, FUJIFILM HOLDINGS AMERICA CORPORATION*, <https://www.fujifilmusa.com/support/ServiceSupportContactInfo.do?catid=464128&prodcats=234644>.

26. Fujifilm Corp., in concert with and/or at the control of Fujifilm Holdings, researches, designs, develops, and manufactures the products incorporating infringing TFT-LCD

panels and then directs its U.S.-based subsidiaries to import, offer for sale, and sell the accused products in the United States.

27. Upon information and belief, Fujifilm Corp. along with its parent and subsidiaries also purchases infringing TFT-LCD panels and related microprocessors from foreign-based third-party manufactures, such as JDI and Wintek. Fujifilm Corp. incorporates these TFT-LCD panels into end-user products, such as digital cameras. These end-user products are then distributed, offered for sale, sold or used in the United States and/or imported into the United States by Fujifilm Corp. or its alter egos, agents, intermediaries, distributors, importers, customers, subsidiaries, or consumers. For example, Fujifilm digital camera model no. X-T100 incorporates JDI LCD panel model no. LPM030M369. These end user products are then offered for sale and sold alongside other Fujifilm products, and used in the U.S. by consumers via a network of authorized dealers, including consumers and authorized dealers within Texas and this judicial district. *See Shop, FUJIFILM CORPORATION*, <https://fujifilm-x.com/en-us/shop/>. As a result, Fujifilm Corp. has, vicariously through and/or in concert with its alter egos, agents, intermediaries, distributors, importers, customers, subsidiaries, and/or consumers, placed products incorporating infringing TFT-LCD panels into the stream of commerce via established distribution channels with the knowledge and/or intent that those products were sold and continue to be sold in the United States and Texas, including in this judicial district.

28. In the alternative, the Court has personal jurisdiction over Fujifilm Corp. under Federal Rule of Civil Procedure 4(k)(2), because the claims for patent infringement in this action arise under federal law, Fujifilm Corp. is not subject to the jurisdiction of the courts of general jurisdiction of any state, and exercising jurisdiction over Fujifilm Corp. is consistent with the U.S. Constitution.

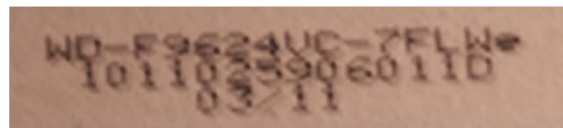
29. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 because, among other things, Fujifilm Corp. is not a resident in the United States, and thus may be sued in any judicial district, including this one, pursuant to 28 U.S.C. § 1391(c)(3).

30. Upon information and belief, Fujifilm Holdings and Fujifilm Corp. have significant ties to, and presence in, the State of Texas and the Eastern District of Texas, making venue in this judicial district both proper and convenient for this action.

THE ASSERTED PATENTS AND TECHNOLOGY

31. Upon information and belief, a significant portion of Defendants' sales is derived from the manufacture and sale of TFT-LCD panels and/or products incorporating same, including, for example, digital cameras. For example, Defendants continue to develop digital cameras that "show[] [Defendants'] commitment to image quality and design." *See Integrated Report 2019, FUJIFILM HOLDINGS CORPORATION available at <https://ir.fujifilm.com/en/investors/ir-materials/integrated-report.html>* (follow link for pdf. document). Defendants have introduced "premium compact digital camera[s]" to the consumer market, which have been "very well received." *Id.*

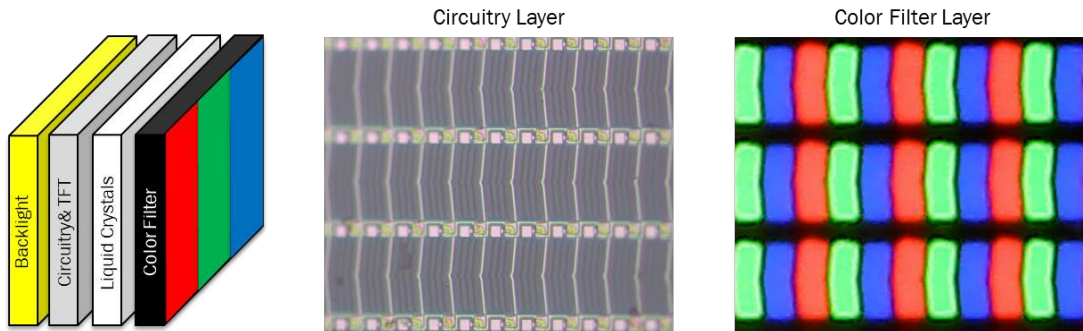
32. The Asserted Patents cover Defendants' TFT-LCD panels, their components and processes related to the same (referred to herein collectively as the "Accused Panel(s)"). The Accused Panels are incorporated and utilized in various consumer devices, including Fujifilm-branded digital cameras. One example is the LCD panel model no. WD-F9624VC-7FLWe (manufactured by Wintek Corporation for Defendants). This LCD panel is incorporated into at least Fujifilm's digital camera FinePix AX330 model. That digital camera and its labeling listing the LCD panel model no. are shown below:



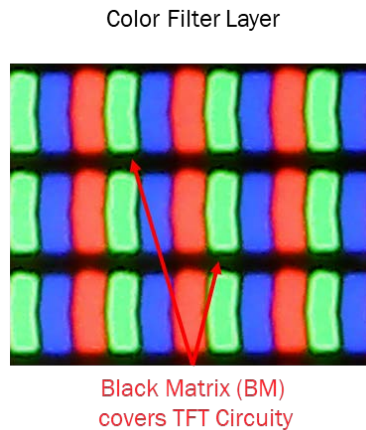
33. Another example is the Fujifilm X-T100 model, which utilizes TFT-LCD panel model no. LPM030M369H (manufactured by JDI for Defendants), as shown below.



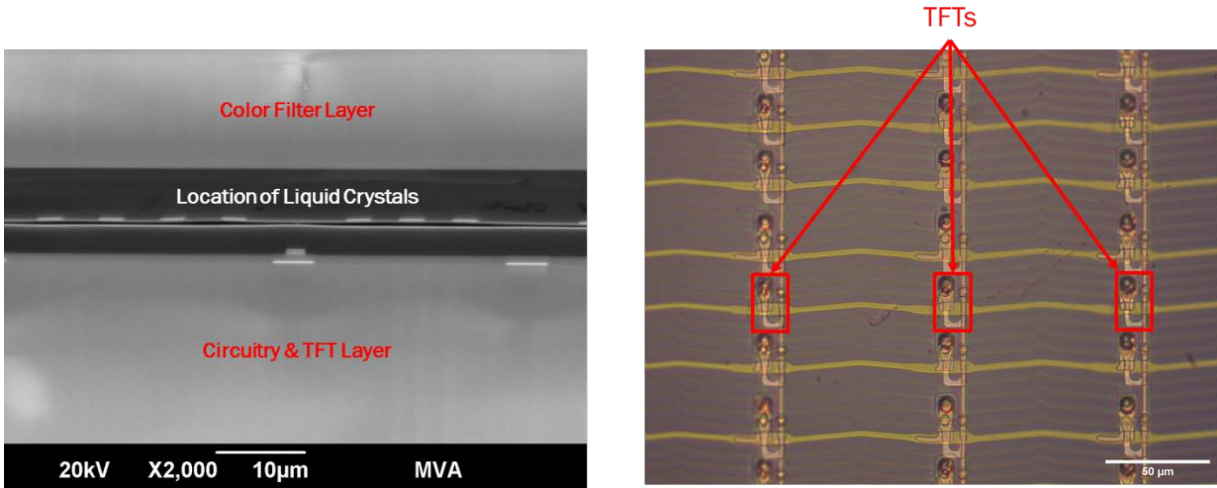
34. Defendants' TFT-LCD panels have the following structure shown below, comprising of a backlight, a TFT/circuitry layer (bottom and top illumination of an LCD panel), a liquid crystal layer, and a color filter:



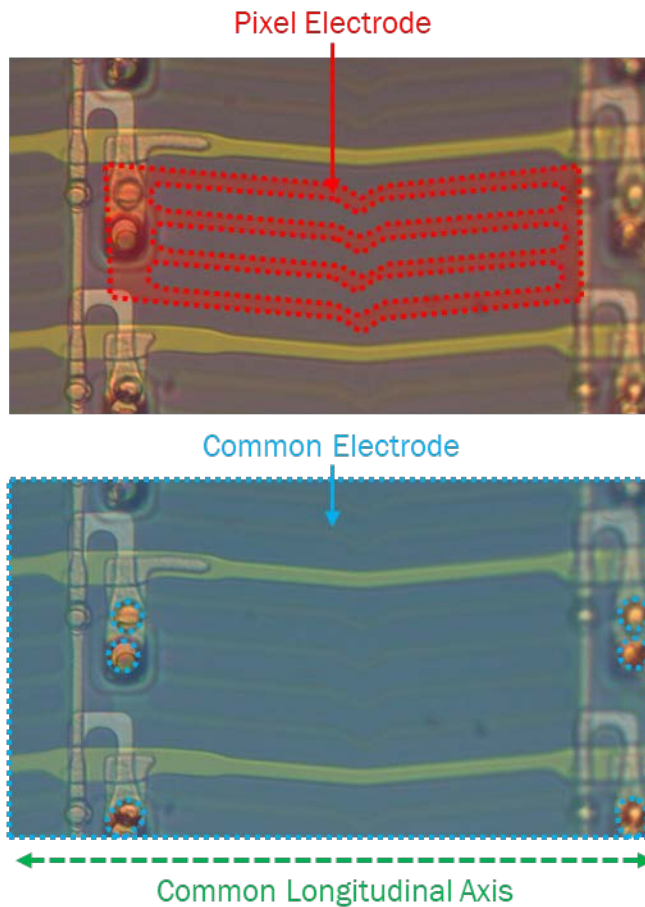
35. A thin-film transistor (TFT) acts as a switch that operates its respective individual pixel using circuitry lines. Using the TFT, each pixel can be turned on and off to create an image on a liquid panel display (LCD) by allowing or preventing light to pass through. The individual pixels are more apparent when a color filter layer overlays the circuits as illustrated in the image below.



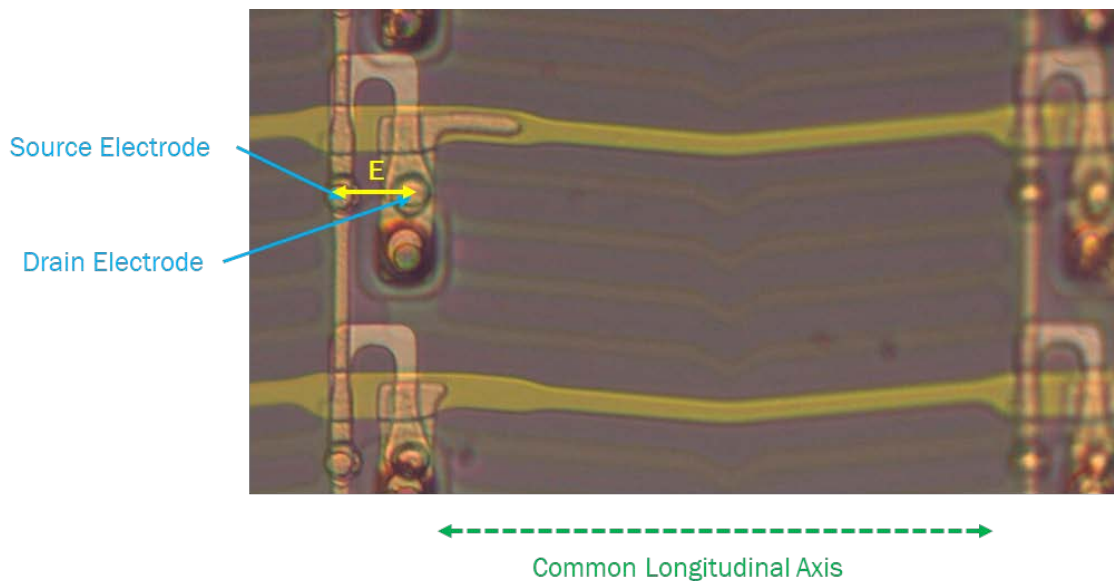
36. The Accused Panels have an active matrix-type liquid crystal display device with two opposing insulating substrates (e.g., an array substrate with a switching element and a color filter substrate) and liquid crystal in-between, as illustrated below in reference to JDI model no. LPM030M369 (utilized in FUJIFILM Camera Model No. X-T100).



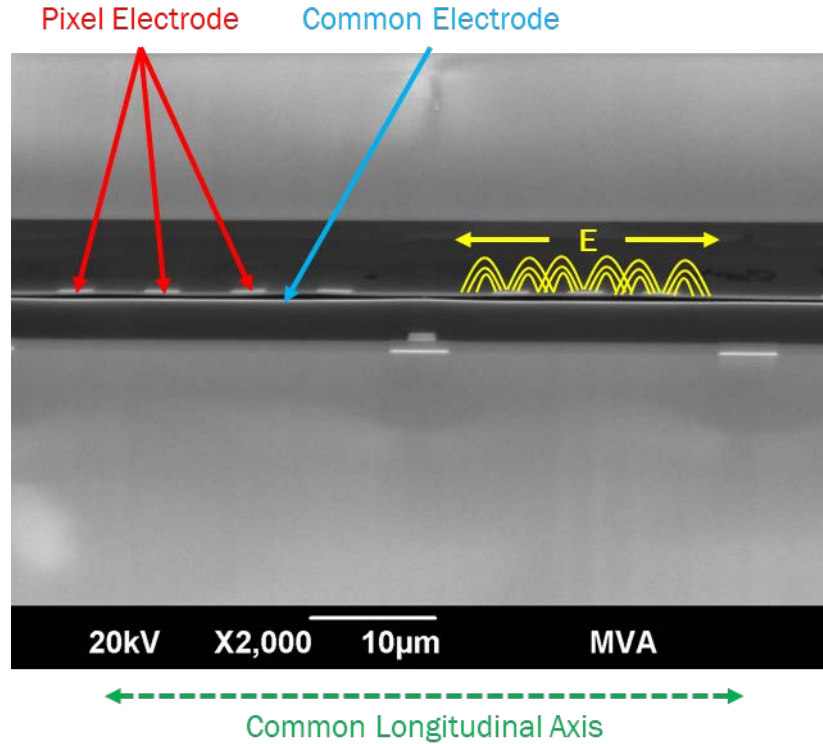
37. The Accused Panel referenced above also has a pixel electrode and a common electrode with a common longitudinal axis that generate an electric field in the liquid crystal layer parallel to the substrates.



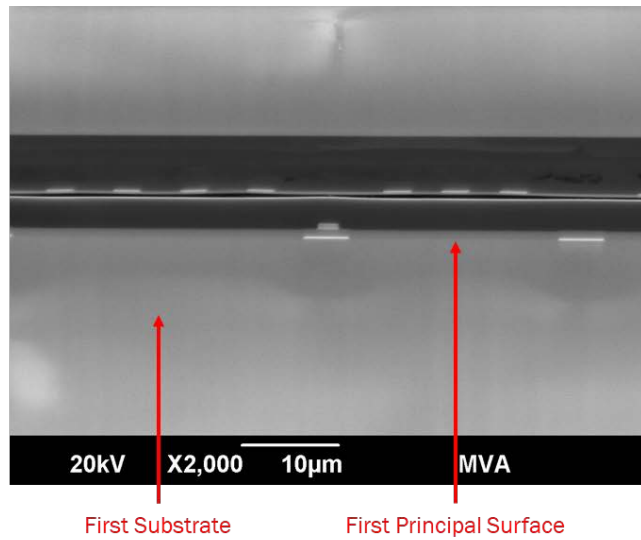
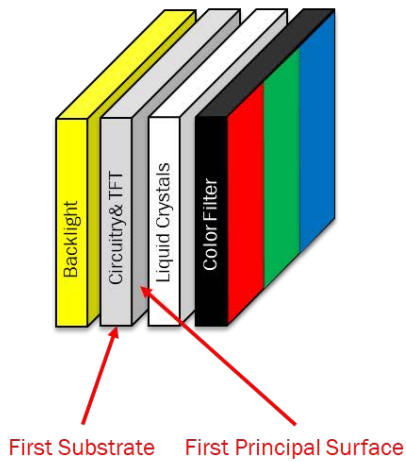
38. Each TFT of the Accused Panel has a source electrode and a drain electrode adjacent to a part of the liquid crystal layer, as shown below in relation to the direction of the electric field (“E”) generated by the pixel and common electrodes.



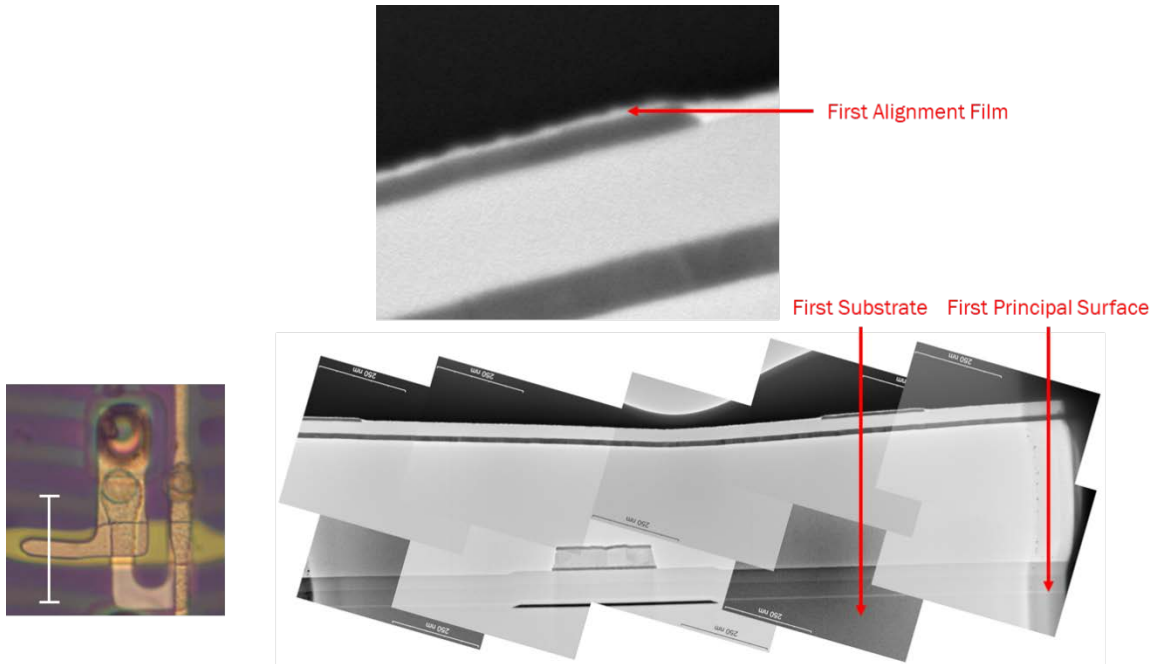
39. As shown below, the electric field (“E”) generated by the pixel electrode and common electrode is parallel to the substrates, as illustrated below.



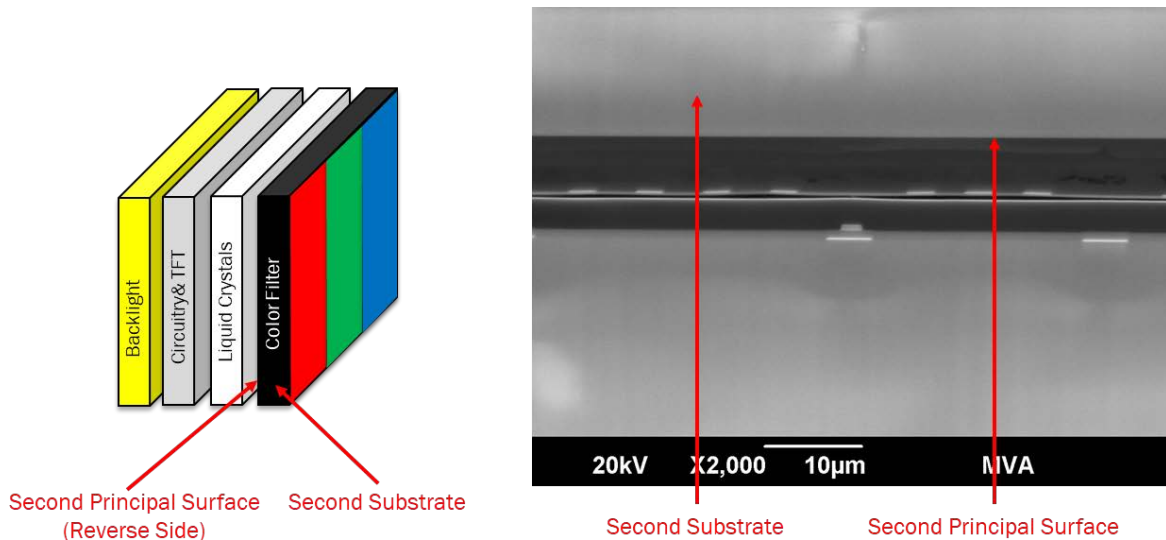
40. As shown below, the TFT-LCD panel has a first substrate (e.g., the circuitry and TFT layer) with a principal surface (e.g., the inner surface of the first substrate).



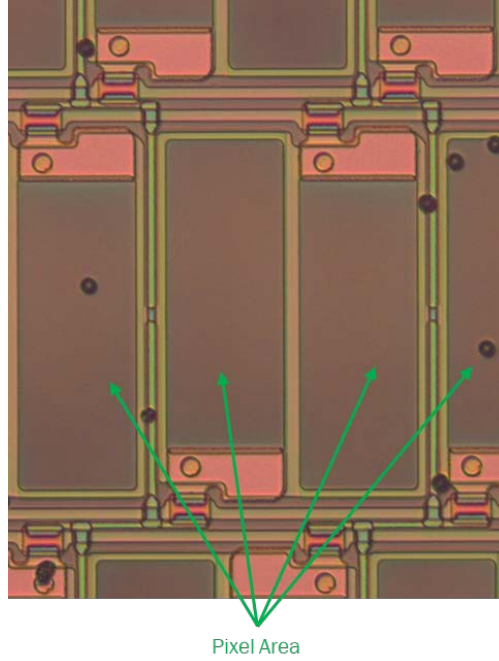
41. As shown in the cross-sectioned view below, the LCD also has a first alignment film formed on the first principal surface.



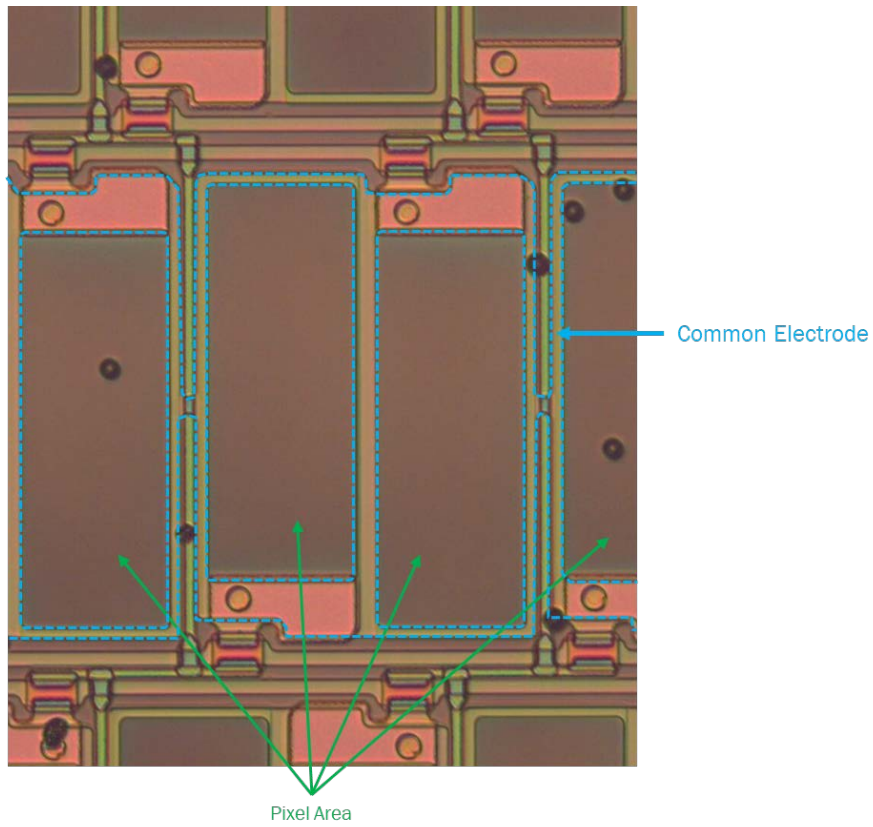
42. As shown below, the TFT-LCD has a second substrate (e.g., a color filter layer) with a second principal surface (e.g., the inner surface of the second substrate). As illustrated a liquid crystal layer with liquid crystal molecules is interposed between the first and second alignment films.



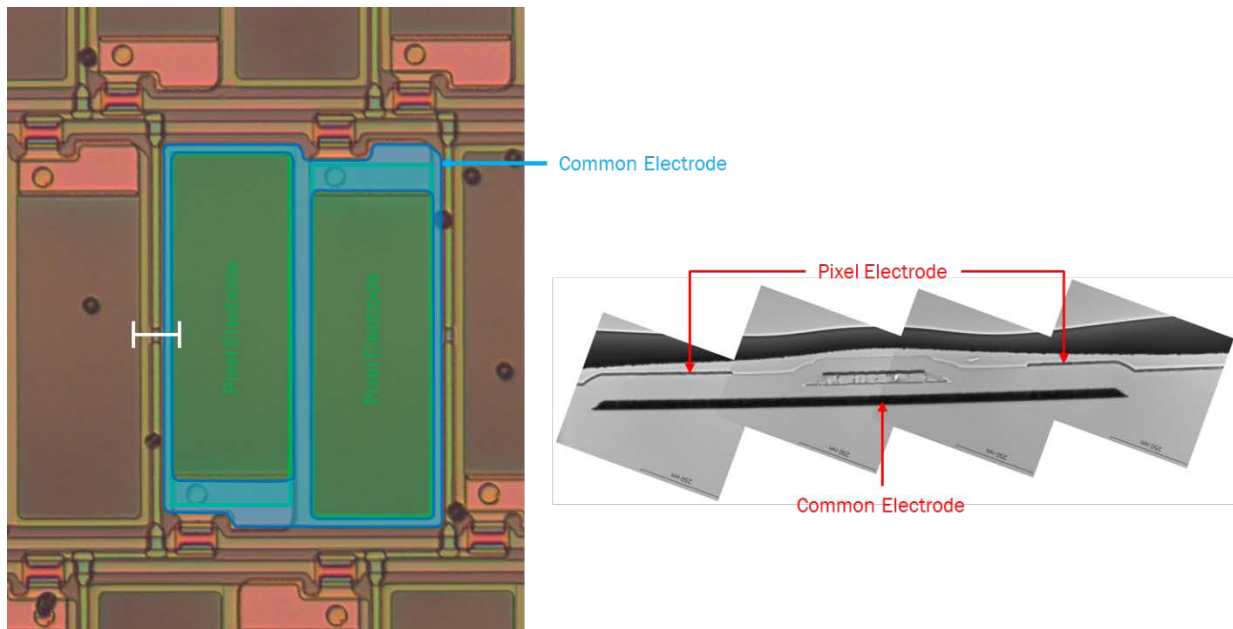
43. As shown below, Accused Panels such as the Wintek model no. WD-F9624VC-7FLWe, which is incorporated into the Fujifilm FinePix AX330, contains a plurality of pixel areas.



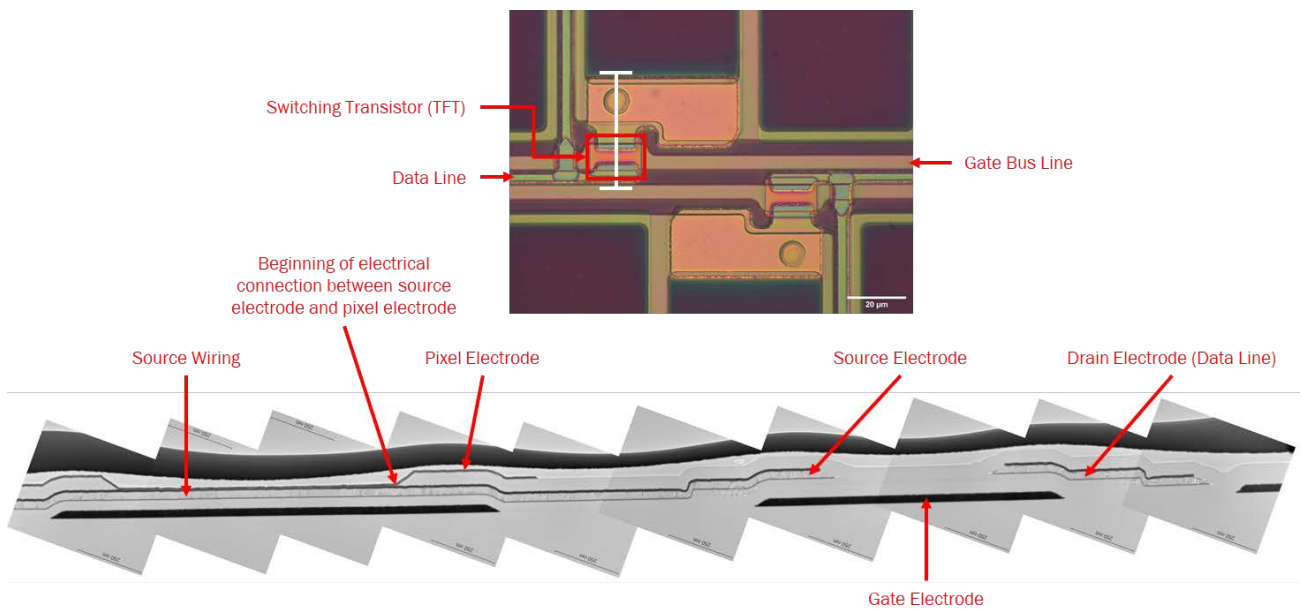
44. The TFT-LCD panel shown below has a common electrode on one of the substrates for each pixel area.



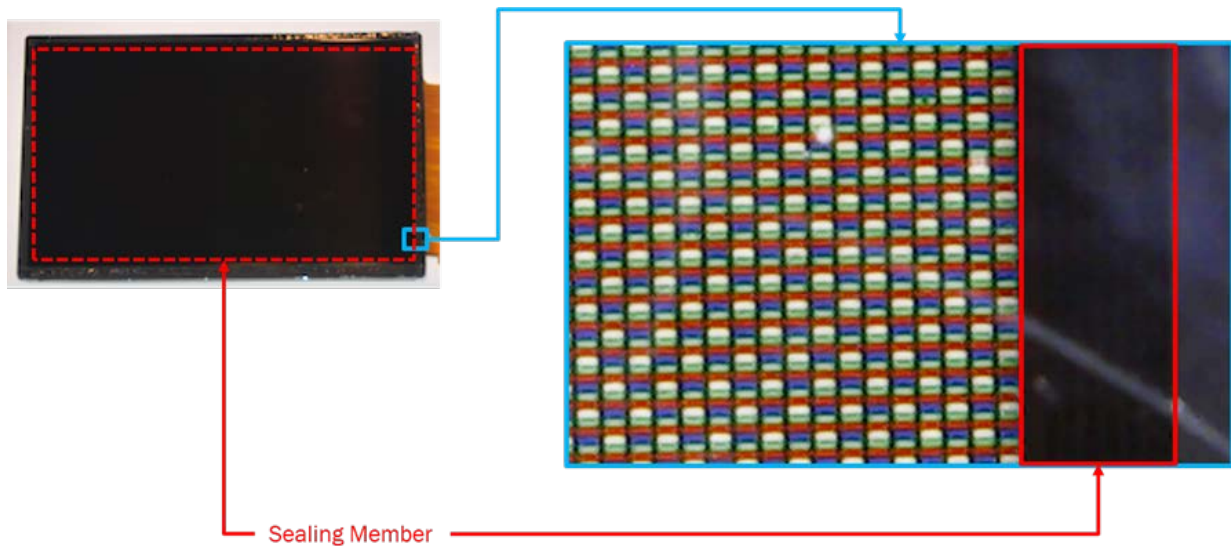
45. As shown below, the pixel electrodes are offset, below the common electrodes, which extend upward from the plane of the substrate.



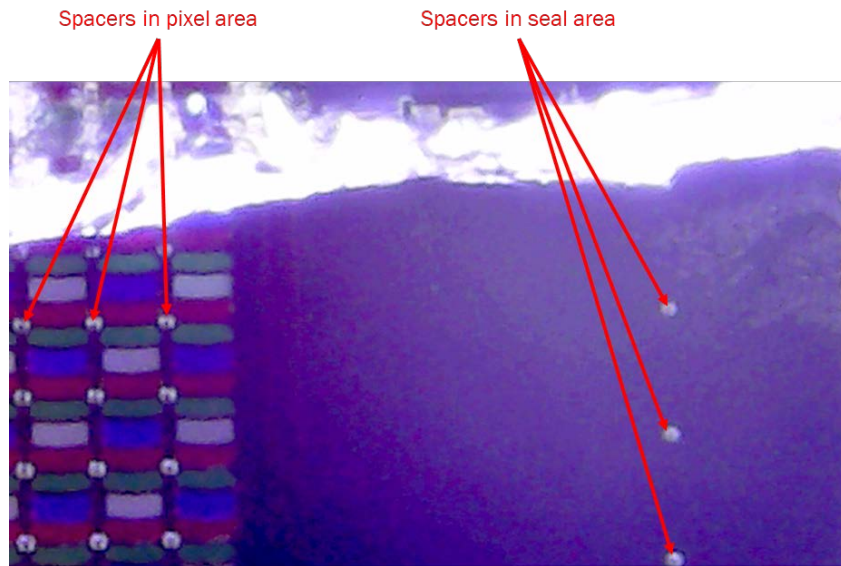
46. The TFT-LCD panel also has switching transistors on one of the substrates with sources connected to the pixel electrodes, data lines extending outside a periphery of the pixel areas, and gate electrodes extending outside the periphery of the pixel areas.



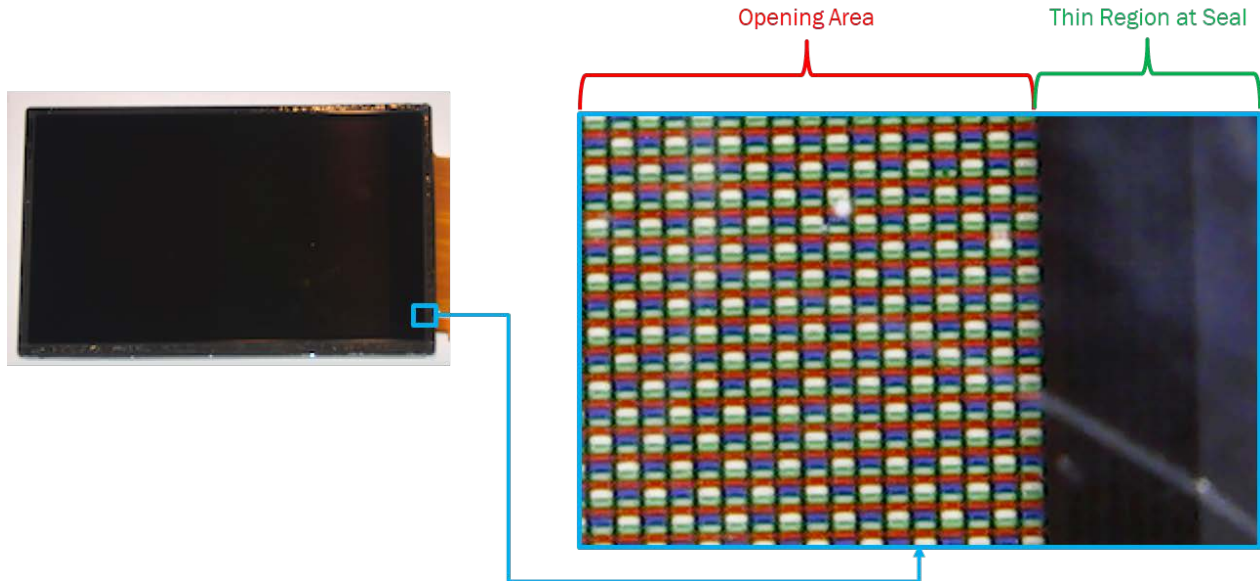
47. The Accused Panels, such as model no. LPM030M369H (utilized in the Fujifilm X-T100 model), also include a seal along the periphery of a liquid crystal layer, as shown below.



48. The Accused Panel shown below has a spacer in the seal to make a gap between the array substrate and the opposing substrate constant.



49. The Accused Panel also has a leveling layer formed on the switching element array. As shown below, the leveling layer has an opening area and a thin region at the seal.



COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 7,009,673)

50. Plaintiff incorporates paragraphs 1 through 49 herein by reference.

51. VPV is the assignee of the '673 patent, entitled "Active matrix liquid crystal display having a thin film transistor over which alignment of liquid crystal molecules does not change," with ownership of all substantial rights in the '673 patent, including the right to exclude others and to enforce, sue, and recover damages for past and future infringements.

52. The '673 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code. The '673 patent issued from U.S. Patent Application No. 10/656,138.

53. Defendants have and continue to directly and/or indirectly infringe (by inducing infringement) one or more claims of the '673 patent in this judicial district and elsewhere in Texas and the United States.

54. Upon information and belief, Defendants engage in the research, development, design, manufacture, and sales of imaging solutions products incorporating TFT-LCD panels, including digital cameras sold to U.S. consumers. *See Integrated Report 2019*, FUJIFILM HOLDINGS CORPORATION, at p. 4, *available at* <https://ir.fujifilm.com/en/investors/ir-materials/integrated-report.html> (pdf. document at page 9) (“Establishment of our unique position in the digital camera market.”).

55. Defendants directly infringe the '673 patent via 35 U.S.C. § 271(a) by making, offering for sale, selling, and/or importing those Accused Panels, their components, and/or products containing same that incorporate the fundamental technologies covered by the '673 patent to, for example, its alter egos, agents, intermediaries, distributors, importers, customers, subsidiaries, and/or consumers. Furthermore, upon information and belief, Defendants sell and make Accused Panels (including using third parties that manufacture Accused Panels for Defendants) and end user products incorporating the Accused Panels, outside of the United States. Defendants deliver those products to their customers, distributors, and/or subsidiaries in the United States. Or, in the case that Defendants deliver the Accused Panels outside of the United States, they do so intending and/or knowing that those panels are destined for the United States and/or they design those products for sale in the United States, thereby directly infringing the '673 patent. *See, e.g., Lake Cherokee Hard Drive Techs., L.L.C. v. Marvell Semiconductor, Inc.*, 964 F. Supp. 2d 653, 658 (E.D. Tex. 2013). Furthermore, Defendants directly infringe the '673 patent through their direct involvement in the activities of their subsidiaries, including Fujifilm America and Fujifilm N.A., by selling and offering for sale the Accused Panels or products incorporating same directly to Fujifilm America and Fujifilm N.A. and importing the Accused Panels or products incorporating same into the United States for Fujifilm America and Fujifilm N.A. Upon

information and belief, Fujifilm America and Fujifilm N.A. conduct activities that constitute direct infringement of the '673 patent under 35 U.S.C. § 271(a) by making, offering for sale, selling, and/or importing those Accused Panels or products incorporating same. Defendants, therefore, are vicariously liable for this infringing conduct of Fujifilm America and Fujifilm N.A. (under both the alter ego and agency theories) because, as an example and upon information and belief, Defendants, Fujifilm America, and Fujifilm N.A. are essentially the same company, and Defendants have the right and ability to control Fujifilm America and Fujifilm N.A.'s infringing acts and receive a direct financial benefit from Fujifilm America and Fujifilm N.A.'s infringement.

56. For example, Defendants infringe claim 1 of the '673 patent via Defendants' Accused Panels such as model no. LPM030M369H utilized in Fujifilm X-T100. That Accused Panel includes an "active matrix liquid crystal display, comprising" each of the limitations of claim 1. The technology discussion above and the example Accused Panel provides context for Plaintiff's allegations that each of those limitations are met. For example, that Accused Panel includes a pair of substrates with a liquid crystal layer between said substrates; a pixel electrode and a common electrode having a common longitudinal axis and that are arranged and adapted to generate an electric field parallel to said substrates in said liquid crystal layer, said liquid crystal layer having a non-zero initial alignment angle relative to the common longitudinal axis; and a thin film transistor having a source electrode and a drain electrode adjacent to a first part of said liquid crystal layer, said source and drain electrodes being arranged and adapted so that an electric field generated between said source and drain electrodes is one of substantially parallel to and perpendicular to the non-zero initial alignment angle, whereby an alignment of the first part of said liquid crystal layer does not change when an electric field is generated between said source and drain electrodes.

57. At a minimum, Defendants have known of the '673 patent at least as early as the filing date of the complaint. In addition, Defendants have known of the '673 patent since at least June 15, 2019, when Defendants were provided access to a data room containing claim charts, including for the '673 patent.

58. Upon information and belief, since at least the above-mentioned date when Defendants were on notice of its infringement, Defendants have actively induced, under U.S.C. § 271(b), distributors, customers, subsidiaries, importers, and/or consumers that import, purchase, or sell the Accused Panels that include or are made using all of the limitations of one or more claims of the '673 patent to directly infringe one or more claims of the '673 patent by using, offering for sale, selling, and/or importing the Accused Panels or products that incorporate the Accused Panels, such as Fujifilm-branded digital cameras. Since at least the notice provided on the above-mentioned date, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '673 patent. Upon information and belief, Defendants intend to cause, and have taken affirmative steps to induce infringement by distributors, importers, customers, subsidiaries, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of the Accused Panels, including as incorporated into end-user products, creating established distribution channels for the Accused Panels into and within the United States, manufacturing the Accused Panels in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States. *See List of Affiliated Companies*, FUJIFILM CORPORATION, <https://www.fujifilm.com/jp/ja/about/corporate/affiliates/americas> (listing Fujifilm subsidiaries

located and operating in the United States); *see also Support and Contact Center*, FUJIFILM HOLDINGS AMERICA CORPORATION, <https://www.fujifilmusa.com/support/ServiceSupportContactInfo.do?catid=464128&prodcid=234644> (web page listing product support information for U.S. customers).

59. Upon information and belief, despite having knowledge of the '673 patent and knowledge that it is directly and/or indirectly infringing one or more claims of the '673 patent, Defendants have nevertheless continued its infringing conduct and disregarded an objectively high likelihood of infringement. Defendants' infringing activities relative to the '673 patent have been, and continue to be, willful, wanton, malicious, in bad-faith, deliberate, consciously wrongful, flagrant, characteristic of a pirate, and an egregious case of misconduct beyond typical infringement such that Plaintiff is entitled under 35 U.S.C. § 284 to enhanced damages up to three times the amount found or assessed.

60. VPV has been damaged as a result of Defendants' infringing conduct described in this Court. Defendants are, thus, liable to VPV in an amount that adequately compensates VPV for Defendants' infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT II

(INFRINGEMENT OF U.S. PATENT NO. 6,078,375)

61. Plaintiff incorporates paragraphs 1 through 60 herein by reference.

62. VPV is the assignee of the '375 patent, entitled "Liquid crystal display device with wide viewing angle," with ownership of all substantial rights in the '375 patent, including the right to exclude others and to enforce, sue, and recover damages for past and future infringements.

63. The '375 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code. The '375 patent issued from U.S. Patent Application No. 09/154,039.

64. Defendants have and continue to directly and/or indirectly infringe (by inducing infringement) one or more claims of the '375 patent in this judicial district and elsewhere in Texas and the United States.

65. Upon information and belief, Defendants engage in the research, development, design, manufacture, and sales of imaging solutions products incorporating TFT-LCD panels, including digital cameras sold to U.S. consumers. *See Integrated Report 2019*, FUJIFILM HOLDINGS CORPORATION, at p. 4, *available at* <https://ir.fujifilm.com/en/investors/ir-materials/integrated-report.html> (“Establishment of our unique position in the digital camera market.”).

66. Defendants directly infringe the '375 patent via 35 U.S.C. § 271(a) by making, offering for sale, selling, and/or importing those Accused Panels, their components, and/or products containing same that incorporate the fundamental technologies covered by the '375 patent to, for example, its alter egos, agents, intermediaries, distributors, importers, customers, subsidiaries, and/or consumers. Furthermore, upon information and belief, Defendants sell and make Accused Panels (including using third parties that manufacture Accused Panels for Defendants) and end user products incorporating the Accused Panels, outside of the United States. Defendants deliver those products to their customers, distributors, and/or subsidiaries in the United States. Or, in the case that Defendants deliver the Accused Panels outside of the United States, they do so intending and/or knowing that those panels are destined for the United States and/or they design those products for sale in the United States, thereby directly infringing the '375 patent. *See, e.g., Lake Cherokee Hard Drive Techs., L.L.C. v. Marvell Semiconductor, Inc.*, 964 F. Supp.

2d 653, 658 (E.D. Tex. 2013). Furthermore, Defendants directly infringe the '375 patent through their direct involvement in the activities of their subsidiaries, including Fujifilm America and Fujifilm N.A., by selling and offering for sale the Accused Panels or products incorporating same directly to Fujifilm America and Fujifilm N.A. and importing the Accused Panels or products incorporating same into the United States for Fujifilm America and Fujifilm N.A. Upon information and belief, Fujifilm America and Fujifilm N.A. conduct activities that constitute direct infringement of the '375 patent under 35 U.S.C. § 271(a) by making, offering for sale, selling, and/or importing those Accused Panels or products incorporating same. Defendants, therefore, are vicariously liable for this infringing conduct of Fujifilm America and Fujifilm N.A. (under both the alter ego and agency theories) because, as an example and upon information and belief, Defendants, Fujifilm America, and Fujifilm N.A. are essentially the same company, and Defendants have the right and ability to control Fujifilm America and Fujifilm N.A.'s infringing acts and receive a direct financial benefit from Fujifilm America and Fujifilm N.A.'s infringement.

67. For example, Defendants infringe claim 1 of the '375 patent via Defendants' Accused Panels such as model no. LPM030M369H utilized in Fujifilm X-T100. That Accused Panel includes a "liquid crystal display device comprising" each of the limitations of claim 1. The technology discussion above and the example Accused Panel provide context for Plaintiff's allegations that each of those limitations are met. For example, the Accused Panel includes a first substrate having a first principal surface; a first alignment film which is formed on said first principal surface and is subjected to a first aligning treatment; a second substrate having a second principal surface; a second alignment film which is formed on said second principal surface, said second alignment film oppositely disposed to said first alignment film with a predetermined space left between said first alignment film and said second alignment film, and said second alignment

film subjected to a second aligning treatment in the same directional orientation as the first aligning treatment; a liquid crystal layer formed by a plurality of liquid crystal molecules which are interposed and sealed between said first and said second alignment films, a part of said molecules adjacent to said first alignment film having a first pretilt angle falling within a first predetermined range which is not smaller than two degrees from said first alignment film due to the influence of said first aligning treatment, the other part of said molecules adjacent to said second alignment film having a second pretilt angle falling within a second predetermined range which is not smaller than two degrees from said second alignment film due to influence of said second aligning treatment; and field generating means for generating an electric field which is substantially parallel to said first and said second principal surfaces in said predetermined space to make said molecules rotate in accordance with said electric field.

68. Defendants further infringe the '375 patent via 35 U.S.C. § 271(g) by using, selling, offering to sell, and/or importing Accused Panels, their components, and/or products containing same, that are made by a process covered by the '375 patent. Upon information and belief, the infringing Accused Panels, their components, and/or products containing same are not materially changed by subsequent processes, and they are neither trivial nor nonessential components of another product.

69. At a minimum, Defendants have known of the '375 patent at least as early as the filing date of the complaint. In addition, Defendants have known of the '375 patent since at least June 15, 2019, when Defendants were provided access to a data room containing claim charts, including for the '375 patent.

70. Upon information and belief, since at least the above-mentioned date when Defendants were on notice of its infringement, Defendants have actively induced, under U.S.C. §

271(b), distributors, customers, subsidiaries, importers, and/or consumers that import, purchase, or sell the Accused Panels that include or are made using all of the limitations of one or more claims of the '375 patent to directly infringe one or more claims of the '375 patent by using, offering for sale, selling, and/or importing the Accused Panels or products that incorporate the Accused Panels, such as Fujifilm-branded digital cameras. Since at least the notice provided on the above-mentioned date, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '375 patent. Upon information and belief, Defendants intend to cause, and have taken affirmative steps to induce infringement by distributors, importers (including inducement to import in violation of § 271(g)), customers, subsidiaries, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of the Accused Panels, including as incorporated into end-user products, creating established distribution channels for the Accused Panels into and within the United States, manufacturing the Accused Panels in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States. *See List of Affiliated Companies*, FUJIFILM CORPORATION, <https://www.fujifilm.com/jp/ja/about/corporate/affiliates/americas> (listing Fujifilm subsidiaries located and operating in the United States); *see also Support and Contact Center*, FUJIFILM HOLDINGS AMERICA CORPORATION, <https://www.fujifilmusa.com/support/ServiceSupportContactInfo.do?catid=464128&prodcats=234644> (web page listing product support information for U.S. customers).

71. On information and belief, despite having knowledge of the '375 patent and knowledge that it is directly and/or indirectly infringing one or more claims of the '375 patent,

Defendants have nevertheless continued its infringing conduct and disregarded an objectively high likelihood of infringement. Defendants' infringing activities relative to the '375 patent have been, and continue to be, willful, wanton, malicious, in bad-faith, deliberate, consciously wrongful, flagrant, characteristic of a pirate, and an egregious case of misconduct beyond typical infringement such that Plaintiff is entitled under 35 U.S.C. § 284 to enhanced damages up to three times the amount found or assessed.

72. VPV has been damaged as a result of Defendants' infringing conduct described in this Count. Defendants are, thus, liable to VPV in an amount that adequately compensates VPV for Defendants' infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT III

(INFRINGEMENT OF U.S. PATENT NO. 6,549,259)

73. Plaintiff incorporates paragraphs 1 through 72 herein by reference.

74. VPV is the assignee of the '259 patent, entitled "Liquid crystal display panel and fabrication method of the same," with ownership of all substantial rights in the '259 patent, including the right to exclude others and to enforce, sue, and recover damages for past and future infringements.

75. The '259 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code. The '259 patent issued from U.S. Patent Application No. 09/780,382.

76. Defendants have and continue to directly and/or indirectly infringe (by inducing infringement) one or more claims of the '259 patent in this judicial district and elsewhere in Texas and the United States.

77. Upon information and belief, Defendants engage in the research, development, design, manufacture, and sales of imaging solutions products incorporating TFT-LCD panels, including digital cameras sold to U.S. consumers. *See Integrated Report 2019*, FUJIFILM HOLDINGS CORPORATION, at p. 4, *available at* <https://ir.fujifilm.com/en/investors/ir-materials/integrated-report.html> (“Establishment of our unique position in the digital camera market.”).

78. Defendants directly infringe the ’259 patent via 35 U.S.C. § 271(a) by making, offering for sale, selling, and/or importing those Accused Panels, their components, and/or products containing same that incorporate the fundamental technologies covered by the ’259 patent to, for example, its alter egos, agents, intermediaries, distributors, importers, customers, subsidiaries, and/or consumers. Furthermore, upon information and belief, Defendants sell and make Accused Panels (including using third parties that manufacture Accused Panels for Defendants) and end user products incorporating the Accused Panels, outside of the United States. Defendants deliver those products to their customers, distributors, and/or subsidiaries in the United States. Or, in the case that Defendants deliver the Accused Panels outside of the United States, they do so intending and/or knowing that those panels are destined for the United States and/or they design those products for sale in the United States, thereby directly infringing the ’259 patent. *See, e.g., Lake Cherokee Hard Drive Techs., L.L.C. v. Marvell Semiconductor, Inc.*, 964 F. Supp. 2d 653, 658 (E.D. Tex. 2013). Furthermore, Defendants directly infringe the ’259 patent through their direct involvement in the activities of their subsidiaries, including Fujifilm America and Fujifilm N.A., by selling and offering for sale the Accused Panels or products incorporating same directly to Fujifilm America and Fujifilm N.A. and importing the Accused Panels or products incorporating same into the United States for Fujifilm America and Fujifilm N.A. Upon information and belief, Fujifilm America and Fujifilm N.A. conduct activities that constitute direct

infringement of the '259 patent under 35 U.S.C. § 271(a) by making, offering for sale, selling, and/or importing those Accused Panels or products incorporating same. Defendants, therefore, are vicariously liable for this infringing conduct of Fujifilm America and Fujifilm N.A. (under both the alter ego and agency theories) because, as an example and upon information and belief, Defendants, Fujifilm America, and Fujifilm N.A. are essentially the same company, and Defendants have the right and ability to control Fujifilm America and Fujifilm N.A.'s infringing acts and receive a direct financial benefit from Fujifilm America and Fujifilm N.A.'s infringement.

79. For example, Defendants infringe claim 1 of the '259 patent via Defendants' Accused Panels such as model no. LPM030M369H utilized in Fujifilm X-T100. That Accused Panels includes a "liquid crystal display device, comprising" each of the limitations of claim 1. The technology discussion above and the example Accused Panel provide context for Plaintiff's allegations that each of those limitations are met. For example, the Accused Panel includes an array substrate having a switching element array; an opposing substrate opposing to said array substrate; a liquid crystal layer disposed between said array substrate and said opposing substrate; a seal member sealing said liquid crystal layer within said display panel; a spacer disposed within said seal member so as to make a gap between said array substrate and said opposing substrate constant; and a leveling layer formed on said switching element array, said leveling layer being provided with one of an opening area and a thin region at a seal area of said seal member, said thin region being thinner than thickness of said leveling layer on each switching element of said switching element array.

80. Defendants further infringe the '259 patent via 35 U.S.C. § 271(g) by using, selling, offering to sell, and/or importing Accused Panels, their components, and/or products containing same, that are made by a process covered by the '259 patent. Upon information and belief, the

infringing Accused Panels, their components, and/or products containing same are not materially changed by subsequent processes, and they are neither trivial nor nonessential components of another product.

81. At a minimum, Defendants have known of the '259 patent at least as early as the filing date of the complaint. In addition, Defendants have known of the '259 patent since at least June 15, 2019, when Defendants were provided access to a data room containing claim charts, including for the '259 patent.

82. Upon information and belief, since at least the above-mentioned date when Defendants were on notice of its infringement, Defendants have actively induced, under U.S.C. § 271(b), distributors, customers, subsidiaries, importers, and/or consumers that import, purchase, or sell the Accused Panels that include or are made using all of the limitations of one or more claims of the '259 patent to directly infringe one or more claims of the '259 patent by using, offering for sale, selling, and/or importing the Accused Panels or products that incorporate the Accused Panels, such as Fujifilm-branded digital cameras. Since at least the notice provided on the above-mentioned date, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '259 patent. Upon information and belief, Defendants intend to cause, and have taken affirmative steps to induce infringement by distributors, importers (including inducement to import in violation of § 271(g)), customers, subsidiaries, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of the Accused Panels, including as incorporated into end-user products, creating established distribution channels for the Accused Panels into and within the United States, manufacturing the Accused Panels in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing

technical support, replacement parts, or services for these products to these purchasers in the United States. *See List of Affiliated Companies*, FUJIFILM CORPORATION, <https://www.fujifilm.com/jp/ja/about/corporate/affiliates/americas> (listing Fujifilm subsidiaries located and operating in the United States); *see also Support and Contact Center*, FUJIFILM HOLDINGS AMERICA CORPORATION, <https://www.fujifilmusa.com/support/ServiceSupportContactInfo.do?catid=464128&prodcats=234644> (web page listing product support information for U.S. customers).

83. Upon information and belief, despite having knowledge of the '259 patent and knowledge that it is directly and/or indirectly infringing one or more claims of the '259 patent, Defendants have nevertheless continued its infringing conduct and disregarded an objectively high likelihood of infringement. Defendants' infringing activities relative to the '259 patent have been, and continue to be, willful, wanton, malicious, in bad-faith, deliberate, consciously wrongful, flagrant, characteristic of a pirate, and an egregious case of misconduct beyond typical infringement such that Plaintiff is entitled under 35 U.S.C. § 284 to enhanced damages up to three times the amount found or assessed.

84. VPV has been damaged as a result of Defendants' infringing conduct described in this Count. Defendants are, thus, liable to VPV in an amount that adequately compensates VPV for Defendants' infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT IV

(INFRINGEMENT OF U.S. PATENT NO. 6,657,699)

85. Plaintiff incorporates paragraphs 1 through 84 herein by reference.

86. VPV is the assignee of the '699 patent, entitled "Liquid crystal display unit having pixel electrode encircled with partition wall and process for fabrication thereof," with ownership

of all substantial rights in the '699 patent, including the right to exclude others and to enforce, sue, and recover damages for past and future infringements.

87. The '699 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code. The '699 patent issued from U.S. Patent Application No. 09/901,034.

88. Defendants have and continue to directly and/or indirectly infringe (by inducing infringement) one or more claims of the '699 patent in this judicial district and elsewhere in Texas and the United States.

89. Upon information and belief, Defendants engage in the research, development, design, manufacture, and sales of imaging solutions products incorporating TFT-LCD panels, including digital cameras sold to U.S. consumers. *See Integrated Report 2019*, FUJIFILM HOLDINGS CORPORATION, at p. 4, *available at* <https://ir.fujifilm.com/en/investors/ir-materials/integrated-report.html> (“Establishment of our unique position in the digital camera market.”).

90. Defendants directly infringe the '699 patent via 35 U.S.C. § 271(a) by making, offering for sale, selling, and/or importing those Accused Panels, their components, and/or products containing same that incorporate the fundamental technologies covered by the '699 patent to, for example, its alter egos, agents, intermediaries, distributors, importers, customers, subsidiaries, and/or consumers. Furthermore, upon information and belief, Defendants sell and make Accused Panels (including using third parties that manufacture Accused Panels for Defendants) and end user products incorporating the Accused Panels, outside of the United States. Defendants deliver those products to their customers, distributors, and/or subsidiaries in the United States. Or, in the case that Defendants deliver the Accused Panels outside of the United States, they do so intending and/or knowing that those panels are destined for the United States and/or

they design those products for sale in the United States, thereby directly infringing the '699 patent. *See, e.g., Lake Cherokee Hard Drive Techs., L.L.C. v. Marvell Semiconductor, Inc.*, 964 F. Supp. 2d 653, 658 (E.D. Tex. 2013). Furthermore, Defendants directly infringe the '699 patent through their direct involvement in the activities of their subsidiaries, including Fujifilm America and Fujifilm N.A., by selling and offering for sale the Accused Panels or products incorporating same directly to Fujifilm America and Fujifilm N.A. and importing the Accused Panels or products incorporating same into the United States for Fujifilm America and Fujifilm N.A. Upon information and belief, Fujifilm America and Fujifilm N.A. conduct activities that constitute direct infringement of the '699 patent under 35 U.S.C. § 271(a) by making, offering for sale, selling, and/or importing those Accused Panels or products incorporating same. Defendants, therefore, are vicariously liable for this infringing conduct of Fujifilm America and Fujifilm N.A. (under both the alter ego and agency theories) because, as an example and upon information and belief, Defendants, Fujifilm America, and Fujifilm N.A. are essentially the same company, and Defendants have the right and ability to control Fujifilm America and Fujifilm N.A.'s infringing acts and receive a direct financial benefit from Fujifilm America and Fujifilm N.A.'s infringement.

91. For example, Defendants infringe claim 20 of the '699 patent via Defendants' Accused Panels including the Fujifilm FinePix AX330 which incorporates Wintek panel model no. WD-F9624VC-7FLWe. That Accused Panel includes an "in-plane switching type liquid crystal display panel having a plurality of pixel areas, the panel comprising" each of the limitations of claim 20. The technology discussion above and the example Accused Panel provide context for Plaintiff's allegations that each of those limitations are met. For example, the Accused Panel includes liquid crystals between a pair of substrate structures and comprising optical elements within each of said plurality of pixel areas; a common electrode on one of said substrate structures

for each pixel area; a pixel electrode for each pixel area offset from said common electrode on said one of said substrate structures, wherein said common electrode and said pixel electrode define said pixel area; a switching transistor on said one of said substrate structures and having a source connected to said pixel electrode, a data line extending outside a periphery of said pixel area and a gate electrode extending outside of said periphery; and a partition wall structure formed on said common electrode of at least one of said pixel areas for separating said optical elements from the remaining liquid crystal.

92. Defendants further infringe the '699 patent via 35 U.S.C. § 271(g) by using, selling, offering to sell, and/or importing Accused Panels, their components, and/or products containing same, that are made by a process covered by the '699 patent. Upon information and belief, the infringing Accused Panels, their components, and/or products containing same are not materially changed by subsequent processes, and they are neither trivial nor nonessential components of another product.

93. At a minimum, Defendants have known of the '699 patent at least as early as the filing date of the complaint. In addition, Defendants have known of the '699 patent since at least June 15, 2019, when Defendants were provided access to a data room containing claim charts, including for the '699 patent.

94. Upon information and belief, since at least the above-mentioned date when Defendants were on notice of its infringement, Defendants have actively induced, under U.S.C. § 271(b), distributors, customers, subsidiaries, importers, and/or consumers that import, purchase, or sell the Accused Panels that include or are made using all of the limitations of one or more claims of the '699 patent to directly infringe one or more claims of the '699 patent by using, offering for sale, selling, and/or importing the Accused Panels or products that incorporate the

Accused Panels, such as Fujifilm-branded digital cameras. Since at least the notice provided on the above-mentioned date, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '699 patent. Upon information and belief, Defendants intend to cause, and have taken affirmative steps to induce infringement by distributors, importers (including inducement to import in violation of § 271(g)), customers, subsidiaries, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of the Accused Panels, including as incorporated into end-user products, creating established distribution channels for the Accused Panels into and within the United States, manufacturing the Accused Panels in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States. *See List of Affiliated Companies*, FUJIFILM CORPORATION, <https://www.fujifilm.com/jp/ja/about/corporate/affiliates/americas> (listing Fujifilm subsidiaries located and operating in the United States); *see also Support and Contact Center*, FUJIFILM HOLDINGS AMERICA CORPORATION, <https://www.fujifilmusa.com/support/ServiceSupportContactInfo.do?catid=464128&prodcats=234644> (web page listing product support information for U.S. customers).

95. Upon information and belief, despite having knowledge of the '699 patent and knowledge that it is directly and/or indirectly infringing one or more claims of the '699 patent, Defendants have nevertheless continued its infringing conduct and disregarded an objectively high likelihood of infringement. Defendants' infringing activities relative to the '699 patent have been, and continue to be, willful, wanton, malicious, in bad-faith, deliberate, consciously wrongful, flagrant, characteristic of a pirate, and an egregious case of misconduct beyond typical

infringement such that Plaintiff is entitled under 35 U.S.C. § 284 to enhanced damages up to three times the amount found or assessed.

96. VPV has been damaged as a result of Defendants' infringing conduct described in this Court. Defendants are, thus, liable to VPV in an amount that adequately compensates VPV for Defendants' infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

CONCLUSION

97. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of Defendants' wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

98. Plaintiff has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute may give rise to an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

99. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

100. Plaintiff respectfully requests that the Court find in its favor and against Fujifilm, and that the Court grant Plaintiff the following relief:

- A. A judgment that Defendants have infringed the Asserted Patents as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;

- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Defendants;
- C. A judgment and order requiring Defendants to pay Plaintiff damages under 35 U.S.C. § 284, including up to treble damages as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A judgment and order requiring Defendants to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- E. A judgment and order finding this to be an exceptional case and requiring Defendants to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- F. Such other and further relief as the Court deems just and equitable.

Dated: March 2, 2020

Respectfully submitted,

/s/Patrick J. Conroy

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