

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LIGHTSIDE TECHNOLOGIES LLC,

Plaintiff,

v.

HTC CORPORATION, and
HTC AMERICA, INC.,

Defendants.

C.A. No.

PATENT CASE

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Lightside Technologies LLC (“Lightside” or “Plaintiff”) files this Original Complaint for Patent Infringement against Defendant HTC Corporation and HTC America, Inc. (“HTC” or “Defendant”).

NATURE OF ACTION

1. This is an action for infringement of U.S. Patent Nos. 8,374,253 (“the ’253 Patent”) and 8,873,640 (“the ’640 Patent”) (collectively the “Patents-in-Suit”).

PARTIES

2. Lightside is a Texas limited liability company with a principal place of business at 700 Lavaca St., Suite 1401, Austin, TX 78701-3101.

3. Defendant HTC Corporation is a corporation organized and existing under the laws of Taiwan, with its principal place of business at 23 Xinghua Road, Taoyuan City, Taoyuan County 330, Taiwan. Defendant HTC America, Inc. is a Washington corporation with a place of business at 308 Occidental Ave. S., Suite 300, Seattle, WA, 98104-2822. Defendants HTC Corporation

and HTC America, Inc. do business in this District, directly or through intermediaries and offer their products and/or services, including those accused herein of infringement, to customers and potential customers located in this District.

JURISDICTION AND VENUE

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

5. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

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

7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1400(b). HTC Corporation is a foreign corporation and may be sued in this District. With respect to HTC America, Inc., acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District. For example, Defendant has a regular and established place of business at 14500 FAA Blvd., Fort Worth, TX 76155. Venue is further proper because HTC Corporation and HTC America, Inc. have committed acts of infringement in this District, and/or have purposely transacted business involving the accused products in this District.

8. Defendants are 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 Defendants' substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and/or

(ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in this District.

THE PATENTS-IN-SUIT

9. On February 12, 2013, the United States Patent and Trademark Office (“USPTO”) issued the 253 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 253 Patent is provided at Exhibit A.

10. On October 28, 2014, the USPTO issued the 640 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 ’640 Patent is provided at Exhibit B.

11. Plaintiff is the owner and assignee of all substantial rights, title, and interest in the Patents-in-Suit.

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

BACKGROUND

13. Ken Washino is the inventor of the inventions claimed and disclosed in the Patents-in-Suit.

14. 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 and succeeded where others had failed.

15. 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.

16. 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.

17. 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.

18. 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 lead 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.

19. 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.

20. 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.

21. The Washino '253 and '640 Patents are directed to the field of video production, photographic image processing, and computer graphics. The inventions disclosed in the '253 and '640 Patents include methods performed by portable video image recording devices under which video image content received by an image sensor of the device is sampled, processed, and recorded at a first frame rate and enabled to be played back at a second frame rate different than the first frame rate. The image resolutions in pixels used to record and playback the video content may also differ. For example, the image resolution of the video content when played back may be upscaled or downscaled relative to the image resolution used to record the video content.

22. Under a slow-motion video recording mode, video image content received at a device's image sensor is sampled and recorded in real time at a first frame rate that is higher than a second frame rate at which the recorded video content is played back. Since the frame rate at which the video content is recorded is higher frame rate than the play-back frame rate, the frames of the video are played back at a slower rate than the real-time frame rate used for recording the frames, resulting in the video content being displayed in slow-motion.

23. Upon information and belief, Defendant made, sold, offered for sale, used, and/or imported mobile phones including at least HTC One smartphones (the “Accused Products”) in the United States that implemented the claimed inventive concept of the Patents-in-Suit. The Accused Products include support for slow-motion video.

COUNT I
DIRECT INFRINGEMENT OF U.S. PATENT NO. 8,374,253

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

25. Without license or authorization, and in violation of 35 U.S.C. § 271(a), Defendants have directly infringed one or more claims of the '253 Patent in this District and throughout the United States, literally or under the doctrine of equivalents, by using their Accused Products, as exemplified by the '253 claim chart shown in Exhibit C.

26. The claims of the '253 Patent are understandable to a person of ordinary skill in the art who has the requisite education, training, and experience with the technology at issue in this case.

27. A person of ordinary skill in the art understands Plaintiff's theory of how Defendants' Accused Products infringe the claims of the '253 Patent upon a plain reading of this Complaint, the '253 Patent, and Exhibit C.

28. Plaintiff reserves the right to modify its infringement theories as discovery progresses in this case; it shall not be estopped for infringement contention 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
DIRECT INFRINGEMENT OF U.S. PATENT NO. 8,873,640

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

30. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendants have directly infringed one or more claims of the '640 Patent in this District and throughout the

United States, literally or under the doctrine of equivalents, by using their Accused Products, as exemplified by the '640 claim chart shown in Exhibit D.

31. The claims of the '640 Patent are understandable to a person of ordinary skill in the art who has the requisite education, training, and experience with the technology at issue in this case.

32. A person of ordinary skill in the art understands Plaintiff's theory of how Defendants' Accused Products infringe the claims of the '640 Patent upon a plain reading of this Complaint, the '640 Patent, and Exhibit D.

33. Plaintiff reserves the right to modify its infringement theories as discovery progresses in this case; it shall not be estopped for infringement contention 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. Judgment that Defendants have directly infringed the Patents-in-Suit under 35 U.S.C. § 271(a);

B. Judgment that Defendants have knowingly and actively induced infringement of the Patents-in-Suit under 35 U.S.C. § 271(b);

C. An accounting of all infringing acts including, but not limited to, those acts not presented at trial;

D. An award of damages under 35 U.S.C. § 284 adequate to compensate Plaintiff for Defendants' past infringement, together with interest and costs;

E. Judgment that this case is exceptional under 35 U.S.C. § 285 and an award of Plaintiff's reasonable attorneys' fees and costs; and

F. Such 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: March 26, 2020

Respectfully Submitted,

/s/ Jay Johnson

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ATTORNEYS FOR PLAINTIFF

EXHIBIT A

EXHIBIT B

EXHIBIT C

EXHIBIT D