

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

FUNDAMENTAL INNOVATION  
SYSTEMS INTERNATIONAL LLC,

*Plaintiff,*

vs.

JASCO PRODUCTS COMPANY, LLC,

*Defendant.*

Civil Action No. 2:20-cv-00118

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT  
AND JURY DEMAND**

Plaintiff Fundamental Innovation Systems International LLC (“Plaintiff” or “Fundamental”), by and through its undersigned counsel, brings this action against Defendant Jasco Products Company, LLC (“Defendant” or “Jasco”) to prevent Defendant’s continued infringement of Plaintiff’s patents without authorization and to recover damages resulting from such infringement.

**PARTIES**

1. Plaintiff is a Delaware limited liability company with a place of business located at 2990 Long Prairie Road, Suite B, Flower Mound, Texas 75022.

2. Plaintiff is the owner by assignment of all right, title, and interest in U.S. Patent Nos. 6,936,936 (the “936 Patent”), 7,239,111 (the “111 Patent”), 8,624,550 (the “550 Patent”), and 7,453,233 (the “233 Patent”) (collectively, the “Patents-in-Suit”).

3. On information and belief, Defendant Jasco is an Oklahoma corporation with a place of business at 10 E. Memorial Road, Oklahoma City, Oklahoma 73114.

4. On information and belief, Jasco directly and/or indirectly imports, develops, designs, manufactures, uses, distributes, markets, offers to sell and/or sells products and services

in the United States, including in this district, and otherwise purposefully directs activities to the same.

### **JURISDICTION AND VENUE**

5. This is an action for patent infringement arising under the patent laws of the United States of America, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. § 271. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendant because it has solicited business in the State of Texas, transacted business within the State of Texas and attempted to derive financial benefit from residents of the State of Texas, including benefits directly related to the instant patent infringement cause of action set forth herein.

7. On information and belief, Defendant has made, used, sold, offered for sale, and/or imported products that are alleged herein to infringe one or more of the patents set forth herein, and/or have placed such devices into the stream of commerce, which devices have been made, offered for sale, sold, and/or used in the State of Texas and within this judicial district.

8. On information and belief, Defendant has availed itself of the privilege of conducting and soliciting business within this State, including engaging in at least some of the infringing activities in this State, as well as by others acting as Defendant's agents and/or representatives, such that it would be reasonable for this Court to exercise jurisdiction consistent with principles underlying the U.S. Constitution, and the exercise of jurisdiction by this Court would not offend traditional notions of fair play and substantial justice.

9. On information and belief, Defendant regularly transacts and does business within this district, including by employing personnel in this district, and by advertising, promoting and selling products over the internet, through intermediaries, representatives, and/or agents located within this judicial district, that infringe Fundamental's patents, which products are then sold and/or shipped directly to citizens residing within this State and in this judicial district. Upon further information and belief, Defendant has purposefully directed activities at citizens of this

State including those located within this judicial district.

10. On information and belief, Defendant has substantial, systematic, and continuous contacts with this judicial district. On information and belief, Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and regularly conducts business in the State of Texas and in this judicial district. On information and belief, Defendant has sold and offered to sell infringing products in this State and judicial district and has committed acts of patent infringement and/or contributed to or induced acts of patent infringement by others in this judicial district and elsewhere in Texas. Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas.

11. Jasco has admitted in pleadings before this Court to the propriety of venue in this District over a patent infringement action filed against it. *Greenlight Technologies LLC v. ANIGMO, LLC et al.*, 10-cv-00458-LED (E.D. Tex. Nov. 24, 2010) at D.I. 99, pg. 6. Jasco further admitted "that it has a website which may be accessible in the Eastern District of Texas and that it has transacted business [in] the Eastern District of Texas." *Id.* Jasco has also filed counterclaims in this district seeking declaratory judgments of noninfringement and invalidity of patents asserted against it. *Id.* at 21-25.

12. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and/or 1400(b), as Defendant has committed infringement in this district, including at least the selling of accused products listed herein, and is subject to personal jurisdiction in this district. On information and belief, Jasco has employees who work in Texas, has advertised job openings in Texas, and has a regular and established place of business in Texas.

13. In December 2016, Plaintiff filed case no. 16-cv-01425 in this district against LG Electronics, Inc., LG Electronics U.S.A., Inc., LG Electronics MobileComm U.S.A. Inc., LG Electronics Mobile Research U.S.A. LLC, and LG Electronics Alabama, Inc., asserting infringement of, *inter alia*, the '111, '550, '586 and '766 Patents ("the LG Case").

14. In December 2016, Plaintiff filed case no. 16-cv-01424 in this district against Huawei Investment & Holding Co., Ltd., Huawei Technologies Co., Ltd., Huawei Device USA,

Inc., and Futurewei Technologies, Inc., asserting infringement of, *inter alia*, the '111, '550, '586 and '766 Patents (“the Huawei Case”).

15. In February 2016, Plaintiff filed case no. 17-cv-00145 in this district against Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc., asserting infringement of, *inter alia*, the '111, '550, '586, '766 and '936 Patents (“the Samsung Case”).

16. On January 31, 2018, this court issued an order in the Samsung Case construing claim terms in the '111, '550, '586, '766 and '936 Patents.

17. On April 2, 2018, this court issued an order in the LG Case and Huawei Case construing claim terms in the '111, '550, '586, and '766 Patents.

18. In view of the LG Case, Huawei Case and Samsung Case, this Court has substantial knowledge regarding the asserted patents, and principles of judicial economy further support venue in this District.

### **FACTUAL ALLEGATIONS**

#### ***The Patents-in-Suit***

19. The Patents-in-Suit relate to, among other things, novel techniques for using Universal Serial Bus (“USB”) in connection with mobile devices to both facilitate data communication and allow for the charging of certain classes of devices. This technology represented a fundamental break from previous techniques for mobile device charging and has provided for faster charging times, longer battery life, improved user experiences and a dramatic increase in performance and features.

20. The Patents-in-Suit resulted from a large scale research and development program at Research In Motion Limited (“RIM”), later reorganized as BlackBerry Limited (“BlackBerry”). At the time of the inventions, RIM was a global leader and pioneer in the field of wireless mobile communications. The company was founded in 1984 and revolutionized the mobile industry when it launched the BlackBerry® 850 in 1999. Fundamental is responsible for protecting and licensing seminal BlackBerry innovations in the field of USB charging.

21. The value of the inventions claimed by the Patents-in-Suit has been widely recognized. Over thirty companies have taken licenses to the Patents-in-Suit, including many of Jasco's competitors.

***Jasco's Accused Products and Infringement***

22. On information and belief, Jasco makes, uses, sells, offers for sale and/or imports infringing charging adapters ("Accused Products") in the United States, including but not limited to: **Philips Wall Chargers** (e.g., 1 USB Charging Wall Tap with USB-C, 1 USB Charging Wall Tap, 2 USB Wall Charger with USB and USB-C, 2-USB Wall Charger, 3-USB Charging Wall Tap, USB-C USB-A Wall Charger), **GE Wall Chargers** (e.g., 1-USB Wall Charger with folding prongs, 1-USB Wall Charger, 2-USB Charging Wall Tap, GE Pro 2-USB Charging Wall Tap with USB-C, GE 3-USB Charging Wall Tap with Built-In Cable Management, GE 3-USB Charging Wall Tap with Foldable Plug, GE Pro 1-USB Charging Wall Tap with USB-C, GE Pro 2-USB Wall Charger, GE Pro USB-C and USB-A Wall Charger), **Philips Car Chargers** (e.g., 1 USB-C 2 USB-A Car Charger), **GE Car Chargers** (e.g., 2-USB Car Charger), **Philips Battery Packs** (e.g., Philips 10400mAh 2 USB battery pack, Philips 10000mAh 1 USB battery pack, Philips 10000mAh 2 USB battery pack, Philips 8000mAh 1 USB battery pack, Philips 5200mAh 1 USB battery pack), **Power Gear Battery Packs** (e.g., 2-USB Charging Battery Pack, 6700mAh, 1-USB Charging Battery Pack, 3300mAh), **GE USB Receptacles** (e.g., 2 outlet 2 USB charging in-wall receptacle, GE 2-Outlet 2-USB Charging Wall Tap with Cable Management, GE 2-Outlet 2-USB Charging Wall Tap, 3-Outlet 2-USB Charging Wall Tap, and GE Pro 2-Outlet 2-USB Charging Wall Tap), and other models that include similar functionality.

23. The Accused Products are USB charging adapters that are designed to provide power to a mobile device. The charging adapters include a Vbus line and a USB communication path. The charging adapters are configured to generate an identification signal, such as a voltage on a D+ line and on a D- line, that indicates to the mobile device that it is receiving power from a source that is not a USB host or hub. The charging adapters are able to supply current to a mobile device without regard to at least one associated condition specified in a USB

specification. Certain of the Accused Products also receive power from a power socket and include a power converter that regulates the received power to generate a DC power output.

***Jasco's Knowledge of the Patents-in-Suit and Infringement***

24. On March 20, 2017, Fundamental sent a letter to Jasco, which identified the Patents-in-Suit and suggested to Jasco that it should take a license to the Patents-in-Suit. Fundamental also provided Jasco with exemplary claim charts demonstrating infringement on March 20, 2017. Fundamental has attempted to follow-up with Jasco with more than a dozen communications since then. Over the past three years, Jasco has not provided Fundamental with any basis for believing that it did not infringe the Patents-in-Suit.

25. After having received notice of the Patents-in-Suit, Jasco has continued to make, use, sell, offer for sale, and import into the United States the Accused Products. Jasco's making, using, selling, offering to sell and importing of the Accused Products into the United States constitute direct infringement under 35 U.S.C. § 271(a). On information and belief, Jasco also directly infringes one or more method claims in the Patents-in-Suit by testing, repairing, and using the Accused Products in the United States.

26. After having received notice of the Patents-in-Suit, Jasco has continued to make, use, sell, offer for sale, and import into the United States the Accused Products with knowledge that these Accused Products are a material part of inventions claimed by the Patents-in-Suit and are especially made or adapted for use in an infringement of the Patents-in-Suit. On information and belief, Jasco knows that the Accused Products are not a staple article or commodity of commerce suitable for substantial non-infringing use. Jasco's actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c). For example, the Accused Products include battery charging adapters, which are a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patented process. Furthermore, such components are a material part of the invention and are not a staple article or commodity of commerce suitable for substantial non-infringing use.

27. After having received notice of the Patents-in-Suit, Jasco has continued to advertise and distribute the Accused Products, offer technical assistance, and publish user manuals, specifications, promotional literature or instructions to customers, partners, and/or end users, advising them to use the Accused Products in a manner that directly infringes the Patents-in-Suit. On information and belief, by such acts, Jasco actively induced, and continues to actively induce, direct infringement of the Patents-in-Suit, in violation of 35 U.S.C. § 271(b). For example, Jasco's customers who purchase the Accused Products and operate the Accused Products in accordance with instructions provided by Jasco, directly infringe one or more claims of the Patents-in-Suit. Jasco provides such instructions through, for example, a "USB Charging Guide" located at <https://blog.byjasco.com/usb-charging-guide-0>.

28. On information and belief, Jasco has further actively induced infringement by remaining willfully blind to its customers' infringement despite believing there to be a high probability its customers, among others, infringe the Patents-in-Suit.

### **FIRST CLAIM FOR RELIEF**

#### **(Infringement of U.S. Patent No. 6,936,936)**

29. Fundamental re-alleges and incorporates by reference the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

30. The '936 Patent, titled "Multifunctional Charger System and Method," was duly and legally issued on August 30, 2005. A true and correct copy of the '936 Patent is attached as Exhibit A.

31. The '936 Patent names Daniel M. Fischer, Dan G. Radut, Michael F. Habicher, Quang A. Luong, and Jonathan T. Malton as co-inventors.

32. The '936 Patent has been in full force and effect since its issuance. Fundamental owns by assignment the entire right, title, and interest in and to the '936 Patent, including the exclusive right to seek damages for past, current and future infringement thereof.

33. Jasco has been, and currently is, directly infringing the '936 Patent by making, using, selling, offering to sell, and/or importing into the United States the Accused Products.

Jasco's products infringe at least claim 13 of the '936 Patent.

34. The Accused Products include charging adapters that are able to provide power to a mobile device through a USB port. As shown in the photos below, the Accused Products include a plug unit that can be plugged into an electrical socket to receive energy from the socket.



35. The Accused Products also include a power converter that regulates energy from the power socket so that voltage can be output from the charging adapter, and a USB connector, e.g., a USB type A connector, that is electrically connected to the power converter and that is able to deliver power to a mobile device through a USB cable.





36. The USB connector is also electrically connected to an identification subsystem. The identification subsystem is configured to generate an identification signal that consists of voltages on the D+ and D- lines. The identification subsystem includes a hardwired connection of a voltage level to the D+ and D- lines in the primary USB connector. For example, the D+ and D- lines are either connected together, or connected to the Vbus line through resistors.

37. On information and belief, Jasco has been, and currently is, inducing infringement of the '936 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Products in the United States, or to import the Accused Products into the United States, without license or authority from Fundamental, with knowledge of or willful blindness to the fact that Jasco's actions will induce others, including but not limited to its customers, partners, and/or end users, to directly infringe the '936 patent. Jasco induces others to infringe the '936 Patent by encouraging and facilitating others to perform actions that Jasco knows to be acts of infringement of the '936 Patent with intent that those performing the acts infringe the '936 Patent.

38. On information and belief, Jasco has been, and currently is, contributorily infringing the '936 Patent, in violation of 35 U.S.C. § 271(c), by selling or offering for sale, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the '936 Patent, are known by Jasco to be especially made or especially adapted for use in infringement of the '936 Patent, and are not staple articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Products. Jasco's actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c).

39. As a result of Jasco's infringement of the '936 Patent, Fundamental has been damaged. Fundamental is entitled to recover for damages sustained as a result of Jasco's wrongful acts in an amount to be determined.

40. In addition, Jasco's infringing acts have caused and are causing immediate and irreparable harm to Fundamental.

41. On information and belief, Jasco has had actual knowledge of its infringement of the '936 Patent since no later than March 20, 2017. On information and belief, Jasco's infringement of the '936 Patent has been and continues to be deliberate and willful, and, therefore, this is an exceptional case warranting an award of treble damages and attorney's fees to Fundamental pursuant to 35 U.S.C. §§ 284-285.

**SECOND CLAIM FOR RELIEF**

**(Infringement of U.S. Patent No. 7,239,111)**

42. Fundamental re-alleges and incorporates by reference the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

43. The '111 Patent, titled "Universal Serial Bus Adapter for a Mobile Device," was duly and legally issued on July 3, 2007. A true and correct copy of the '111 Patent is attached as Exhibit B.

44. The '111 Patent names Daniel M. Fischer, Dan G. Radut, Michael F. Habicher, Quang A. Luong, and Jonathan T. Malton as co-inventors.

45. The '111 Patent has been in full force and effect since its issuance. Fundamental owns by assignment the entire right, title, and interest in and to the '111 Patent, including the exclusive right to seek damages for past, current and future infringement thereof.

46. On information and belief, Jasco has been, and currently is, directly infringing the '111 Patent by making, using, selling, offering to sell, and/or importing into the United States Accused Products. On information and belief, Jasco's products infringe at least claim 1 of the '111 Patent.

47. The Accused Products are charging adapters that are able to provide power to a mobile device. The products include a plug unit that can be plugged into an electrical socket to receive energy from the socket.



48. The products also include a power converter that converts the voltage from the electrical outlet to a voltage that can be output from the charging adapter. For example, some of the Accused Products can be connected to an AC electrical outlet and convert the AC voltage to a DC voltage. Other Accused Products can be connected to an electrical outlet in a vehicle and convert power from 12v to 5v for output from the charging adapter.

49. The Accused Products include an identification subsystem that is configured to generate an identification signal that consists of voltages on D+ and D- lines. For example, at least some of the Accused Products generate approximately 2v on the D- line and 2.7v on the D+ line. These voltages indicate to the mobile device that the power socket is not a USB host or hub.

50. The Accused Products also include a USB connector, e.g., a USB type A connector, that is coupled to the power converter through a Vbus line and to the identification subsystem. The USB connector is configured to couple the power output and identification signal to a mobile device, through a USB cable.



51. On information and belief, Jasco has been, and currently is, inducing infringement of the '111 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Products in the United States, or to import the Accused Products into the United States, without license or authority from Fundamental, with knowledge of or willful blindness to the fact that Jasco's actions will induce others, including but not limited to its customers, partners, and/or end users, to directly infringe the '111 patent. Jasco induces others to infringe the '111 Patent by encouraging and facilitating others to perform actions that Jasco knows to be acts of infringement of the '111 Patent with intent that those performing the acts infringe the '111 Patent.

52. On information and belief, Jasco has been, and currently is, contributorily infringing the '111 Patent, in violation of 35 U.S.C. § 271(c), by selling or offering for sale, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the '111 Patent, are known by Jasco to be especially made or especially adapted for use in infringement of the '111 Patent, and are not staple articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Products. Jasco's actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c).

53. As a result of Jasco's infringement of the '111 Patent, Fundamental has been

damaged. Fundamental is entitled to recover for damages sustained as a result of Jasco's wrongful acts in an amount to be determined.

54. In addition, Jasco's infringing acts have caused and are causing immediate and irreparable harm to Fundamental.

55. On information and belief, Jasco has had actual knowledge of its infringement of the '111 Patent since no later than March 20, 2017. On information and belief, Jasco's infringement of the '111 Patent has been and continues to be deliberate and willful, and, therefore, this is an exceptional case warranting an award of treble damages and attorney's fees to Fundamental pursuant to 35 U.S.C. §§ 284-285.

### **THIRD CLAIM FOR RELIEF**

#### **(Infringement of U.S. Patent No. 8,624,550)**

56. Fundamental re-alleges and incorporates by reference the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

57. The '550 Patent, titled "Multifunctional Charger System and Method," was duly and legally issued on January 7, 2014. A true and correct copy of the '550 Patent is attached as Exhibit C.

58. The '550 Patent names Daniel M. Fischer, Dan G. Radut, Michael F. Habicher, Quang A. Luong, and Jonathan T. Malton as co-inventors.

59. The '550 Patent has been in full force and effect since its issuance. Fundamental owns by assignment the entire right, title, and interest in and to the '550 Patent, including the exclusive right to seek damages for past, current and future infringement thereof.

60. Jasco has been, and currently is, directly infringing the '550 Patent by making, using, selling, offering to sell, and/or importing into the United States Accused Products. On information and belief, Jasco's products infringe at least claim 1 of the '550 Patent.

61. The Accused Products are charging adapters that include a USB VBUS line and D+/D- lines that are a USB communication path.



62. When connected to a mobile device, the identified products generate voltages on the D+ and D- lines.

63. The Accused Products are configured to supply current on the VBUS line of greater than 500 mA, which is without regard to the current limits in the USB specification.

64. On information and belief, Jasco has been, and currently is, inducing infringement of the '550 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Products in the United States, or to import the Accused Products into the United States, without license or authority from Fundamental, with knowledge of or willful blindness to the fact that Jasco's actions will induce others, including but not limited to its customers, partners, and/or end users, to directly infringe the '550 patent. Jasco induces others to infringe the '550 Patent by encouraging and facilitating others to perform actions that Jasco knows to be acts of infringement of the '550 Patent with intent that those performing the acts infringe the '550 Patent.

65. On information and belief, Jasco has been, and currently is, contributorily infringing the '550 Patent, in violation of 35 U.S.C. § 271(c), by selling or offering for sale, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the '550 Patent, are known by Jasco to be especially made or

especially adapted for use in infringement of the '550 Patent, and are not staple articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Products. Jasco's actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c).

66. As a result of Jasco's infringement of the '550 Patent, Fundamental has been damaged. Fundamental is entitled to recover for damages sustained as a result of Jasco's wrongful acts in an amount to be determined.

67. In addition, Jasco's infringing acts have caused and are causing immediate and irreparable harm to Fundamental.

68. On information and belief, Jasco has had actual knowledge of its infringement of the '550 Patent since no later than March 20, 2017. On information and belief, Jasco's infringement of the '550 Patent has been and continues to be deliberate and willful, and, therefore, this is an exceptional case warranting an award of treble damages and attorney's fees to Fundamental pursuant to 35 U.S.C. §§ 284-285.

#### **FOURTH CLAIM FOR RELIEF**

##### **(Infringement of U.S. Patent No. 7,453,233)**

69. Fundamental re-alleges and incorporates by reference the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

70. The '233 Patent, titled "Adapter System and Method for Powering a Device," was duly and legally issued on November 18, 2008. A true and correct copy of the '233 Patent is attached as Exhibit D.

71. The '233 Patent names Daniel M. Fischer, Dan G. Radut, Michael F. Habicher, Quang A. Luong, and Jonathan T. Malton as co-inventors.

72. The '233 Patent has been in full force and effect since its issuance. Fundamental owns by assignment the entire right, title, and interest in and to the '233 Patent, including the exclusive right to seek damages for past, current and future infringement thereof.

73. Jasco has been, and currently is, directly infringing the '233 Patent by making, using, selling, offering to sell, and/or importing into the United States the Accused Products. On information and belief, Jasco's products infringe at least claim 1 of the '233 Patent.

74. The Accused Products are charging adapters that are able to provide power to a mobile device. The products include a plug unit that can be plugged into an electrical socket to receive energy from the socket.



75. The Accused Products also include a power converter that converts voltage from an electrical outlet to a voltage that can be output from the charging adapter. For example, some of the Accused Products can be connected to an AC electrical outlet and convert the AC voltage to a DC voltage. Other Accused Products can be connected to an electrical outlet in a vehicle and convert power from 12v to 5v for output from the charging adapter.

76. The Accused Products include an identification subsystem that is configured to generate an identification signal that consists of voltages on D+ and D- lines. For example, at least some of the Accused Products generate approximately 2v on the D- line and 2.7v on the D+ line. These voltages indicate to the mobile device that the adapter is configured to send substantial energy, for example, more than 500 mA, through the USB connector before completing device enumeration.

77. The Accused Products also include a USB connector, e.g., a USB type A



connector, that is coupled to the power converter through a Vbus line and to the identification subsystem. The USB connector is configured to couple the power output and identification signal to a mobile device, through a USB cable.

78. On information and belief, Jasco has been, and currently is, inducing infringement of the '233 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Products in the United States, or to import the Accused Products into the United States, without license or authority from Fundamental, with knowledge of or willful blindness to the fact that Jasco's actions will induce others, including but not limited to its customers, partners, and/or end users, to directly infringe the '233 patent. Jasco induces others to infringe the '233 Patent by encouraging and facilitating others to perform actions that Jasco knows to be acts of infringement of the '233 Patent with intent that those performing the acts infringe the '233 Patent.

79. On information and belief, Jasco has been, and currently is, contributorily infringing the '233 Patent, in violation of 35 U.S.C. § 271(c), by selling or offering for sale, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the '233 Patent, are known by Jasco to be especially made or especially adapted for use in infringement of the '233 Patent, and are not staple articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Products. Jasco's actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c).

80. As a result of Jasco's infringement of the '233 Patent, Fundamental has been damaged. Fundamental is entitled to recover for damages sustained as a result of Jasco's wrongful acts in an amount to be determined.

81. In addition, Jasco's infringing acts have caused and are causing immediate and irreparable harm to Fundamental.

82. On information and belief, Jasco has had actual knowledge of its infringement of the '233 Patent since no later than March 20, 2017. On information and belief, Jasco's

infringement of the '233 Patent has been and continues to be deliberate and willful, and, therefore, this is an exceptional case warranting an award of treble damages and attorney's fees to Fundamental pursuant to 35 U.S.C. §§ 284-285.

**PRAYER FOR RELIEF**

WHEREFORE, Fundamental prays for judgment against Jasco as follows:

- A. That Jasco has infringed, and continues to infringe, each of the Patents-in-Suit;
- B. That Jasco pay Fundamental damages adequate to compensate Fundamental for Jasco's infringement of the Patents-in-Suit, together with interest and costs under 35 U.S.C. § 284;
- C. That Jasco be ordered to pay pre-judgment and post-judgment interest on the damages assessed;
- D. That Jasco be ordered to pay supplemental damages to Fundamental, including interest, with an accounting, as needed;
- E. That Jasco's infringement is willful and that the damages awarded to Fundamental should be trebled;
- F. That this is an exceptional case under 35 U.S.C. § 285 and that Jasco pay Fundamental's attorney's fees and costs in this action;
- G. That Jasco be enjoined from directly and indirectly infringing the Patents-in-Suit; and
- H. That Fundamental be awarded such other and further relief, including other monetary and equitable relief, as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38(b), Fundamental hereby demands a trial by jury on all issues triable by jury.

Dated: April 23, 2020

*/s/ J. Mark Mann*

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