

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

**VISTA PEAK VENTURES, LLC,**

**Plaintiff,**

**v.**

**TRULY INTERNATIONAL HOLDINGS  
LIMITED and TRULY  
SEMICONDUCTORS LIMITED,**

**Defendants.**

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**JURY TRIAL DEMANDED**

**CIVIL ACTION NO. \_\_\_\_\_**

**PLAINTIFF’S COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Vista Peak Ventures, LLC (“VPV”) files this Complaint against Defendants Truly International Holdings Limited (“Truly Int’l”) and Truly Semiconductors Limited (“Truly Semiconductors”) for infringement of U.S. Patent No. 6,549,259 (“the ’259 patent”), 7,046,327 (“the ’327 patent”), U.S. Patent No. 6,812,528 (“the ’528 patent”), and U.S. Patent No. 6,513,943 (“the ’943 patent”), collectively, the “Asserted Patents.” Truly Int’l and Truly Semiconductors are collectively referred to as “Defendants.”

**THE PARTIES AND RELATED BACKGROUND**

1. Vista Peak Ventures, LLC is a Texas limited liability company, located at 1400 Preston Rd, Suite 472, Plano, TX 75093.

2. Upon information and belief, Defendant Truly International Holdings Limited (“Truly Int’l”) is a multinational limited liability company organized under the laws of the Cayman Islands, with its principal place of business located at 2/F Chung Shun Knitting Centre 1–3 Wing Yip Street Kwai Chung, N.T. Hong Kong, People’s Republic of China (PRC).

3. Upon information and belief, Truly Int'l was founded in July 1991. Truly Int'l and its subsidiaries (identified by Truly Int'l as the "Truly Group"), including Defendant Truly Semiconductors, are "principally engaged in the manufacture and sale of liquid crystal display products including touch panel products and electronic consumer products including compact camera module, fingerprint identification modules, personal health care products and electrical devices." *See 2019 Annual Report, TRULY INTERNATIONAL HOLDINGS LIMITED* (Apr. 27, 2020), at 11, 64, <https://www.truly.com.hk/Upload/trulyhk/Chinese/FinancialStatement/2019/CW00732AR-16504687568.PDF> [hereinafter *Truly Int'l 2019 Annual Report*]. Truly Int'l is listed on the Stock Exchange of Hong Kong Limited. *See id.*

4. Upon information and belief, Defendant Truly Semiconductors Limited ("Truly Semiconductors") is a wholly-owned subsidiary of Truly Int'l and is a limited liability company formed under the laws of Hong Kong in 1991. *See Truly Int'l 2019 Annual Report, supra*, at 11, 64. Truly Semiconductors' principal place of business is located at 2/F Chung Shun Knitting Centre 1-3 Wing Yip Street Kwai Chung, N.T. Hong Kong, PRC.

5. Upon information and belief, Truly Semiconductors develops and manufactures display products. *See Product Information, TRULY SEMICONDUCTORS LIMITED*, [http://www.trulysemi.com/index.php/News/index/nav\\_id/4/col\\_id/82/type\\_id/1.html](http://www.trulysemi.com/index.php/News/index/nav_id/4/col_id/82/type_id/1.html) (last visited July 24, 2020). Truly Semiconductors has "oversea business branches, such as [in the] European, America and Asia Pacific area." *See Global Network, TRULY SEMICONDUCTORS LIMITED*, [http://www.trulysemi.com/index.php/News/index/nav\\_id/2/col\\_id/75/type\\_id/1.html](http://www.trulysemi.com/index.php/News/index/nav_id/2/col_id/75/type_id/1.html) (last visited July 24, 2020).

6. Upon information and belief, Defendants Truly Int'l and Truly Semiconductors maintain a corporate presence in the U.S. via "a service and sales network" referred to by

Defendants as “Truly Americas.” *See Truly Americas*, <https://www.trulyamerica.com/truly-america/> (last visited July 24, 2020). Truly Americas provides a “dedicated direct marketing and sales team (Truly employees), Three major US Electronic Distributors, and Manufacturer Sales Representatives positioned throughout the US for on-site assistance.” *Id.*

7. Upon information and belief, Defendants Truly Int’l and Truly Semiconductors also maintain a corporate presence in the U.S. via Truly Int’l’s wholly and directly owned U.S.-based subsidiary Truly (U.S.A.) Inc. (“Truly USA”), which is organized under the laws of California. *See Truly Int’l 2019 Annual Report, supra*, at 172. Truly USA has its principal place of business located at 2620 Concord Ave, Suite 106, Alhambra, CA 91803, USA, and may be served via its agent: Max K. Wong at 2620 Concord Ave, Suite 106, Alhambra, CA 91803.

8. Upon information and belief, Defendants with their subsidiary Truly USA, distributors, sales representatives, and employees, as part of a global and domestic network of overseas branches, including those in the U.S., have operated as agents of one another and vicariously as arms of the same business group to work in concert together and enter into agreements that are nearer than arm’s length. For example, Defendants Truly Int’l and Truly Semiconductors operate in the U.S. “a service and sales network” referred to by Defendants as “Truly Americas,” which includes operation of a website of the same name that provides a contact form and catalog for soliciting U.S. customers. *See Where To Buy*, <https://www.trulyamerica.com/where-to-buy/> (last visited July 24, 2020). Truly Americas provides a “dedicated direct marketing and sales team (Truly employees), Three major US Electronic Distributors, and Manufacturer Sales Representatives positioned throughout the US for on-site assistance.” *See Truly Americas*, <https://www.trulyamerica.com/truly-america/> (last visited July 24, 2020). Defendants, via at least their subsidiary Truly USA and their Truly

Americas network, 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.”).

9. Upon information and belief, Defendants are engaged in research and development, manufacturing, importation, distribution, sales, and related technical services for thin-film transistor liquid-crystal display (“TFT-LCD”) panels (the “Truly Products”) in and for the U.S. consumer market. The Truly Products are incorporated into consumer electronic devices, including, but not limited to, GPS devices manufactured by Garmin Ltd. or its subsidiaries (referred to as “Garmin”). Through offers to sell, distribution, sales, imports, and agreements to transfer ownership of Defendants’ TFT-LCD panels by or with distributors, sales representatives, customers, and employees operating in the U.S., including in the Truly Americas network, and/or its U.S. subsidiary, Truly USA, Defendants do business in the U.S., the state of Texas and in the Eastern District of Texas.

### **JURISDICTION AND VENUE**

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

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

12. Upon information and belief, Defendant Truly Int’l 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 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. For example, Truly Int'l and its subsidiaries manufacture and supply the Truly Products for Garmin-branded GPS devices, for import, distribution, and sale in the U.S. market, including in the Eastern District of Texas.

13. This Court has personal jurisdiction over Truly Int'l, directly and/or through intermediaries, agents, distributors, importers, customers, subsidiaries, sales representatives, and/or consumers including co-defendant subsidiary Truly Semiconductors and its U.S.-based, wholly-owned subsidiary Truly USA. Through direction and control of these subsidiaries and the Truly Americas sales and service network, as agents of Truly Int'l, Truly Int'l 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. For example, Truly Int'l confirms, via its website, that it, with its subsidiary Defendant Truly Semiconductors, owns and operates "a service and sales network" that is a "dedicated direct marketing and sales team" composed of Truly employees, major U.S. electronic distributors, and manufacturer sales representatives "positioned throughout the US for on-site assistance." *See Truly Americas,*

<https://www.trulyamerica.com/truly-americas/> (last visited July 24, 2020). Therefore, personal jurisdiction over Truly Int'l would not offend traditional notions of fair play and substantial justice.

14. Upon information and belief, Truly Int'l controls or otherwise directs and authorizes all activities of its subsidiaries and intermediaries, including, but not limited to Defendant Truly Semiconductor, subsidiary Truly USA, and members of its Truly Americas sales and service network. Via at least these subsidiaries and intermediaries, Truly Int'l 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 Truly Products, including such products incorporated into Garmin-branded GPS products.

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

16. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 because, among other things, Truly Int'l 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.).

17. Upon information and belief, Truly Int'l has 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.

18. Upon information and belief, Defendant Truly Semiconductors 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 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. For example, Truly Semiconductors, its parent Truly Int'l, and its subsidiaries manufacture and supply the Truly Products for Garmin-branded GPS devices, for import, distribution, and sale in the U.S. market.

19. This Court has personal jurisdiction over Truly Semiconductors, directly and/or through intermediaries, agents, distributors, importers, customers, subsidiaries, sales representatives, and/or consumers including co-defendant parent Truly Int'l, its U.S.-based, wholly-owned subsidiary Truly USA, and the Truly Americas sales and service network. Through direction and control of this subsidiary and the Truly Americas sales and service network, as agents of Truly Semiconductors, Truly Semiconductors 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. For example, Truly Semiconductors confirms, via its website, that it, with its parent Defendant Truly Int'l, owns and operates “a service and sales network” that is a “dedicated direct marketing and sales team” composed of Truly employees, major US electronic distributors, and manufacturer sales representatives “positioned throughout the US for on-site assistance.” *See Truly Americas*, <https://www.trulyamerica.com/truly-americas/>

(last visited July 24, 2020). Therefore, personal jurisdiction over Truly Semiconductors would not offend traditional notions of fair play and substantial justice.

20. Upon information and belief, Truly Semiconductors controls or otherwise directs and authorizes all activities of its subsidiaries and intermediaries, including, but not limited to Truly Int'l's U.S.-based subsidiary Truly USA, and members of the Truly Americas sales and service network. Via at least these subsidiaries and intermediaries, Truly Semiconductors 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 Truly Products, including such products incorporated into Garmin-branded GPS products.

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

22. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 because, among other things, Truly Semiconductors 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).

23. Upon information and belief, Truly Semiconductors has 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.

24. Upon information and belief, Defendants along with their parents, subsidiaries, and other related companies (i.e., associates, business partners, distributors and customers which have a significant business presence in the U.S.) engaged and continue to engage in a concerted effort



to import, distribute, sell, offer to sell, and use infringing products in the United States, including GPS devices marketed and sold under at least the Garmin brand that incorporate Truly Products. For example, Defendants own and operate a website [www.trulyamericas.com](http://www.trulyamericas.com) specifically targeting U.S. customers. In its Truly Americas network, Defendants identify U.S. distribution partners Arrow Electronics, Inc., Avnet, and Future Electronics. Defendants also identify sales representative firms “throughout North America.” Defendants further provide a catalog of at least some of their TFT-LCD products available for sale and distribution in the U.S. *See TFT & Touch Modules*, TRULY AMERICAS, <http://www.trulyamerica.com/products/tft-modules/> (last visited July 24, 2020). This catalog provides specifications and features for the Truly Products. And, on the Truly Americas website, Defendants provide a contact form to solicit potential U.S. customers and put them into contact with distributors and sales representatives with a significant U.S. business presence. *Id.* Import records further show that at least Defendant Truly Semiconductors imports “Liquid Crystal Display” products manufactured by Defendants directly to Defendants’ U.S.-based customers, such as Methode Electronics, Keytronics EMS, and Future Electronics. *See, e.g., Supply Chain Intelligence about: Truly Semiconductor Ltd.*, PANJIVA, <https://panjiva.com/Truly-Semiconductor-Ltd/59937775> (last visited July 24, 2020). Thus, Defendants, directly and vicariously with its agents, have worked together to manufacture, import, distribute, offer for sale, and sell Truly Products in the U.S., in Texas, and in this judicial district.

25. Defendants further have placed and continue to place into the stream of commerce using established distribution channels infringing products with the intent, purpose, knowledge and understanding that such products are, will be, and continue to be sold, offered for sale, and/or imported into the State of Texas and this judicial district. For example, Defendants and its subsidiaries have, via at least the Truly Americas sales and service network, imported, offered for

sale, advertised, and sold Truly Products incorporated into at least Garmin-branded GPS Products including Truly TDA-WQVGA0500B61630-V2 (incorporated into the Garmin Drive52). Such Truly Products have been and are distributed and sold in retail stores, both brick and mortar and online, 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)).

### **THE ASSERTED PATENTS AND TECHNOLOGY**

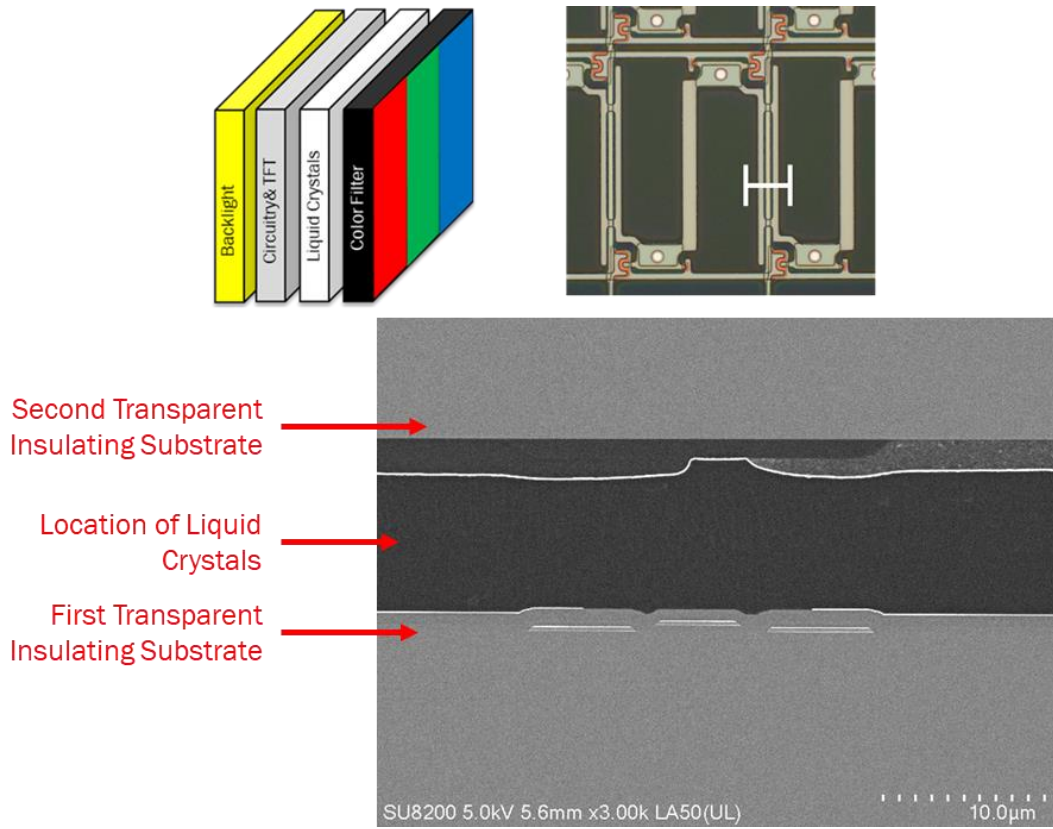
26. Upon information and belief, a significant portion of the operating revenue of Defendants is derived from the “manufacture and sale of liquid crystal display products including touch panel products,” which are imported into the United States, distributed, and ultimately sold to U.S. consumers. *See Truly Int’l 2019 Annual Report, supra*, at p. 172. The Truly Group’s “fifth generation TFT-LCD production plant in Shanwei has been entered into mass production period in the first quarter of 2020” and “this TFT-LCD production plant can contribute to the Group by reducing the cost of TFT-LCD panels for production of LCD modules and touch modules since mass production.” *See Truly Int’l 2019 Annual Report, supra*, at p. 9. In its 2019 Annual Report, Defendant Truly Int’l states that it and its subsidiaries have “made the record high revenue of the Group in 2019, and recorded a double digits revenue growth in 2019 when compared to 2018.” *See Truly Int’l 2019 Annual Report, supra*, at p. 8. Truly Int’l reported over 22.5 billion HK\$ (about 2.9 billion US\$) in sales revenue in 2019 of which of which 65% derived from its LCD products business segment. *See Truly Int’l 2019 Annual Report, supra*, at p. 13. The Truly Group

expects its LCD business to “continue to be the core business of the Group in coming few years.” *See Truly Int’l 2019 Annual Report, supra*, at p. 12. Defendants’ subsidiaries, selling agents, customers, and distributors having a significant U.S. business presence, receive Truly Products incorporated into electronic devices, and distribute and sell those products to consumers in the U.S.

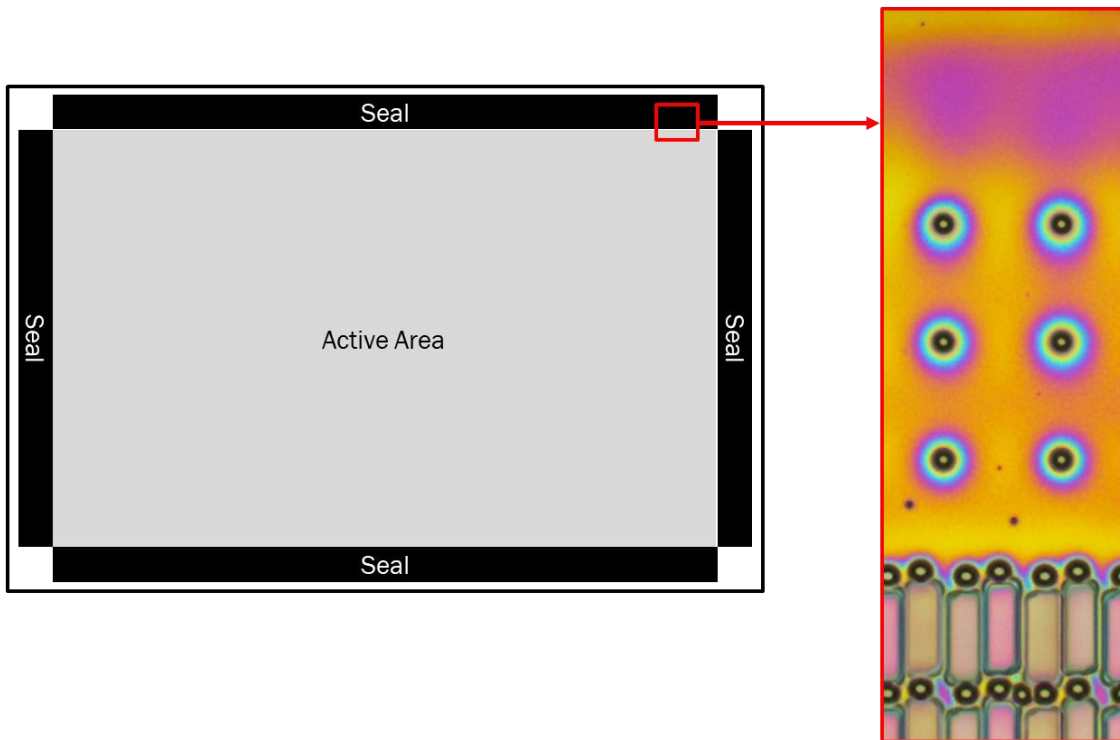
27. The Asserted Patents cover TFT-LCD panels, their components, including infringing TFT-LCD panels made by Defendants and incorporated into at least Garmin-branded products, and processes related to the same (referred to as the “Accused Panels”) for importation, distribution, and sale in the U.S. One example of Defendants’ Accused Panels is Truly TDA-WQVGA0500B61630-V2 (incorporated into the Garmin Drive52). The labels for this product are shown below:



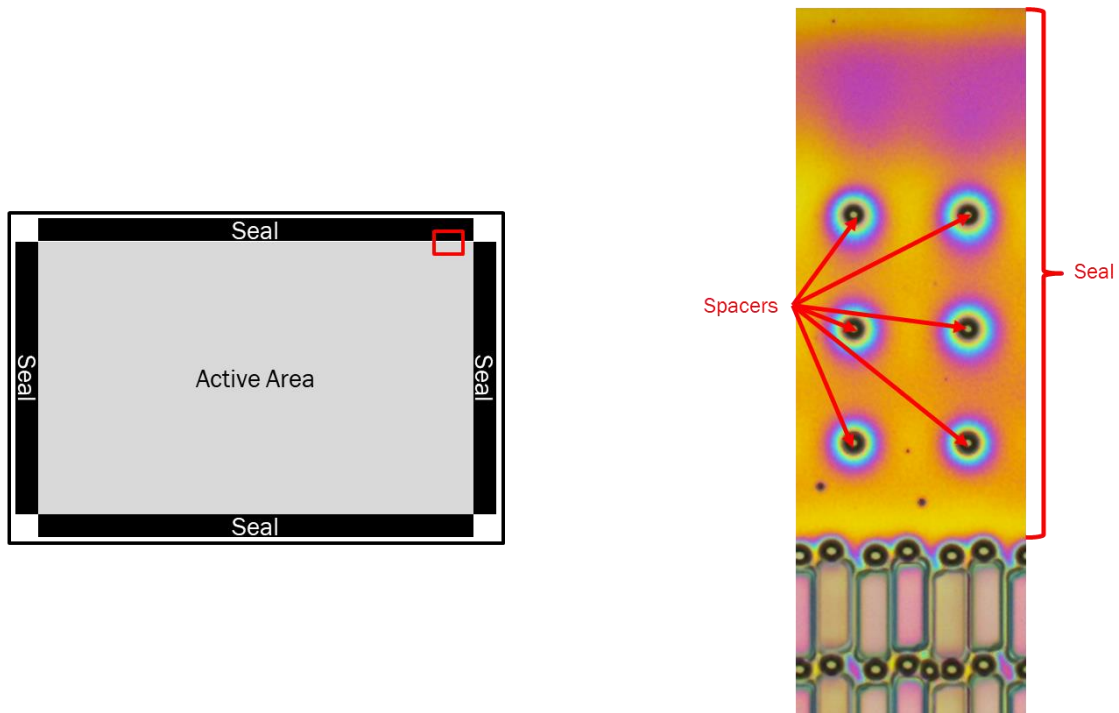
28. Typically, a TFT-LCD has the following structure shown below for the Truly TDA-WQVGA0500B61630-V2, two opposing insulating substrates (a TFT/circuitry layer and a color filter), and liquid crystal in-between:



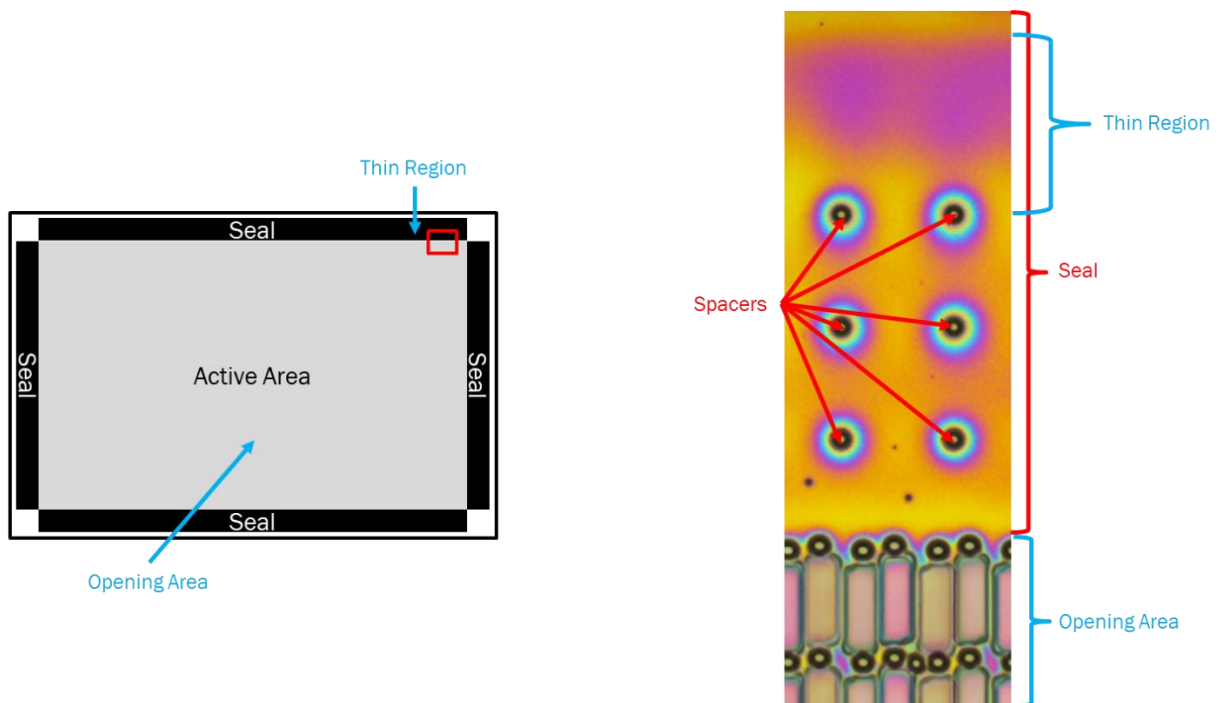
29. As shown below, the Accused Panel has a seal along its periphery.



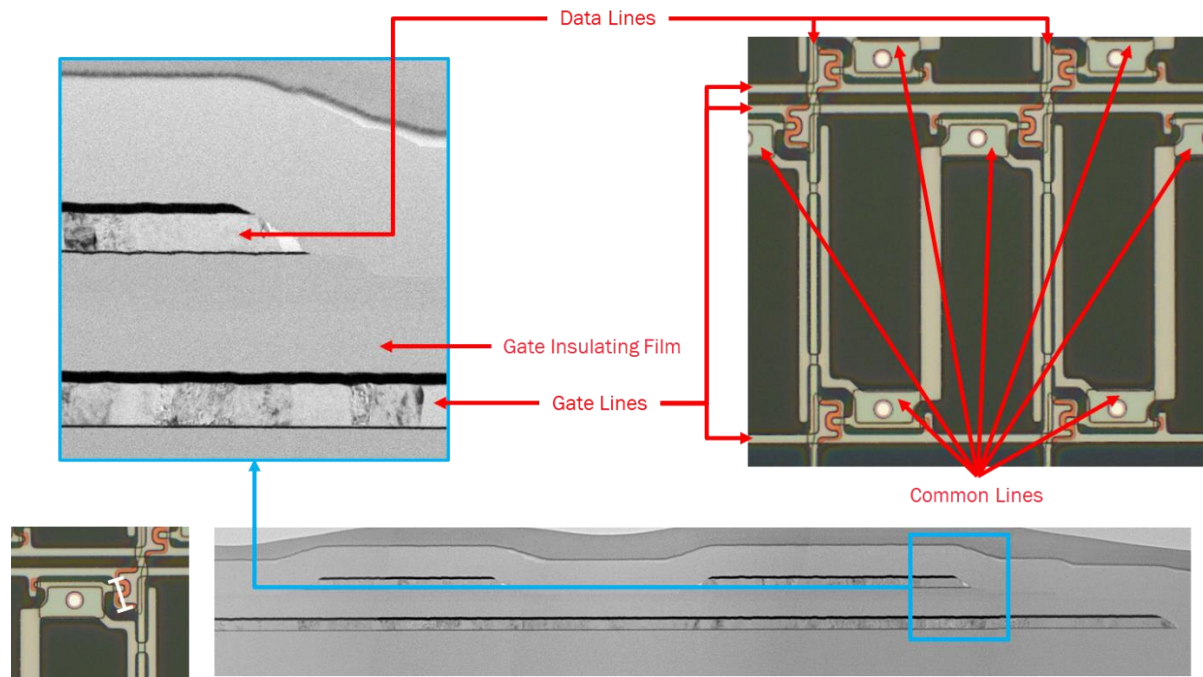
30. The Accused Panel has a spacer in the seal to make a gap between the array substrate and the opposing substrate constant, as shown below.



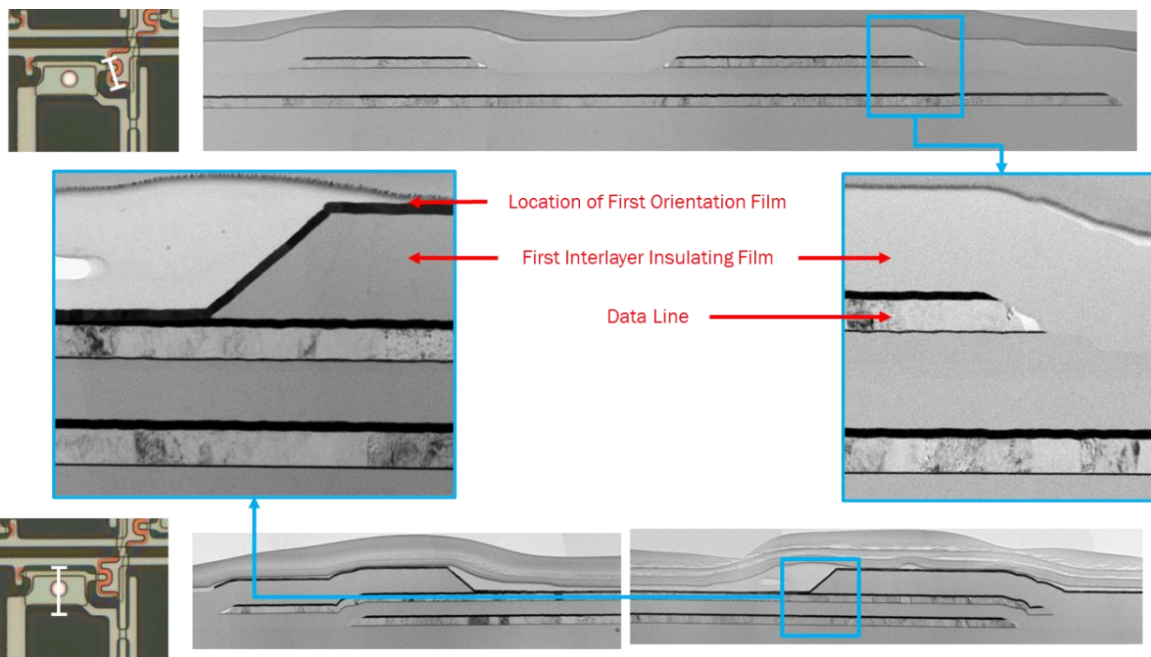
31. The Accused Panel, as shown below, has a leveling layer formed on the switching element array. The leveling layer has an opening area and a thin region at the seal.



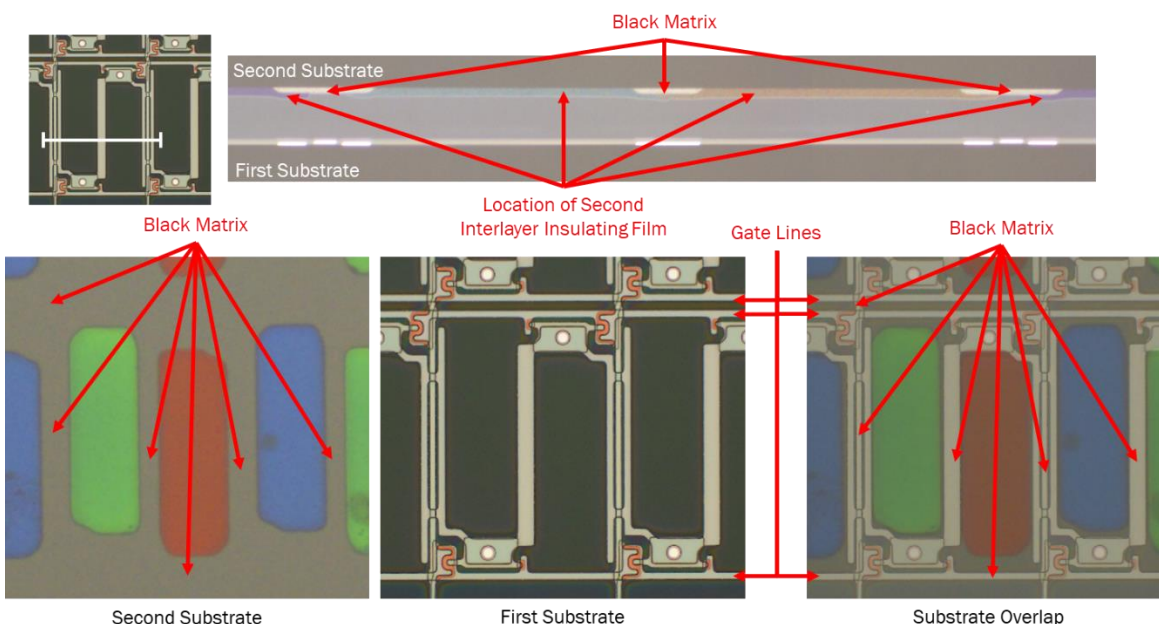
32. The Accused Panels, such as Truly LCD model no. TDA-WQVGA0500B61630-V2, further comprise a first substrate with a gate line, a common line parallel to the gate line, and a data line intersecting the gate line. There is a gate insulating film between the data line and the gate line.



33. The Accused Panel has a first interlayer film coating the data line and a first orientation film coating the first interlayer insulating film, as shown below.

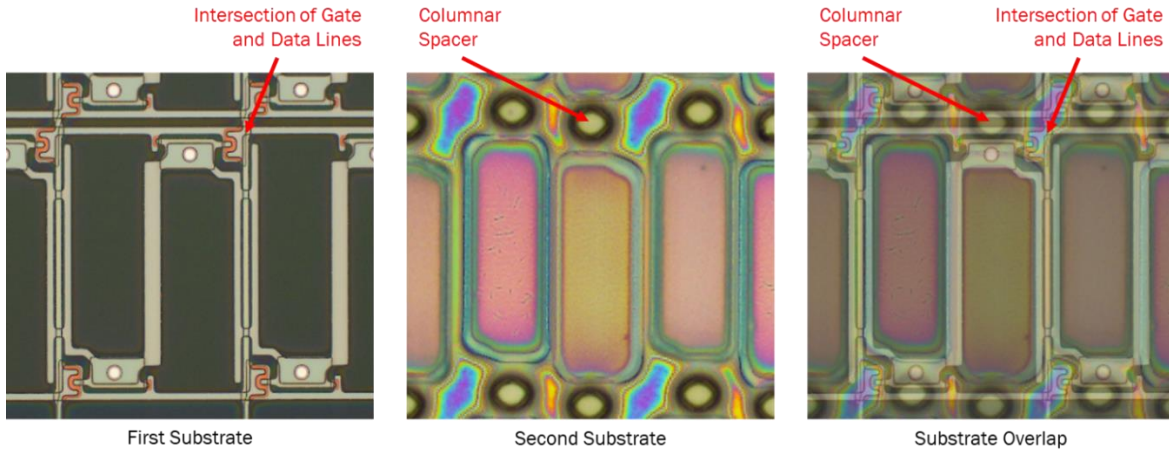


34. As shown below, the Accused Panel has a second substrate with a light shielding film (e.g., black matrix) opposite to a gate line and a second interlayer insulating film coating the light shielding film.

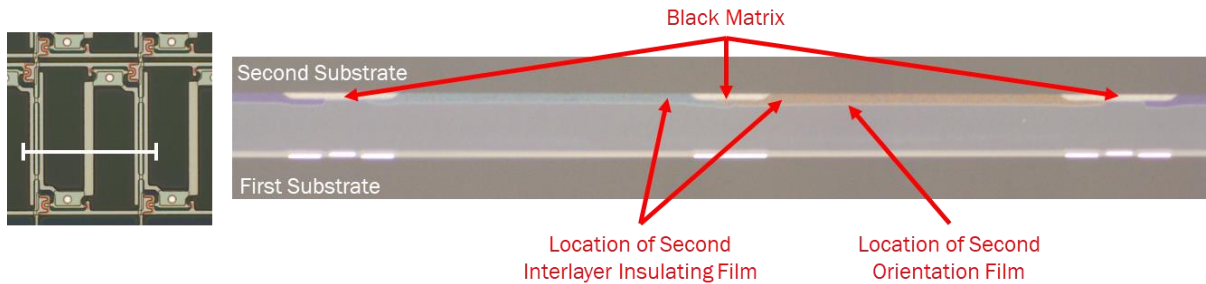


35. As shown below, the Accused Panel has a columnar spacer provided on an insulating film and located above the gate line apart from the intersection of the gate and data lines.

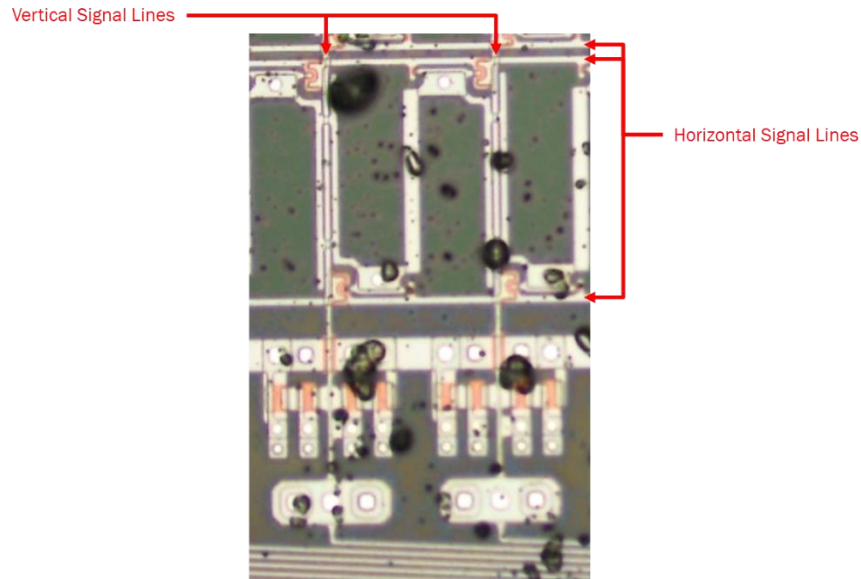




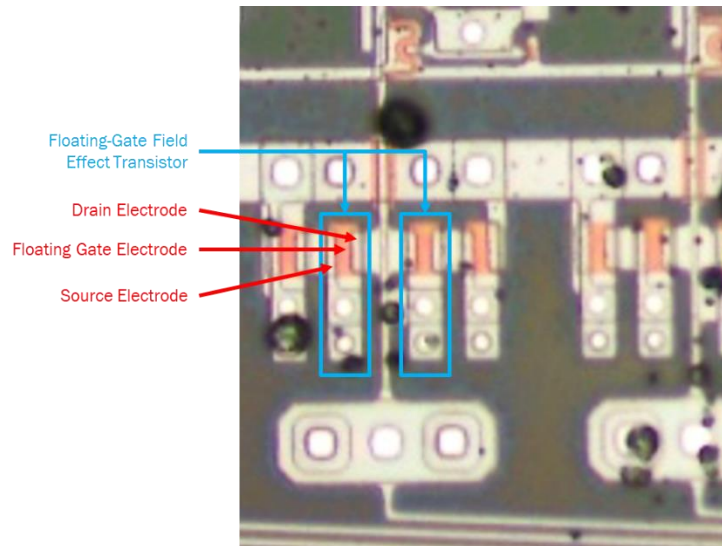
36. The Accused Panel has a second orientation film coating the second insulating film and the columnar spacer.



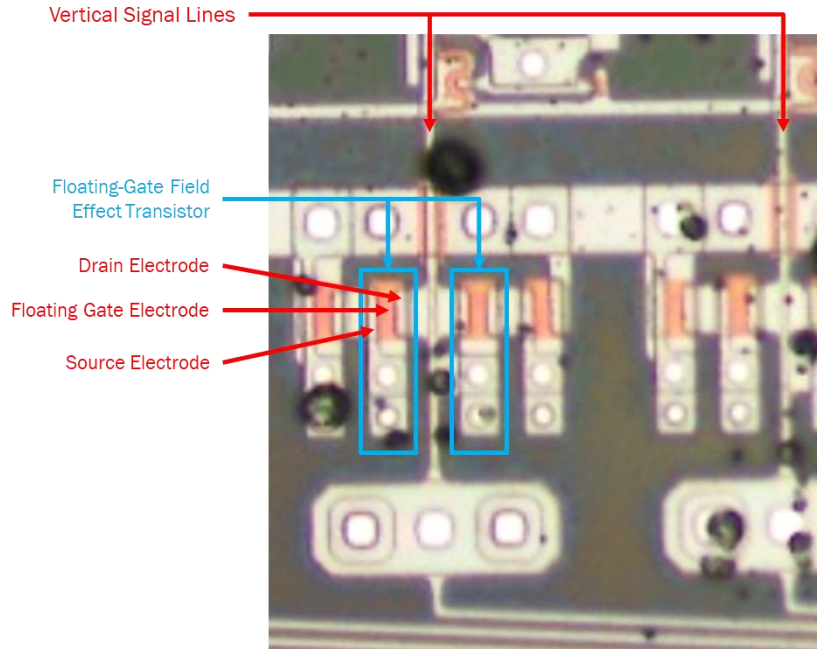
37. The Accused Panels, such as Truly LCD model no. TDA-WQVGA0500B61630-V2, further comprise a surge protection circuit having a plurality of vertical signal lines (e.g., drain bus lines). A plurality of horizontal signal lines (e.g., gate lines) intersect the vertical lines.



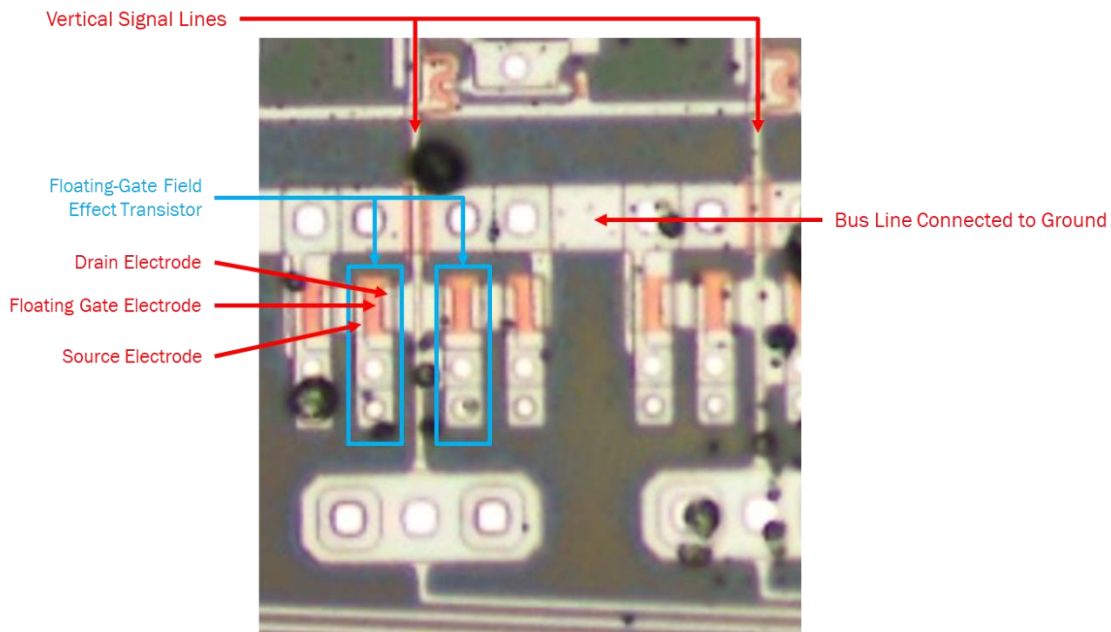
38. The surge protection circuit of the Accused Panel, as shown below, has a plurality of floating-gate field effect transistors, each having a channel capacitance and including a floating gate electrode, a source electrode, and a drain electrode.



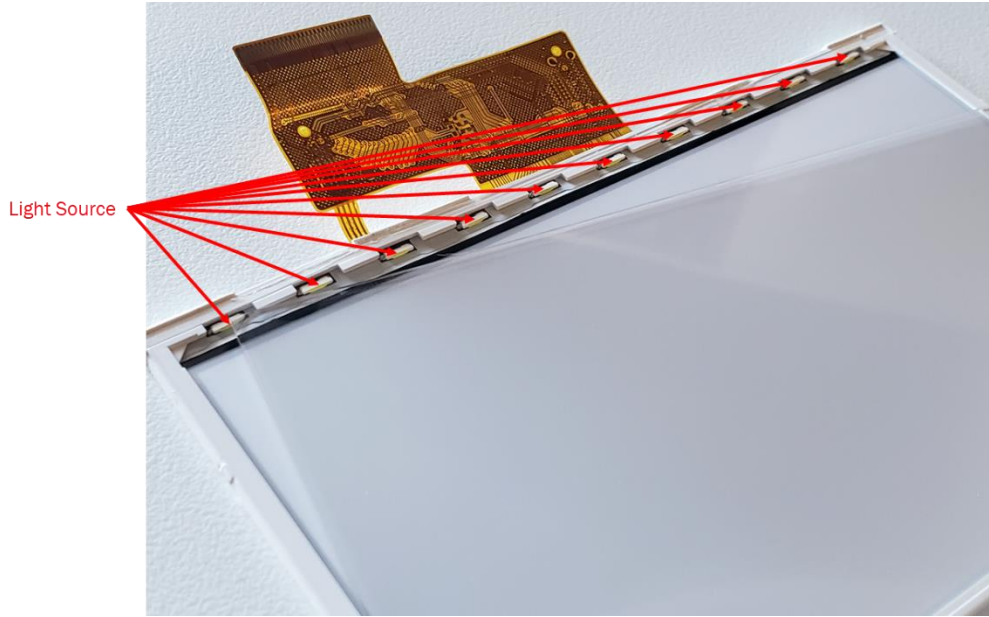
39. As shown below, the source and drain electrodes of the transistors are connected to the vertical signal lines.



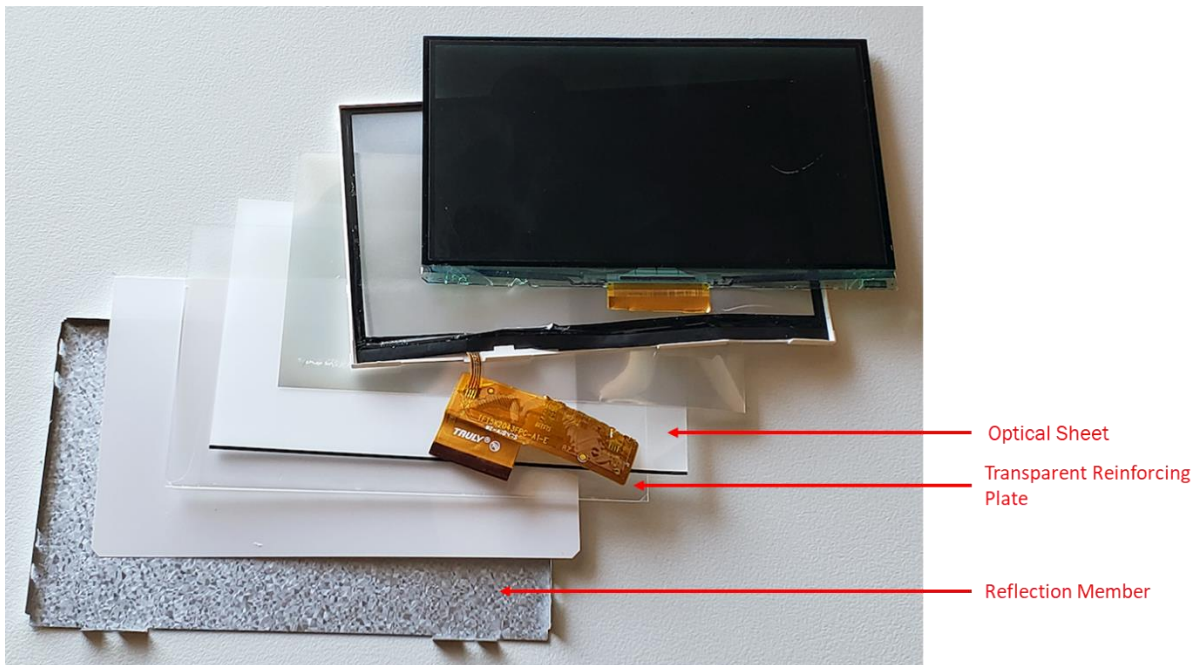
40. The transistors of the Accused Panel shown below respond to surge potentials on the vertical signal lines by turning on and establishing a low-impedance path to ground.



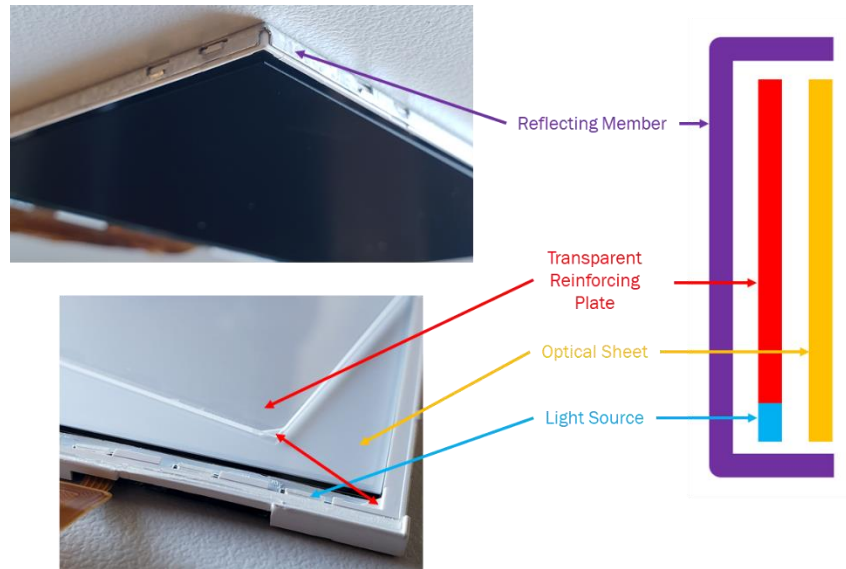
41. The Accused Panels, such as Truly LCD model no. TDA-WQVGA0500B61630-V2, further comprise a backlight unit having a light source (i.e., LEDs).



42. As shown below, the backlight unit has an optical sheet and a reflection member. A transparent reinforcing plate in contact with a major surface of the optical sheet.



43. As shown below, the backlight unit is arranged such that the light source is immediately below the reinforcing plate and between the reflection member and the reinforcing plate.



### **COUNT I**

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

44. Plaintiff incorporates paragraphs 1 through 43 herein by reference.

45. 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.

46. 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.

47. 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.

48. Upon information and belief, Defendants design, manufacture, import, distribute, offer to sell, and sell the Accused Panels in the U.S., including via Defendants' subsidiaries,

distributors, and customers and via its Truly Americas sales and service network. These panels are incorporated into electronic devices such as GPS devices, including such devices distributed and sold in the U.S. under at least the Garmin brand.

49. Defendants directly infringe the '259 patent via 35 U.S.C. § 271(a) by making, offering for sale, selling, and/or importing Accused Panels, their components, and/or products containing same that incorporate the fundamental technologies covered by the '259 patent to, for example, alter egos, agents, intermediaries, distributors, importers, customers, subsidiaries, and/or consumers. Furthermore, upon information and belief, Defendants sell and make Accused Panels outside of the United States, deliver those products to its alter egos, agents, intermediaries, distributors, importers, customers, subsidiaries, and/or consumers in the United States, or in the case that Defendants deliver the Accused Panels outside of the United States, Defendants do so intending and/or knowing that those panels are destined for the United States and/or designing 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 its direct involvement in the activities of Defendants' subsidiaries, partners, and customers on behalf of and for the benefit of Defendants. Such direct infringement includes selling and offering for sale the Accused Panels directly to its U.S. distributors and customers, such as Garmin, and importing the Accused Panels into the United States for its distributors and customers. Upon information and belief, Defendants' U.S.-based subsidiary Truly USA and members of its Truly Americas sales and service network 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. Defendants are vicariously liable for this infringing conduct of Defendants' U.S.-based subsidiary

Truly USA and members of the Truly Americas network (under both the alter ego and agency theories) because, as an example and, upon information and belief, Defendants and its U.S.-based subsidiary and members of the Truly Americas network operate as agents of one another and vicariously as arms of the same business group to work in concert together, including as business partners or in a joint venture, entering into agreements that are nearer than arm's length to conduct business in the United States. Defendants further receive a direct financial benefit from its U.S.-based subsidiary Truly USA's and Truly Americas network members' infringement.

50. For example, Defendants infringe claim 1 of the '259 patent via the Accused Panels such as Truly LCD model no. TDA-WQVGA0500B61630-V2 (incorporated into Garmin 52M). Those Accused Panels include a "liquid crystal display panel 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, those Accused Panels include 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.

51. Defendant further infringes the '259 patent via 35 U.S.C. § 271(g) by selling, offering to sell, and/or importing TFT-LCD 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 TFT-LCD 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.

52. 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 April 9, 2020 when Defendants were provided access to a data room containing claim charts, including for the '259 patent.

53. 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. 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. 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, 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. For example, Defendants Truly Int'l and Truly Semiconductors



operate in the U.S. “a service and sales network” referred to by Defendants as “Truly Americas,” which includes operation of a website of the same name that provides a contact form and catalog for soliciting U.S. customers. *See Truly Americas*, <https://www.trulyamerica.com/truly-americas/> (last visited July 24, 2020). Truly Americas provides a “dedicated direct marketing and sales team (Truly employees), Three major US Electronic Distributors, and Manufacturer Sales Representatives positioned throughout the US for on-site assistance.” *Id.*

54. 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 their 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.

55. 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 II**

(INFRINGEMENT OF U.S. PATENT NO. 7,046,327)

56. Plaintiff incorporates paragraphs 1 through 55 herein by reference.

57. VPV is the assignee of the '327 patent, entitled “Liquid crystal display device including columnar spacer above gate line,” with ownership of all substantial rights in the '327

patent, including the right to exclude others and to enforce, sue, and recover damages for past and future infringements.

58. The '327 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code. The '327 patent issued from U.S. Patent Application No. 10/833,318.

59. Defendants have and continue to directly and/or indirectly infringe (by inducing infringement) one or more claims of the '327 patent in this judicial district and elsewhere in Texas and the United States.

60. Upon information and belief, Defendants design, manufacture, import, distribute, offer to sell, and sell the Accused Panels in the U.S., including via Defendants' subsidiaries, distributors, and customers and via its Truly Americas sales and service network. These panels are incorporated into electronic devices such as GPS devices, including such devices distributed and sold in the U.S. under at least the Garmin brand.

61. Defendants directly infringe the '327 patent via 35 U.S.C. § 271(a) by making, offering for sale, selling, and/or importing Accused Panels, their components, and/or products containing same that incorporate the fundamental technologies covered by the '327 patent to, for example, alter egos, agents, intermediaries, distributors, importers, customers, subsidiaries, and/or consumers. Furthermore, upon information and belief, Defendants sell and make Accused Panels outside of the United States, deliver those products to its alter egos, agents, intermediaries, distributors, importers, customers, subsidiaries, and/or consumers in the United States, or in the case that Defendants deliver the Accused Panels outside of the United States, Defendants do so intending and/or knowing that those panels are destined for the United States and/or designing those products for sale in the United States, thereby directly infringing the '327 patent. *See, e.g.,*

*Lake Cherokee Hard Drive Techs.*, 964 F. Supp. 2d at 658. Furthermore, Defendants directly infringe the '327 patent through its direct involvement in the activities of Defendants' subsidiaries, partners, and customers on behalf of and for the benefit of Defendants. Such direct infringement includes selling and offering for sale the Accused Panels directly to its U.S. distributors and customers, such as Garmin and importing the Accused Panels into the United States for its distributors and customers. Upon information and belief, Defendants' U.S.-based subsidiary Truly USA and members of its Truly Americas sales and service network conduct activities that constitute direct infringement of the '327 patent under 35 U.S.C. § 271(a) by making, offering for sale, selling, and/or importing those Accused Panels. Defendants are vicariously liable for this infringing conduct of Defendants' U.S.-based subsidiary Truly USA and members of the Truly Americas network (under both the alter ego and agency theories) because, as an example and, upon information and belief, Defendants and its U.S.-based subsidiary and members of the Truly Americas network operate as agents of one another and vicariously as arms of the same business group to work in concert together, including as business partners or in a joint venture, entering into agreements that are nearer than arm's length to conduct business in the United States. Defendants further receive a direct financial benefit from its U.S.-based subsidiary Truly USA's and Truly Americas network members' infringement.

62. For example, Defendants infringe claim 1 of the '327 patent via the Accused Panels such as Truly LCD model no. TDA-WQVGA0500B61630-V2 (incorporated into Garmin 52M). Those Accused Panels include a "liquid crystal display device including" 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, those Accused Panels include a first substrate, a second substrate, and a liquid crystal layer sandwiched between the first

and second substrates, the device comprising, on the first substrate: a gate line; a common line parallel to the gate line; a data line intersecting the gate line while sandwiching a gate insulating film on the gate line therebetween; a first interlayer insulating film coating the data line; and a first orientation film coating the first interlayer insulating film, and the device comprising, on the second substrate: a light shielding film opposite to the gate line; a second interlayer insulating film coating the light shielding film; a columnar spacer located above the gate line apart from an intersection of the gate line and the data line and provided on the second interlayer insulating film; and a second orientation film coating the second interlayer insulating film and the columnar spacer, wherein a center of a top of the columnar spacer is shifted from above a widthwise center of the gate line toward above the common line, and the top of the columnar spacer partially overruns from above the gate line toward above the common line when viewed from the above, the top being directed to the first substrate.

63. At a minimum, Defendants have known of the '327 patent at least as early as the filing date of the complaint. In addition, Defendants have known of the '327 patent since April 9, 2020 when Defendants were provided access to a data room containing claim charts, including for the '327 patent.

64. 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 '327 patent to directly infringe one or more claims of the '327 patent by using, offering for sale, selling, and/or importing the Accused Panels. 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 '327 patent. 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, 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. For example, Defendants Truly Int'l and Truly Semiconductors operate in the U.S. "a service and sales network" referred to by Defendants as "Truly Americas," which includes operation of a website of the same name that provides a contact form and catalog for soliciting U.S. customers. *See Truly Americas*, <https://www.trulyamerica.com/truly-americas/> (last visited July 24, 2020). Truly Americas provides a "dedicated direct marketing and sales team (Truly employees), Three major US Electronic Distributors, and Manufacturer Sales Representatives positioned throughout the US for on-site assistance." *Id.*

65. Upon information and belief, despite having knowledge of the '327 patent and knowledge that it is directly and/or indirectly infringing one or more claims of the '327 patent, Defendants have nevertheless continued their infringing conduct and disregarded an objectively high likelihood of infringement. Defendants' infringing activities relative to the '327 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.

66. 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. 6,812,528)

67. Plaintiff incorporates paragraphs 1 through 66 herein by reference.

68. VPV is the assignee of the '528 patent, entitled "Surge protection circuit for semiconductor devices," with ownership of all substantial rights in the '528 patent, including the right to exclude others and to enforce, sue, and recover damages for past and future infringements.

69. The '528 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code. The '528 patent issued from U.S. Patent Application No. 09/874,296.

70. Defendants have and continue to directly and/or indirectly infringe (by inducing infringement) one or more claims of the '528 patent in this judicial district and elsewhere in Texas and the United States.

71. Upon information and belief, Defendants design, manufacture, import, distribute, offer to sell, and sell the Accused Panels in the U.S., including via Defendants' subsidiaries, distributors, and customers and via its Truly Americas sales and service network. These panels are incorporated into electronic devices such as GPS devices, including such devices distributed and sold in the U.S. under at least the Garmin brand.

72. Defendants directly infringe the '528 patent via 35 U.S.C. § 271(a) by making, offering for sale, selling, and/or importing Accused Panels, their components, and/or products

containing same that incorporate the fundamental technologies covered by the '528 patent to, for example, alter egos, agents, intermediaries, distributors, importers, customers, subsidiaries, and/or consumers. Furthermore, upon information and belief, Defendants sell and make Accused Panels outside of the United States, deliver those products to its alter egos, agents, intermediaries, distributors, importers, customers, subsidiaries, and/or consumers in the United States, or in the case that Defendants deliver the Accused Panels outside of the United States, Defendants do so intending and/or knowing that those panels are destined for the United States and/or designing those products for sale in the United States, thereby directly infringing the '528 patent. *See, e.g., Lake Cherokee Hard Drive Techs.*, 964 F. Supp. 2d at 658. Furthermore, Defendants directly infringe the '528 patent through its direct involvement in the activities of Defendants' subsidiaries, partners, and customers on behalf of and for the benefit of Defendants. Such direct infringement includes selling and offering for sale the Accused Panels directly to its U.S. distributors and customers, such as Garmin and importing the Accused Panels into the United States for its distributors and customers. Upon information and belief, Defendants' U.S.-based subsidiary Truly USA and members of its Truly Americas sales and service network conduct activities that constitute direct infringement of the '528 patent under 35 U.S.C. § 271(a) by making, offering for sale, selling, and/or importing those Accused Panels. Defendants are vicariously liable for this infringing conduct of Defendants' U.S.-based subsidiary Truly USA and members of the Truly Americas network (under both the alter ego and agency theories) because, as an example and, upon information and belief, Defendants and its U.S.-based subsidiary and members of the Truly Americas network operate as agents of one another and vicariously as arms of the same business group to work in concert together, including as business partners or in a joint venture, entering into agreements that are nearer than arm's length to conduct business in the United States. Defendants

further receive a direct financial benefit from its U.S.-based subsidiary Truly USA's and Truly Americas network members' infringement.

73. For example, Defendants infringe claim 23 of the '528 patent via the Accused Panels such as Truly LCD model no. TDA-WQVGA0500B61630-V2 (incorporated into Garmin 52M). The technology discussion above and the example accused TFT-LCD panels provide context for Plaintiff's allegations that each of those limitations are met. Those Accused Panels include a "surge protection circuit for a semiconductor display panel, comprising" each of the limitations of claim 23. The technology discussion above and the example Accused Panel provide context for Plaintiff's allegations that each of those limitations are met. For example, those Accused Panels include a plurality of vertical signal lines; a plurality of horizontal signal lines intersecting said vertical signal lines; and a plurality of floating-gate field effect transistors, each having a channel capacitance and including a floating gate electrode, a source electrode and a drain electrode, said source and drain electrodes of each of said transistors being respectively connected to said vertical signal lines, each of said transistors being responsive to the respective vertical signal line being subjected to a surge potential for developing a voltage on said channel capacitance sufficient to turn on said floating-gate field effect transistor and establish a low-impedance path to ground.

74. At a minimum, Defendants have known of the '528 patent at least as early as the filing date of the complaint. In addition, Defendants have known of the '528 patent since April 9, 2020 when Defendants were provided access to a data room containing claim charts, including for the '528 patent.

75. 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 '528 patent to directly infringe one or more claims of the '528 patent by using, offering for sale, selling, and/or importing the Accused Panels. 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 '528 patent. 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, 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. For example, Defendants Truly Int'l and Truly Semiconductors operate in the U.S. "a service and sales network" referred to by Defendants as "Truly Americas," which includes operation of a website of the same name that provides a contact form and catalog for soliciting U.S. customers. *See Truly Americas*, <https://www.trulyamerica.com/truly-americas/> (last visited July 24, 2020). Truly Americas provides a "dedicated direct marketing and sales team (Truly employees), Three major US Electronic Distributors, and Manufacturer Sales Representatives positioned throughout the US for on-site assistance." *Id.*

76. Upon information and belief, despite having knowledge of the '528 patent and knowledge that it is directly and/or indirectly infringing one or more claims of the '528 patent, Defendants have nevertheless continued their infringing conduct and disregarded an objectively

high likelihood of infringement. Defendants' infringing activities relative to the '528 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.

77. 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. 6,513,943)

78. Plaintiff incorporates paragraphs 1 through 77 herein by reference.

79. VPV is the assignee of the '943 patent, entitled "Backlight unit and display device using the same backlight unit," with ownership of all substantial rights in the '943 patent, including the right to exclude others and to enforce, sue, and recover damages for past and future infringements.

80. The '943 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code. The '943 patent issued from U.S. Patent Application No. 09/810,542.

81. Defendants have and continue to directly and/or indirectly infringe (by inducing infringement) one or more claims of the '943 patent in this judicial district and elsewhere in Texas and the United States.

82. Upon information and belief, Defendants design, manufacture, import, distribute, offer to sell, and sell the Accused Panels in the U.S., including via Defendants' subsidiaries, distributors, and customers and via its Truly Americas sales and service network. These panels are incorporated into electronic devices such as GPS devices, including such devices distributed and sold in the U.S. under at least the Garmin brand.

83. Defendants directly infringe the '943 patent via 35 U.S.C. § 271(a) by making, offering for sale, selling, and/or importing Accused Panels, their components, and/or products containing same that incorporate the fundamental technologies covered by the '943 patent to, for example, alter egos, agents, intermediaries, distributors, importers, customers, subsidiaries, and/or consumers. Furthermore, upon information and belief, Defendants sell and make Accused Panels outside of the United States, deliver those products to its alter egos, agents, intermediaries, distributors, importers, customers, subsidiaries, and/or consumers in the United States, or in the case that Defendants deliver the Accused Panels outside of the United States, Defendants do so intending and/or knowing that those panels are destined for the United States and/or designing those products for sale in the United States, thereby directly infringing the '943 patent. *See, e.g., Lake Cherokee Hard Drive Techs.*, 964 F. Supp. 2d at 658. Furthermore, Defendants directly infringe the '943 patent through its direct involvement in the activities of Defendants' subsidiaries, partners, and customers on behalf of and for the benefit of Defendants. Such direct infringement includes selling and offering for sale the Accused Panels directly to its U.S. distributors and customers, such as Garmin and importing the Accused Panels into the United States for its distributors and customers. Upon information and belief, Defendants' U.S.-based subsidiary Truly USA and members of its Truly Americas sales and service network conduct activities that constitute direct infringement of the '943 patent under 35 U.S.C. § 271(a) by making, offering for

sale, selling, and/or importing those Accused Panels. Defendants are vicariously liable for this infringing conduct of Defendants' U.S.-based subsidiary Truly USA and members of the Truly Americas network (under both the alter ego and agency theories) because, as an example and, upon information and belief, Defendants and its U.S.-based subsidiary and members of the Truly Americas network operate as agents of one another and vicariously as arms of the same business group to work in concert together, including as business partners or in a joint venture, entering into agreements that are nearer than arm's length to conduct business in the United States. Defendants further receive a direct financial benefit from its U.S.-based subsidiary Truly USA's and Truly Americas network members' infringement.

84. For example, Defendants infringe claim 1 of the '943 patent via the Accused Panels such as Truly LCD model no. TDA-WQVGA0500B61630-V2 (incorporated into Garmin 52M). Those Accused Panels include a "backlight unit, 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 Panels include a light source; an optical sheet for transmitting light from said light source and giving an optical change to the light; a transparent reinforcing plate in intimate contact with a major surface of said optical sheet; and a reflection member for reflecting the light emitted from said light source to said transparent reinforcing plate such that the light from said light source passed through said transparent reinforcing plate passes through said optical sheet, wherein said light source is arranged immediately below said reinforcing place and between said reflecting member and said reinforcing plate.

85. At a minimum, Defendants have known of the '943 patent at least as early as the filing date of the complaint. In addition, Defendants have known of the '943 patent since April 9,

2020 when Defendants were provided access to a data room containing claim charts, including for the '943 patent.

86. 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 '943 patent to directly infringe one or more claims of the '943 patent by using, offering for sale, selling, and/or importing the Accused Panels. 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 '943 patent. 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, 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. For example, Defendants Truly Int'l and Truly Semiconductors operate in the U.S. "a service and sales network" referred to by Defendants as "Truly Americas," which includes operation of a website of the same name that provides a contact form and catalog for soliciting U.S. customers. *See Truly Americas*, <https://www.trulyamerica.com/truly-americas/> (last visited July 24, 2020). Truly Americas provides a "dedicated direct marketing and sales team (Truly employees), Three major US

Electronic Distributors, and Manufacturer Sales Representatives positioned throughout the US for on-site assistance.” *Id.*

87. Upon information and belief, despite having knowledge of the '943 patent and knowledge that it is directly and/or indirectly infringing one or more claims of the '943 patent, Defendants have nevertheless continued their infringing conduct and disregarded an objectively high likelihood of infringement. Defendants' infringing activities relative to the '943 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.

88. 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.

### **INJUNCTIVE RELIEF**

89. Plaintiff seeks preliminary and permanent injunctions as a result of Defendants' infringement of the Asserted Patents. Plaintiff is likely to succeed in showing that Defendants infringe the Asserted Patents. Because of that infringement, Plaintiff has suffered an irreparable injury, and the remedies available at law, such as monetary damages, are inadequate to compensate for that injury. For example, if Plaintiff must enforce a judgment against Defendants in China, Plaintiff will face a historically challenging burden in persuading a Chinese court to enforce a judgment from a U.S. court, likely preventing Plaintiff from obtaining any monetary damages from Defendants. Considering the balance of hardships between the Plaintiff and

Defendants, a remedy in equity is warranted; and the public interest would not be disserved by a permanent or preliminary injunction.

### **CONCLUSION**

90. Plaintiff VPV 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.

91. 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**

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

### **PRAYER FOR RELIEF**

93. Plaintiff VPV respectfully requests that the Court find in its favor and against Defendants, 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 preliminary and permanent injunction against Defendants, their subsidiaries, or anyone acting on its behalf from making, using, selling, offering to sell, or importing any products that infringe the Asserted Patents, and any other injunctive relief the Court deems just and equitable;

- D. 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;
- E. A judgment and order requiring Defendants to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- F. 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
- G. Such other and further relief as the Court deems just and equitable.

Dated: August 5, 2020

Respectfully submitted,

/s/Patrick J. Conroy  
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