

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

**BISHOP DISPLAY TECH LLC,**

**Plaintiff,**

**v.**

**SAMSUNG ELECTRONICS CO., LTD.;**  
**SAMSUNG ELECTRONICS AMERICA,**  
**INC.; and SAMSUNG DISPLAY CO., LTD.,**  
**A KOREAN CORPORATION**

**Defendants.**

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§ **C.A. No. 2:21-cv-00136**  
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§ **JURY TRIAL DEMANDED**  
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**PLAINTIFF’S AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Bishop Display Tech LLC (“Bishop” or “Plaintiff”) files this Amended Complaint against Defendants Samsung Electronics Co., Ltd. (“SEC”), Samsung Electronics America, Inc. (“SEA”), and Samsung Display Co., Ltd. (“SDC”) (collectively “Samsung” or “Defendants”) for infringement of U.S. Patent No. 6,525,798 (the “798 patent”), U.S. Patent No. 6,787,829 (the “829 patent”), U.S. Patent No. 6,801,293 (the “293 patent”), U.S. Patent No. 6,816,208 (the “208 patent”), U.S. Patent No. 6,850,303 (the “303 patent”) U.S. Patent No. 6,906,769 (the “769 patent”), and U.S. Patent No. 7,414,682 (the “682 patent”) (collectively, the “Asserted Patents”).

**THE PARTIES**

1. Plaintiff is a Texas limited liability company with its principal place of business in the Eastern District of Texas.

2. On information and belief, SEC is a company organized and existing under the laws of the Republic of Korea with its principal place of business located at 129 Samsung-Ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, 443-742 in the Republic of Korea. SEC may be served at least by process under the Hague Convention.

3. On information and belief, SEA does business in the State of Texas and in the Eastern District of Texas, is a New York corporation with its principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660 and is a wholly-owned subsidiary of SEC. SEA has a business location in this District at 6625 Excellence Way, Plano, TX. 75023. SEA may be served in Texas at least via its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

4. On information and belief, SDC is a Korean corporation, and wholly-owned subsidiary of SEC, with its principal place of business located at 1, Samsung-ro, Giheung-gu, Yongin-si, Gyeonggi-Do, in the Republic of Korea.

5. Defendant SDC makes and supplies displays incorporated into the accused products. Defendants SEC and SEA make and supply the accused products.

6. Upon information and belief, SEC, SDC, and SEA, along with other foreign and U.S.-based subsidiaries (which act as part of a global network of overseas sales and manufacturing subsidiaries on behalf of SEC) have operated as agents of one another and vicariously as parts of the same business group to work in concert together and enter into agreements that are nearer than arm's length. For example, SEC (and SDC), alone and via at least SEA's activities, conducts business in the United States, including importing, distributing, and selling the accused display products that incorporate devices, systems, and processes that infringe the Asserted Patents in Texas and this judicial district. *See Trois v. Apple Tree Auction Center, Inc.*, 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.”).

7. Through offers to sell, sales, imports, distributions, and other related agreements to transfer ownership of SEC accused display products with distributors and customers operating in and maintaining a significant business presence in the U.S. and/or its U.S. subsidiary SEA, SEC and SDC do business in the U.S., the state of Texas, and in the Eastern District of Texas.

### **JURISDICTION AND VENUE**

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

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

10. With respect to SEC, venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c). SEC and SDC are foreign entities and may be sued in any judicial district under 28 U.S.C. § 1391(c)(3).

11. With respect to SEA, venue is proper in this District under 28 U.S.C. § 1400(b). On information and belief, SEA has committed acts of infringement in the District and/or has induced acts of patent infringement by others in this District and has a regular and established place of business within the District. For example, Samsung has offices at 6625 Excellence Way, Plano, TX. 75023.

12. On information and belief, each Defendant 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 judicial district, including: (A) performing at least part of its infringing activities alleged herein; and (B) regularly doing or soliciting business,

engaging in other persistent conduct, and/or deriving substantial revenue from goods sold and services provided to Texas residents. Defendants have placed and continue to place infringing products, such as televisions, displays, monitors, and other display devices, into the stream of commerce via an established distribution channel with the knowledge and/or intent that those products were sold and continue to be sold in the United States and Texas, including in this District.

13. On information and belief, Defendants have significant ties to, and presence in, the State of Texas and the Eastern District of Texas, making venue in this judicial district both proper and convenient for this action. For Defendants SDC and SEC, venue is proper as to a foreign defendant in any district. Defendant SEA has regular and established places of business in this district at: 1301 East Lookout Drive, Richardson, Texas 75080; and 6635 Declaration Drive, Plano, TX 75023.

**COUNT I**  
**(Infringement of U.S. Patent No. 6,525,798)**

14. Plaintiff incorporates paragraphs 1 through 13 herein by reference.

15. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

16. Plaintiff is the owner of the '798 patent with all substantial rights to the '798 patent including the exclusive right to enforce, sue, and recover damages for past infringement.

17. The '798 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

**DIRECT INFRINGEMENT (35 U.S.C. §271(a))**

18. Defendants infringed literally, and/or under the Doctrine of Equivalents, one or more claims of the '798 patent in this judicial district and elsewhere in Texas and the United States.

19. On information and belief, Defendants, either by themselves (individually and/or in concert) and/or via an agent, infringed literally, and/or under the Doctrine of Equivalents, at least claim 1 of the '798 patent by, among other things, making, using, selling, offering for sale, and/or importing products, such as televisions and mobile phones, that satisfy the limitations of claim 1. Further, SEC is vicariously liable for this infringing conduct of SDC and/or SEA, as well as other related Samsung entities, and affiliates, (under both the alter ego and agency theories) because, as an example and upon information and belief, SEC, SDC, and SEA are essentially the same company, and SEC has the right and ability to control SDC's and SEA's infringing acts and receives a direct financial benefit from SEA's and SDC's infringement.

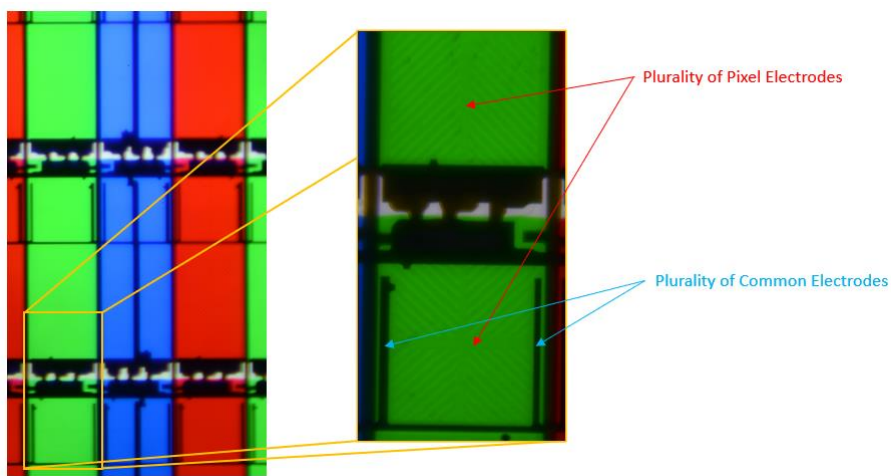
20. The products accused of infringing the '798 patent comprise a liquid crystal display unit. For example, the QN55 includes an LCD display and LCM label.



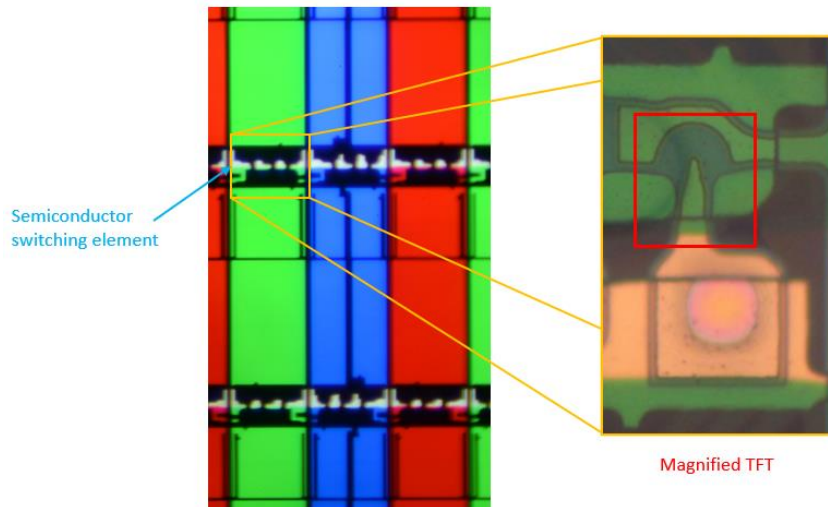
21. The products accused of infringing the '798 patent comprise a plurality of pixels each including a plurality of common electrodes, a plurality of pixel electrodes, and a semiconductor switching element. The inner surface of the substrate of the display of the products accused of infringing the '798 patent includes a plurality of pixels. For example, an examination of the QN55 television demonstrates this:



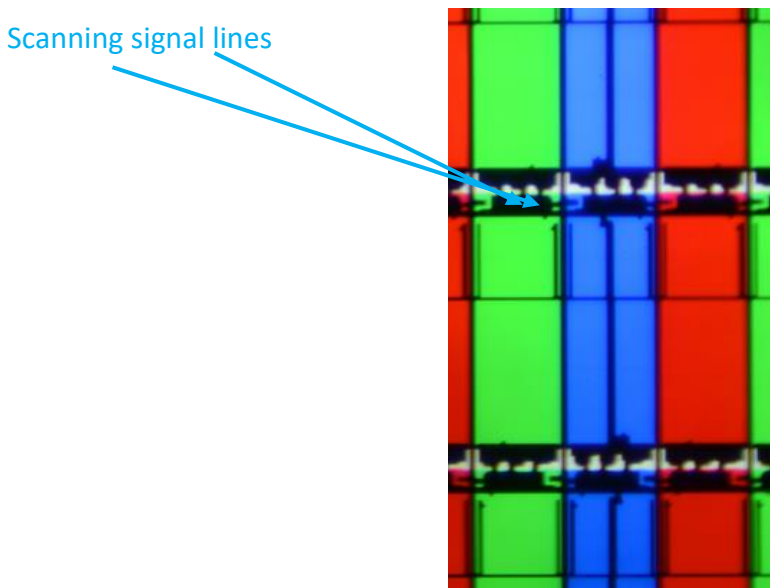
22. The products accused of infringing the '798 patent include a plurality of common electrodes and a plurality of pixel electrodes. For example, an examination of the QN55 television demonstrates this:



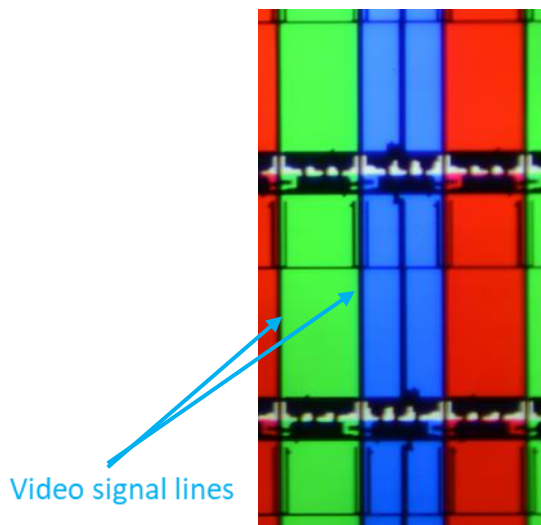
23. The products accused of infringing the '798 patent further include a semiconductor switching element. For example, an examination of the QN55 television demonstrates this:



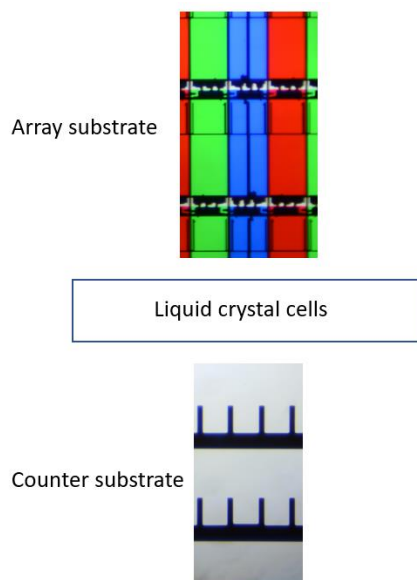
24. The products accused of infringing the '798 patent comprise a plurality of scanning signal lines. For example, an examination of the QN55 television demonstrates this:



25. The products accused of infringing the '798 patent comprise a plurality of video signal lines for outputting signals to the pixel electrodes. For example, an examination of the QN55 television demonstrates this:



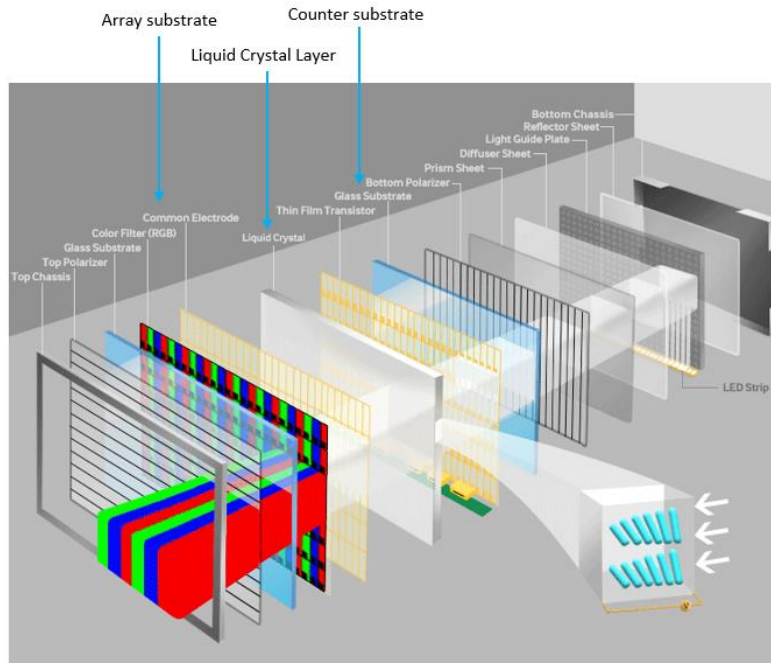
26. The products accused of infringing the '798 patent comprise an array substrate having the pixels, the scanning signal lines, and the video signal lines arranged on a surface thereof. For example, within a QN55 television the display includes an array substrate, a liquid crystal cell layer, and a counter substrate:



27. The products accused of infringing the '798 patent comprise a counter substrate arranged opposite the array substrate. For example, as shown above within a QN55 television the counter substrate is opposite the array substrate.



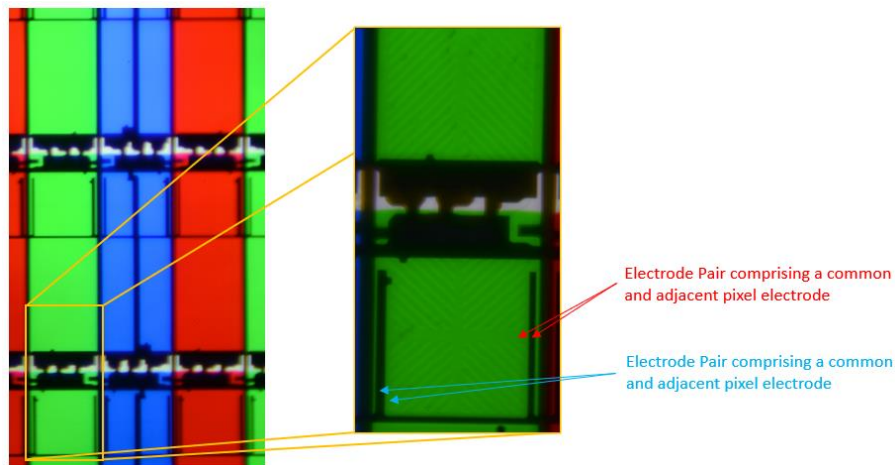
28. The products accused of infringing the '798 patent comprise a liquid crystal layer sandwiched between the array substrate and the counter substrate. For example, as shown above, and below, within a QN55 television the liquid crystal layer is between the array and counter substrates. The products accused of infringing the '798 patent each include an LCD display that is sandwiched between the array and counter substrates.



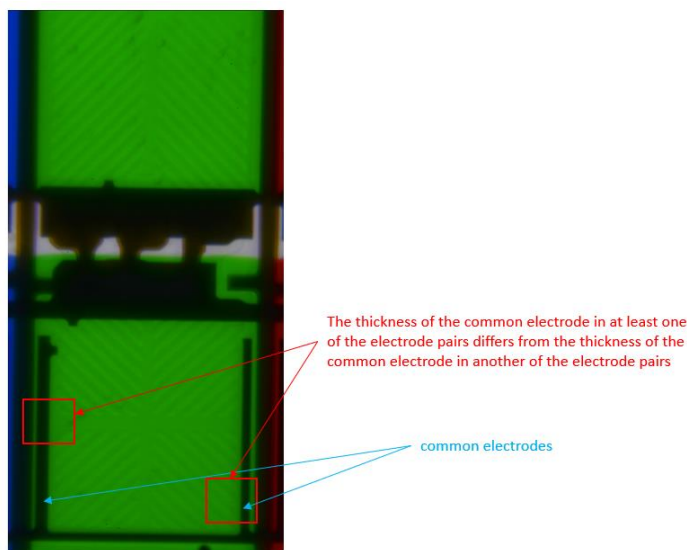
Source: <https://pid.samsungdisplay.com/en/learning-center/blog/lcd-structure>.<sup>1</sup>

29. Each of the pixels in the products accused of infringing the '798 patent includes a plurality of electrode pairs, each electrode pair comprising one of the common electrodes and an adjacent one of the pixel electrodes. For example, an examination of the QN55 television demonstrates this:

<sup>1</sup> The LCD structure for Samsung's displays is illustrative, as detailed throughout this Complaint; the particular details of each Samsung model is within Defendants' possession, custody, and control.



30. The products accused of infringing the '798 patent are configured such that at least one of the electrode pairs differs from other electrode pairs in a thickness of its common electrode or a thickness of its pixel electrode. For example, an examination of the QN55 television demonstrates this:



31. At a minimum, Defendants have known of the '798 patent at least as early as the service date of this complaint. Further, on information and belief, Defendants have known of the '798 patent at least as early as the filing date of the original complaint. In addition, Defendants have known about the '798 patent since at least July 29, 2020, when Defendants received notice of its infringement.

**INDIRECT INFRINGEMENT (35 U.S.C. §271(b))**

32. Based on the information presently available to Plaintiff, absent discovery, Defendants have also indirectly infringed one or more claims of the '798 patent by inducing infringement, including, at least, the importation and sale of products that, as set forth above, infringe the '798 patent. For example, Defendants induce and have induced the importation and sale of products accused of infringing the '798 patent (e.g., QN55) by retailers. Further, SEC and/or SDC also induce and have induced the importation and sale of products accused of infringing the '798 patent (e.g., QN55) by SEA.

33. Defendants have known of the '798 patent and its infringement at least as early as the service date of this complaint. Further, on information and belief, Defendants have known of the '798 patent and its infringement at least as early as the filing date of the original complaint. In addition, Defendants have known about the '798 patent since at least July 29, 2020, when Defendants received notice of the '798 patent and its infringement.

34. On information and belief, despite having knowledge of the '798 patent and its infringement, Defendants specifically intended for retailers to import and sell products accused of infringing the '798 patent. Further, SEC and/or SDC specifically intended for SEA to import and sell products accused of infringing the '798 patent. On information and belief, Defendants instruct and encourage the importers to import and/or sell products accused of infringing the '798 patent. On information and belief, the purchase and sale agreements between Defendants and the importers provide such instruction and/or encouragement. Further, on information and belief, SEA exists for inter alia, the purpose of importing and selling products accused of infringing the '798 patent in the United States.

35. Upon information and belief, despite having knowledge of the '798 patent and knowledge that it is directly and/or indirectly infringing one or more claims of the '798 patent, Defendants have nevertheless continued its infringing conduct and disregarded an objectively high likelihood of infringement. Defendants' infringing activities relative to the '798 patent have been, and continue to be, willful, wanton, malicious, in bad-faith, deliberate, consciously wrongful, flagrant, 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.

36. Each Defendant is liable for these infringements of the '798 patent pursuant to 35 U.S.C. § 271.

37. Plaintiff has been damaged as a result of Defendants' infringing conduct described in this Count. Defendants are, thus, liable to Plaintiff in an amount that adequately compensates Plaintiff 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.

38. Plaintiff has complied with the requirements of 35 U.S.C. § 287, to the extent necessary and/or applicable, and is entitled to collect pre- and post-filing damages for Defendants' infringements of the '798 patent.

**COUNT II**  
**(Infringement of U.S. Patent No. 6,787,829)**

39. Plaintiff incorporates paragraphs 1 through 38 herein by reference.

40. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

41. Plaintiff is the owner of the '829 patent with all substantial rights to the '829 patent including the exclusive right to enforce, sue, and recover damages for past and future infringement.

42. The '829 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

**DIRECT INFRINGEMENT (35 U.S.C. §271(a))**

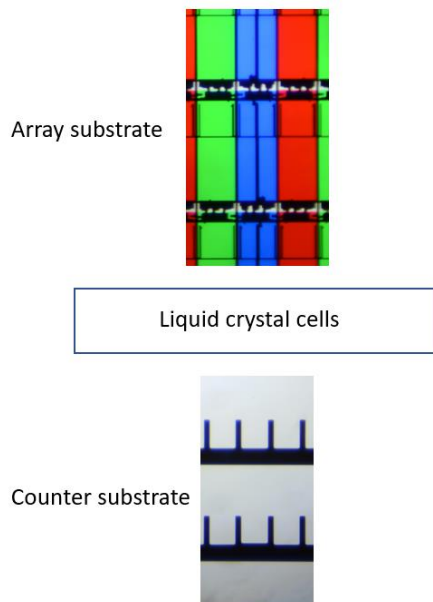
43. Defendants have, and continue to, infringe one or more claims of the '829 patent in this judicial district and elsewhere in Texas and the United States.

44. On information and belief, Defendants, either by themselves (individually and/or in concert) and/or via an agent, infringed literally, and/or under the Doctrine of Equivalents, infringed at least claim 1 of the '829 patent by, among other things, making, using, selling, offering for sale, and/or importing products, such as televisions and mobile phones, that satisfy the limitations of claim 1. Further, SEC is vicariously liable for this infringing conduct of SDC and/or SEA, as well as other related Samsung entities, and affiliates, (under both the alter ego and agency theories) because, as an example and upon information and belief, SEC, SDC, and SEA are essentially the same company, and SEC has the right and ability to control SDC's and SEA's infringing acts and receives a direct financial benefit from SEA's and SDC's infringement.

45. The products accused of infringing the '829 patent comprise a liquid crystal display panel. For example, the QN55 includes an LCD display panel and LCM label.

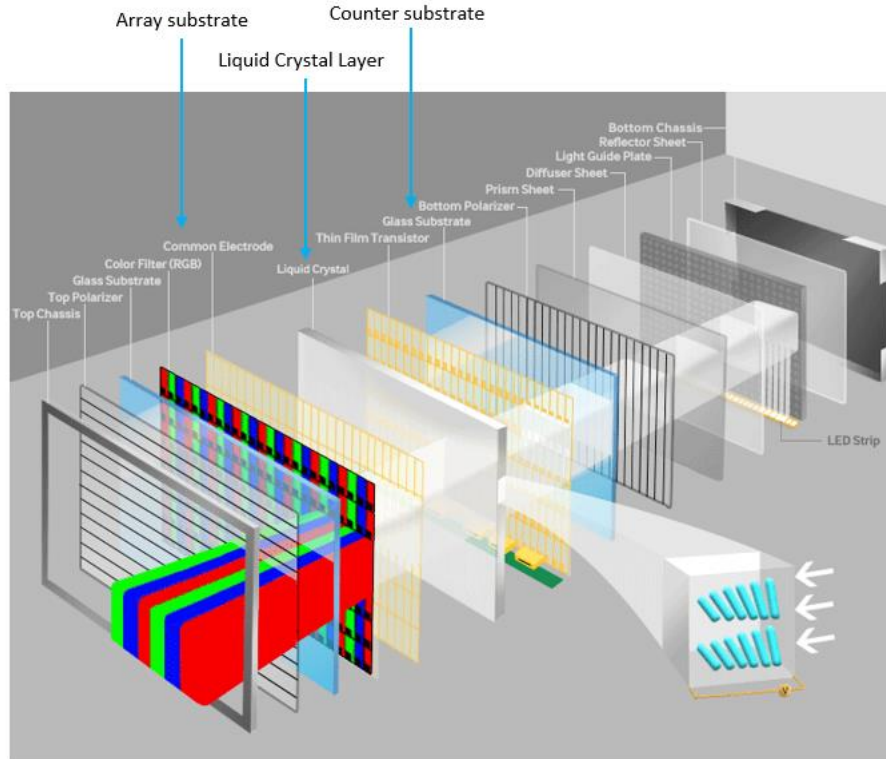


46. The products accused of infringing the '829 patent comprise an array substrate. For example, within a QN55 television the display includes an array substrate, a liquid crystal cell layer, and a counter substrate:



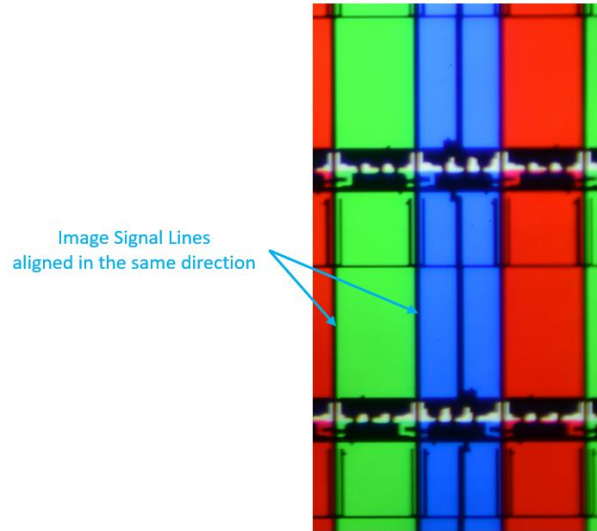
47. The products accused of infringing the '829 patent comprise a counter substrate opposing the array substrate. For example, as shown above within a QN55 television the counter substrate is opposite the array substrate.

48. The products accused of infringing the '829 patent comprise a liquid crystal layer sandwiched between a surface of the array substrate and a surface of the counter substrate. For example, as shown above within a QN55 television the liquid crystal layer is between the array and counter substrates. The products accused of infringing the '829 patent each include an LCD display that is sandwiched between the array and counter substrates.

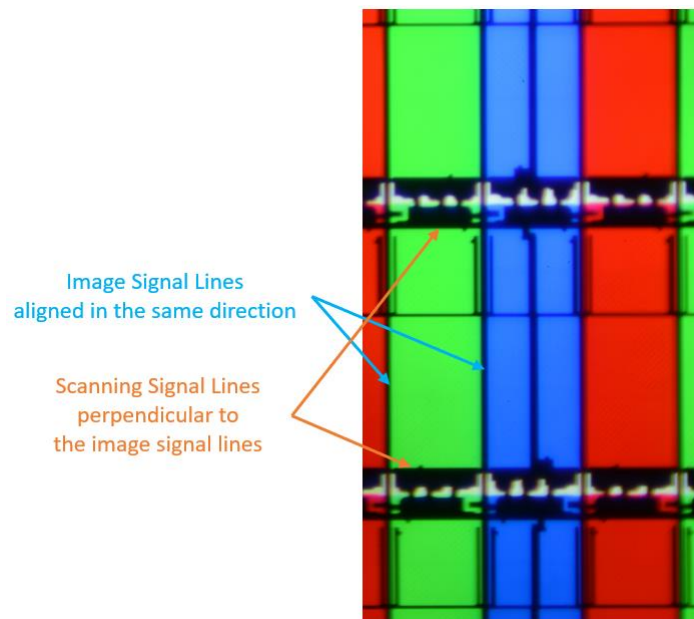


Source: <https://pid.samsungdisplay.com/en/learning-center/blog/lcd-structure>

49. The products accused of infringing the '829 patent comprise a plurality of image signal lines located over the surface of the array substrate that is in contact with the liquid crystal layer, the image signal lines being aligned in a same direction. As shown above, the array substrate is in contact with the liquid crystal layer. For example, an examination of the QN55 television demonstrates this:



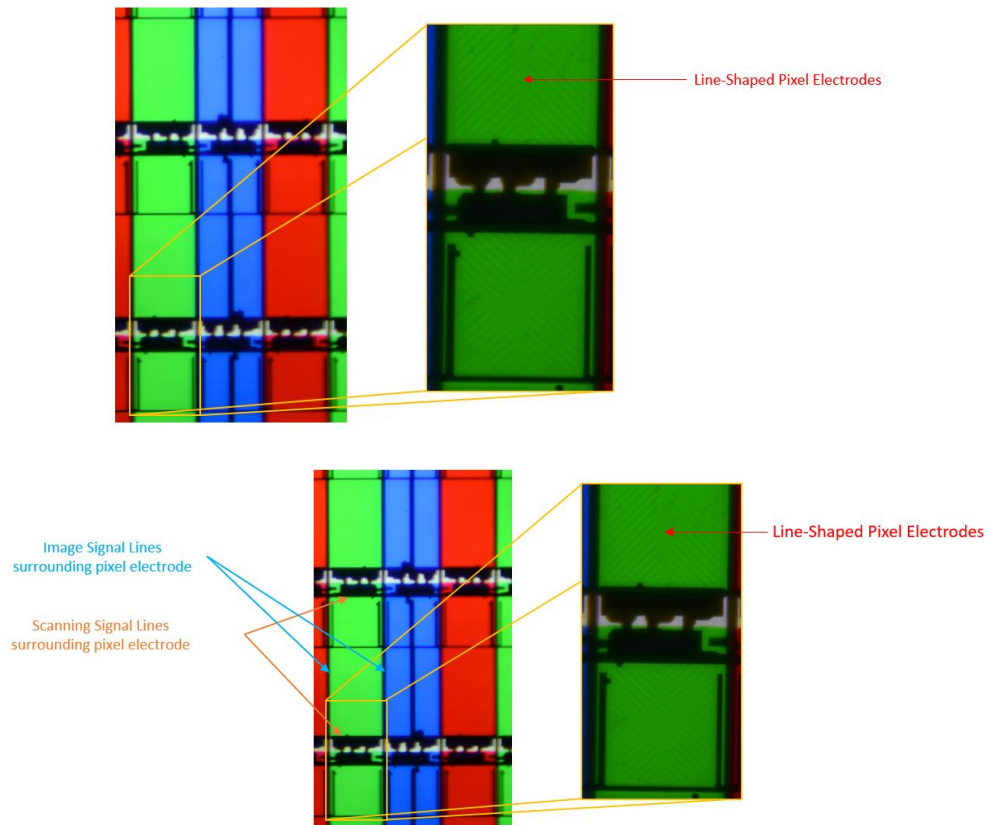
50. The products accused of infringing the '829 patent comprise a plurality of scanning signal lines located over the surface of the array substrate over which the image signal lines are located, the scanning signal lines being located perpendicular to the image signal lines. As shown above, the image signal lines are located over the array substrate. For example, an examination of the QN55 television demonstrates this:



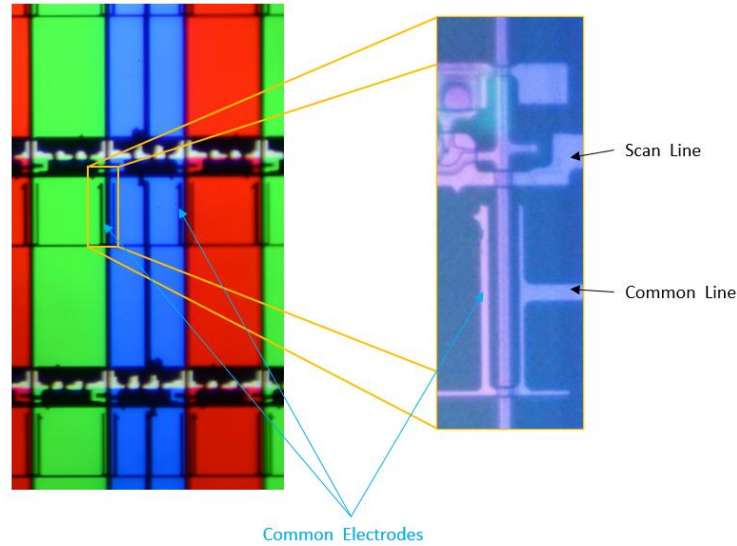
51. The products accused of infringing the '829 patent comprise a line-shaped pixel electrode located in each of pixel regions of the array substrate that is surrounded by the image



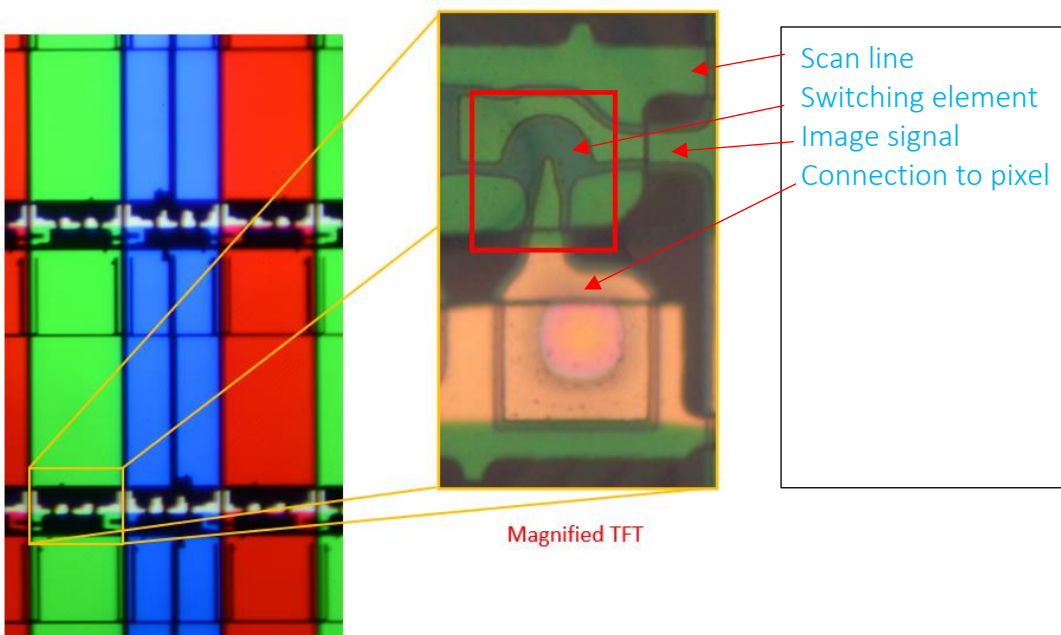
signal lines and the scanning signal lines, the pixel electrode located parallel to the image signal lines or to the scanning signal lines. As shown above and below, the image signal lines are located over the array substrate. For example, an examination of the QN55 television demonstrates this:



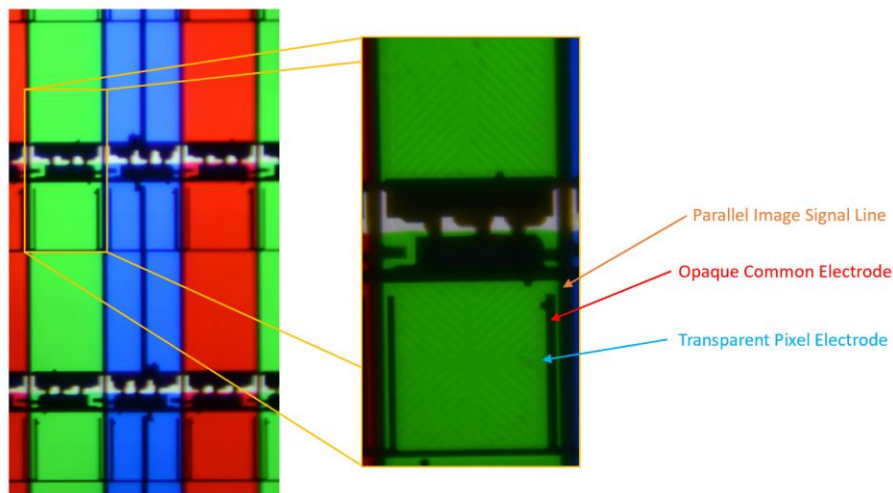
52. The products accused of infringing the '829 patent comprise a common electrode located in each of the pixel regions and located parallel to the pixel electrode. For example, an examination of the QN55 television demonstrates this:



53. The products accused of infringing the '829 patent comprise a switching element for electrically connecting the pixel electrode and one of the image signal lines in response to a signal received from the scanning signal lines. The switching element is located such that an electric charge can pass from it to the pixel electrode, the image signal lines, and the scanning signal lines. For example, an examination of the QN55 television demonstrates the presence of a switching element:



54. The products accused of infringing the '829 patent are configured such that of the pixel electrode and the common electrode, the electrode that is located adjacent to and parallel to one of the image signal lines or one of the scanning signal lines comprises an opaque conductor, and at least one of the other electrodes comprises a transparent conductor. For example, an examination of the QN55 television demonstrates this:



55. At a minimum, Defendants have known of the '829 patent at least as early as the service date of this complaint. Further, on information and belief, Defendants have known of the '829 patent at least as early as the filing date of the original complaint. In addition, Defendants have known about the '829 patent since at least July 29, 2020, when Defendants received notice of its infringement. Further, on information and belief, Defendants' conduct before the United States Patent and Trademark Office ("USPTO") and foreign offices, suggest that it was aware of the '829 patent prior to receiving the letter. For example, in prosecuting U.S. Patent Publication No. 2007/0139597, Defendants disclosed the family associated with the '829 patent to the USPTO.

#### **INDIRECT INFRINGEMENT (35 U.S.C. §271(b))**

56. Based on the information presently available to Plaintiff, absent discovery, Defendants have also indirectly infringed one or more claims of the '829 patent by inducing

infringement, including, at least, the importation and sale of products that, as set forth above, infringe the '829 patent. For example, Defendants induce and have induced the importation and sale of products accused of infringing the '829 patent (e.g., QN55) by retailers. Further, SEC and/or SDC also induce and have induced the importation and sale of products accused of infringing the '829 patent (e.g., QN55) by SEA.

57. Defendants have known of the '829 patent and its infringement at least as early as the service date of this complaint. Further, on information and belief, Defendants have known of the '829 patent and its infringement at least as early as the filing date of the original complaint. In addition, Defendants have known about the '829 patent since at least July 29, 2020, when Defendants received notice of the '829 patent and its infringement.

58. On information and belief, despite having knowledge of the '829 patent and its infringement, Defendants specifically intended for retailers to import and sell products accused of infringing the '829 patent. Further, SEC and/or SDC specifically intended for SEA to import and sell products accused of infringing the '829 patent. On information and belief, Defendants instruct and encourage the importers to import and/or sell products accused of infringing the '829 patent. On information and belief, the purchase and sale agreements between Defendants and the importers provide such instruction and/or encouragement. Further, on information and belief, SEA exists for inter alia, the purpose of importing and selling products accused of infringing the '829 patent in the United States.

59. Upon information and belief, despite having knowledge of the '829 patent and knowledge that it is directly and/or indirectly infringing one or more claims of the '829 patent, Defendants have nevertheless continued its infringing conduct and disregarded an objectively high likelihood of infringement. Defendants' infringing activities relative to the '829 patent have been,

and continue to be, willful, wanton, malicious, in bad-faith, deliberate, consciously wrongful, flagrant, and an egregious case of misconduct beyond typical infringement such that Plaintiff is entitled under 35 U.S.C. § 284 to enhanced damages up to three times the amount found or assessed.

60. Each Defendant is liable for these infringements of the '829 patent pursuant to 35 U.S.C. § 271.

61. Plaintiff has been damaged as a result of Defendants' infringing conduct described in this Count. Defendants are, thus, liable to Plaintiff in an amount that adequately compensates Plaintiff 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.

62. Plaintiff has complied with the requirements of 35 U.S.C. § 287, to the extent necessary and/or applicable, and is entitled to collect pre- and post-filing damages for Defendants' infringements of the '829 patent.

**COUNT III**  
**(Infringement of U.S. Patent No. 6,801,293)**

63. Plaintiff incorporates paragraphs 1 through 62 herein by reference.

64. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

65. Plaintiff is the owner of the '293 patent with all substantial rights to the '293 patent including the exclusive right to enforce, sue, and recover damages for past infringement.

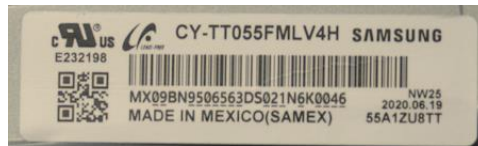
66. The '293 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

**DIRECT INFRINGEMENT (35 U.S.C. §271(a) and §271(g))**

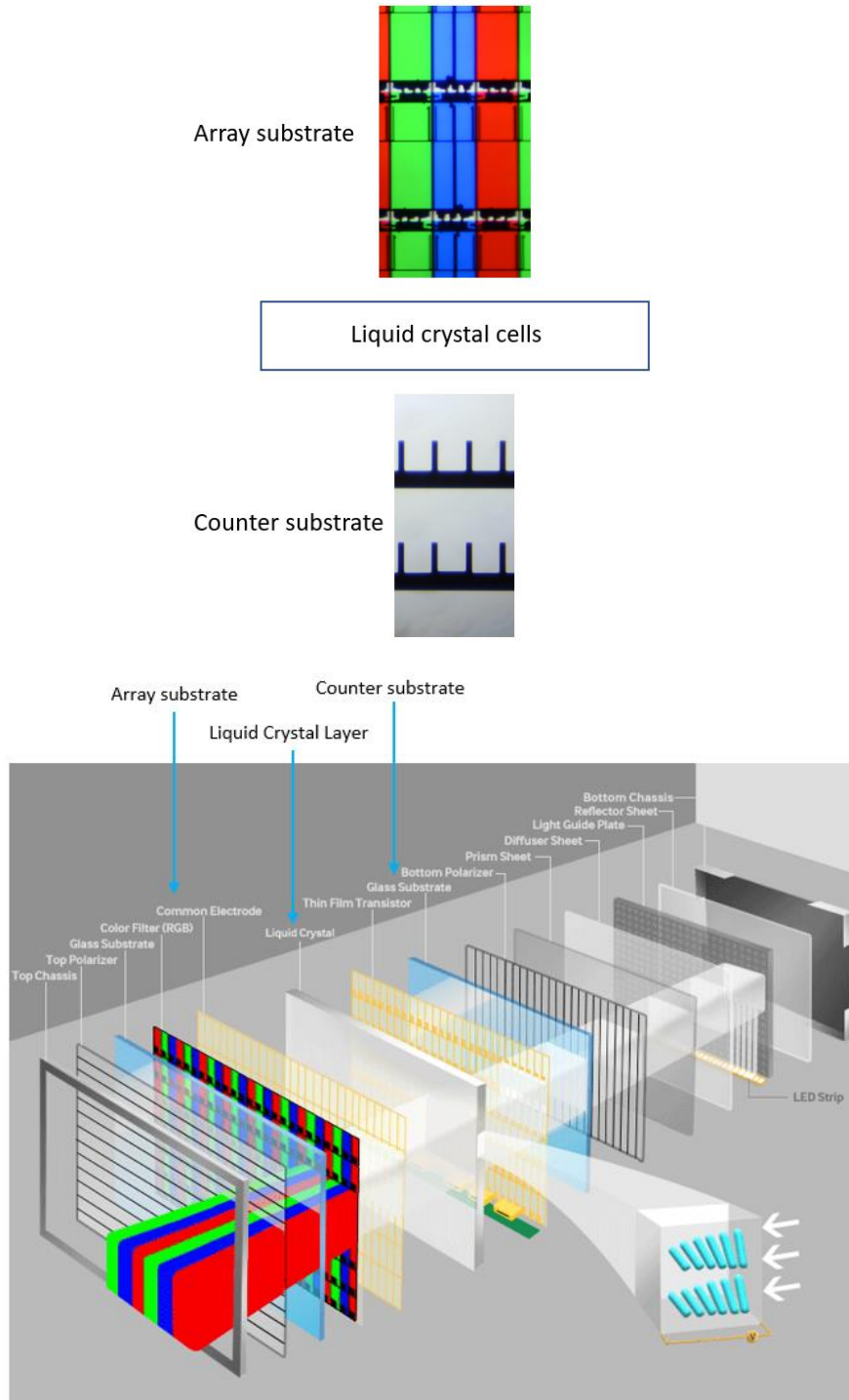
67. Defendants infringed one or more claims of the '293 patent in this judicial district and elsewhere in Texas and the United States.

68. On information and belief, and pursuant to 35 U.S.C. §271(a) and §271(g), Defendants, either by themselves (individually and/or in concert) and/or via an agent, infringed literally, and/or under the Doctrine of Equivalents, infringed at least claim 1 of the '293 patent by, among other things, making, selling, offering for sale, and/or importing products, such as televisions and mobile phones, that were made in a manner that satisfied the limitations of claim 1. Further, SEC is vicariously liable for this infringing conduct of SDC and/or SEA, as well as other related Samsung entities, and affiliates, (under both the alter ego and agency theories) because, as an example and upon information and belief, SEC, SDC, and SEA are essentially the same company, and SEC has the right and ability to control SDC's and SEA's infringing acts and receives a direct financial benefit from SEA's and SDC's infringement.

69. The products made using the method of manufacturing accused of infringing the '293 patent comprise an in-plane electric field mode liquid crystal element having a pair of substrates. For example, the QN55 includes an LCD display, which would include a liquid crystal element.



70. The liquid crystal element has a pair of substrates. For example, within a QN55 television the display includes a liquid crystal element having two substrates:

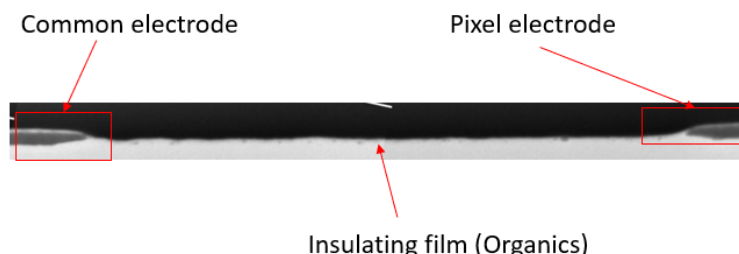


Source: <https://pid.samsungdisplay.com/en/learning-center/blog/lcd-structure>

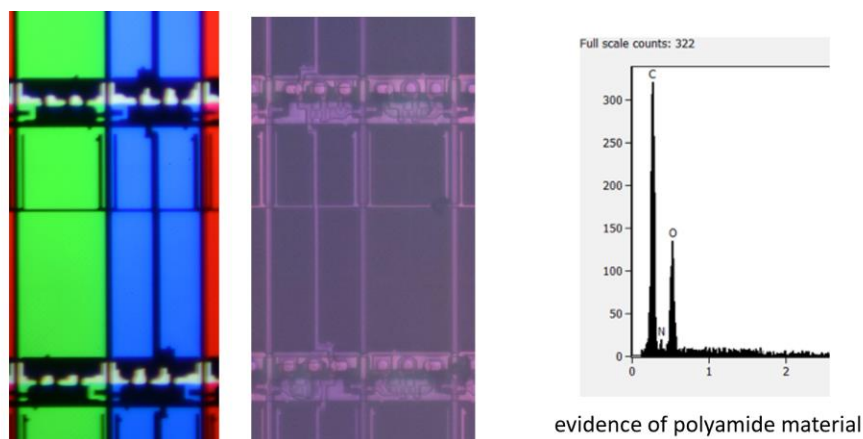
71. At least one of the substrates on the products made using the method of manufacturing accused of infringing the '293 patent includes pixel electrodes for generating an in-



plane electric field, common electrodes, and an insulating film for insulating these electrodes from one another. For example, an examination of the array substrate in the QN55 television demonstrates this:



72. The products made using the method of manufacturing accused of infringing the '293 patent include orientation films provided on the inner side of one or both of the substrates and a liquid crystal layer sandwiched between the substrates. For example, the orientation film is evidenced by the ability of the liquid crystal molecules to align. Further, applying a UV light to a polymer-based orientation film will cause the film to glow. An examination of the array substrate in the QN55 television demonstrates the presence of an orientation film that glows under UV light:

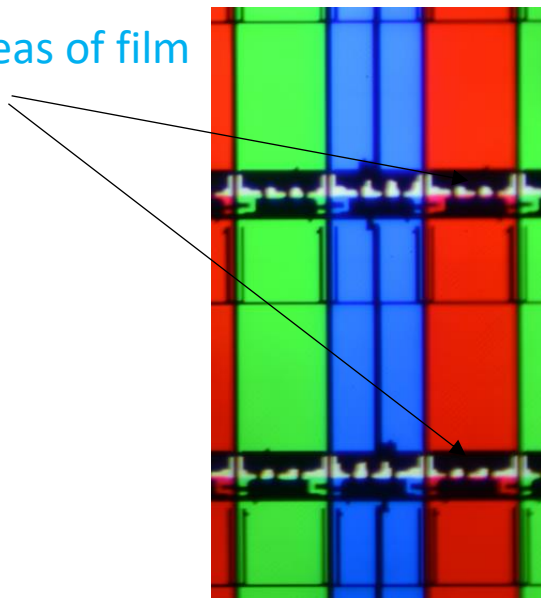


73. The products made using the method of manufacturing accused of infringing the '293 patent were made via a stripping step of stripping, by rubbing, a predetermined portion of the orientation film on the electrodes or lines once formed on the inner side of one or both of the substrates. For example, in order for the liquid crystal molecules to align, the orientation film must



be in the pixel region. However, the film cannot be in the spacer area on top of gate and common lines. Accordingly, the film is stripped via rubbing from the gate and common lines. An examination of the array substrate in the QN55 television evidences this:

Stripped areas of film



74. In addition, Defendants have imported into the United States, offered to sell, sold or used within the United States infringing products, including those identified herein, that are manufactured by patented methods claimed in the '293 Patent, including at least claim 1, as articulated herein. Such infringing manufacturing process has been performed during the term of the '293 patent, without a license to the Defendants for such infringement, and such accused and infringing products have not been materially changed by any subsequent process, nor have such accused and infringing products become a trivial and/or non-essential component of another product.

75. At a minimum, Defendants have known of the '293 patent at least as early as the service date of this complaint. Further, on information and belief, Defendants have known of the '293 patent at least as early as the filing date of the original complaint. In addition, Defendants have known about the '293 patent since at least July 29, 2020, when Defendants received notice

of its infringement. Further, on information and belief, Defendants' conduct before the USPTO and foreign offices, suggest that it was aware of the '293 patent prior to receiving the letter. For example, in prosecuting U.S. Patent No. 9,904,133, Defendants disclosed the family associated with the '293 patent to the USPTO.

**INDIRECT INFRINGEMENT (35 U.S.C. §271(b))**

76. Based on the information presently available to Plaintiff, absent discovery, Plaintiff contends that Defendants have also indirectly infringed one or more claims of the '293 patent by inducing infringement, including, at least, the importation and sale of products that, as set forth above, infringe the '293 patent. For example, Defendants induce and have induced the importation and sale of products accused of infringing the '293 patent (e.g., QN55) by retailers. Further, SEC and/or SDC also induce and have induced the importation and sale of products accused of infringing the '293 patent (e.g., QN55) by SEA.

77. Defendants have known of the '293 patent and its infringement at least as early as the service date of this complaint. Further, on information and belief, Defendants have known of the '293 patent and its infringement at least as early as the filing date of the original complaint. In addition, Defendants have known about the '293 patent since at least July 29, 2020, when Defendants received notice of the '293 patent and its infringement.

78. On information and belief, despite having knowledge of the '293 patent and its infringement, Defendants specifically intended for retailers to import and sell products accused of infringing the '293 patent. Further, SEC and/or SDC specifically intended for SEA to import and sell products accused of infringing the '293 patent. On information and belief, Defendants instruct and encourage the importers to import and/or sell products accused of infringing the '293 patent. On information and belief, the purchase and sale agreements between Defendants and the

importers provide such instruction and/or encouragement. Further, on information and belief, SEA exists for inter alia, the purpose of importing and selling products accused of infringing the '293 patent in the United States.

79. Upon information and belief, despite having knowledge of the '293 patent and knowledge that it is directly and/or indirectly infringing one or more claims of the '293 patent, Defendants have nevertheless continued its infringing conduct and disregarded an objectively high likelihood of infringement. Defendants' infringing activities relative to the '293 patent have been, and continue to be, willful, wanton, malicious, in bad-faith, deliberate, consciously wrongful, flagrant, 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.

80. Each Defendant is liable for these infringements of the '293 patent pursuant to 35 U.S.C. § 271.

81. Plaintiff has been damaged as a result of Defendants' infringing conduct described in this Count. Defendants are, thus, liable to Plaintiff in an amount that adequately compensates Plaintiff 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.

82. Plaintiff has complied with the requirements of 35 U.S.C. § 287, to the extent necessary and/or applicable, and is entitled to collect pre- and post-filing damages for Defendants' infringements of the '293 patent.

**COUNT IV**  
**(Infringement of U.S. Patent No. 6,816,208)**

83. Plaintiff incorporates paragraphs 1 through 82 herein by reference.

84. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

85. Plaintiff is the owner of the '208 patent with all substantial rights to the '208 patent including the exclusive right to enforce, sue, and recover damages for past and future infringement.

86. The '208 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

**DIRECT INFRINGEMENT (35 U.S.C. §271(a))**

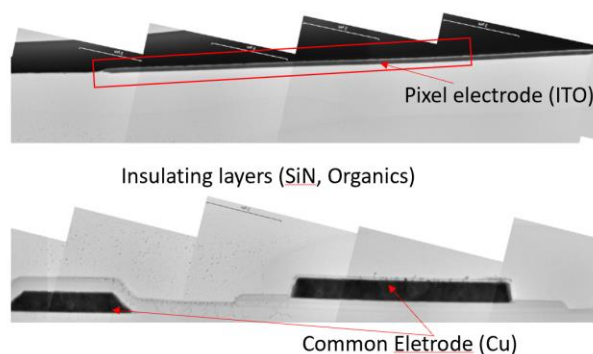
87. Defendants have, and continue to, infringe one or more claims of the '208 patent in this judicial district and elsewhere in Texas and the United States.

88. On information and belief, Defendants, either by themselves (individually and/or in concert) and/or via an agent, infringed literally, and/or under the Doctrine of Equivalents, infringed at least claim 1 of the '208 patent by, among other things, making, using, selling, offering for sale, and/or importing products, such as televisions and mobile phones, that satisfy the limitations of claim 1. Further, SEC is vicariously liable for this infringing conduct of SDC and/or SEA, as well as other related Samsung entities, and affiliates, (under both the alter ego and agency theories) because, as an example and upon information and belief, SEC, SDC, and SEA are essentially the same company, and SEC has the right and ability to control SDC's and SEA's infringing acts and receives a direct financial benefit from SEA's and SDC's infringement.

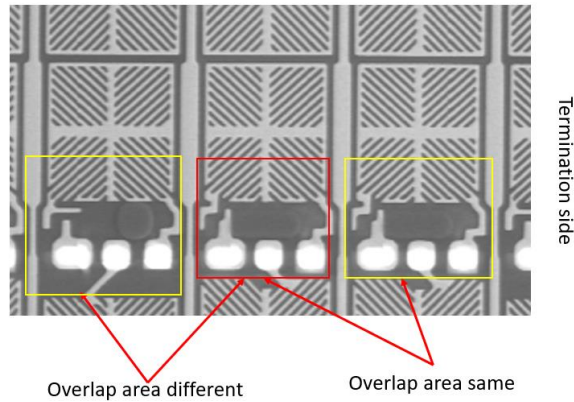
89. The products accused of infringing the '208 patent comprise a liquid crystal display unit. For example, the QN55 includes an LCD display and LCM label.



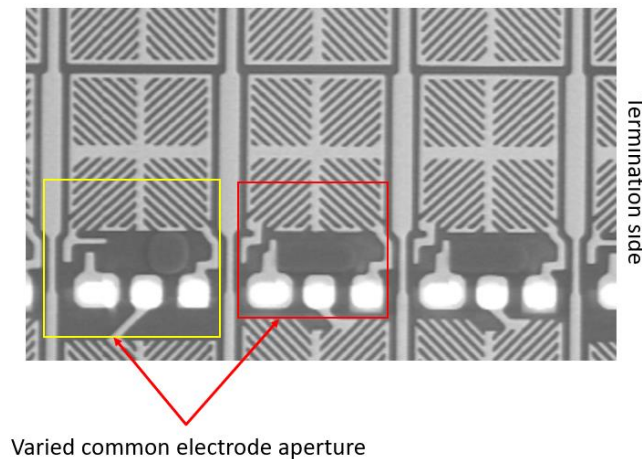
90. The products accused of infringing the '208 patent comprise a capacitive accumulation portion formed by overlapping a pixel electrode, an insulating layer and a common electrode for each pixel area, and a non-electrode area in a part of the pixel area, which is not covered with a pixel electrode. An insulating layer between the pixel electrode and the common electrode is evidenced by the ability to turn the screen on the accused products off. Further, an examination of the cross section of the QN55 television demonstrates additional limitations of this claim:



91. The products accused of infringing the '208 patent are configured such that a peripheral shape of said capacitive accumulation portion on a side contacting said non-electrode area is substantially the same between respective pixels, and a value of a storage capacity in said capacitive accumulation portion of one pixel at a signal feeding side is larger than that of an adjacent pixel at a termination side. An examination of the respective capacitances reveals that the accumulation of one pixel at a signal feeding side is greater than that of a neighboring pixel at a termination side. Further, an examination of the QN55 television demonstrates that a peripheral shape of said capacitive accumulation portion on a side contacting said non-electrode area is substantially the same between respective pixels:



92. The products accused of infringing the '208 patent are configured such that the value of the storage capacity in said capacitive accumulation portion of the one pixel is different from that of the adjacent pixel by varying an aperture in the common electrode of the adjacent pixel with respect to the aperture of the one pixel. An examination of the QN55 television demonstrates that the aperture in the common electrode is varied between the pixel and the adjacent pixel, resulting in value of the storage capacity is different:



93. At a minimum, Defendants have known of the '208 patent at least as early as the service date of this complaint. Further, on information and belief, Defendants have known of the '208 patent at least as early as the filing date of the original complaint. In addition, Defendants have known about the '208 patent since at least July 29, 2020, when Defendants received notice of its infringement. Further, on information and belief, Defendants' conduct before the USPTO

and foreign offices, suggest that it was aware of the '208 patent prior to receiving the letter. For example, in prosecuting U.S. Patent Publication No. 2004/0135941A1, Defendants disclosed the family associated with the '208 patent to the USPTO.

**INDIRECT INFRINGEMENT (35 U.S.C. §271(b))**

94. Based on the information presently available to Plaintiff, absent discovery, Defendants have also indirectly infringed one or more claims of the '208 patent by inducing infringement, including, at least, the importation and sale of products that, as set forth above, infringe the '208 patent. For example, Defendants induce and have induced the importation and sale of products accused of infringing the '208 patent (e.g., QN55) by retailers. Further, SEC and/or SDC also induce and have induced the importation and sale of products accused of infringing the '208 patent (e.g., QN55) by SEA.

95. Defendants have known of the '208 patent and its infringement at least as early as the service date of this complaint. Further, on information and belief, Defendants have known of the '208 patent and its infringement at least as early as the filing date of the original complaint. In addition, Defendants have known about the '208 patent since at least July 29, 2020, when Defendants received notice of the '208 patent and its infringement.

96. On information and belief, despite having knowledge of the '208 patent and its infringement, Defendants specifically intended for retailers to import and sell products accused of infringing the '208 patent. Further, SEC and/or SDC specifically intended for SEA to import and sell products accused of infringing the '208 patent. On information and belief, Defendants instruct and encourage the importers to import and/or sell products accused of infringing the '208 patent. On information and belief, the purchase and sale agreements between Defendants and the importers provide such instruction and/or encouragement. Further, on information and belief, SEA

exists for inter alia, the purpose of importing and selling products accused of infringing the '208 patent in the United States.

97. Upon information and belief, despite having knowledge of the '208 patent and knowledge that it is directly and/or indirectly infringing one or more claims of the '208 patent, Defendants have nevertheless continued its infringing conduct and disregarded an objectively high likelihood of infringement. Defendants' infringing activities relative to the '208 patent have been, and continue to be, willful, wanton, malicious, in bad-faith, deliberate, consciously wrongful, flagrant, 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.

98. Each Defendant is liable for these infringements of the '208 patent pursuant to 35 U.S.C. § 271.

99. Plaintiff has been damaged as a result of Defendants' infringing conduct described in this Count. Defendants are, thus, liable to Plaintiff in an amount that adequately compensates Plaintiff 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.

100. Plaintiff has complied with the requirements of 35 U.S.C. § 287, to the extent necessary and/or applicable, and is entitled to collect pre- and post-filing damages for Defendants' infringements of the '208 patent.

**COUNT V**  
**(Infringement of U.S. Patent No. 6,850,303)**

101. Plaintiff incorporates paragraphs 1 through 100 herein by reference.

102. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*



103. Plaintiff is the owner of the '303 patent with all substantial rights to the '303 patent including the exclusive right to enforce, sue, and recover damages for past and future infringement.

104. The '303 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

**DIRECT INFRINGEMENT (35 U.S.C. §271(a))**

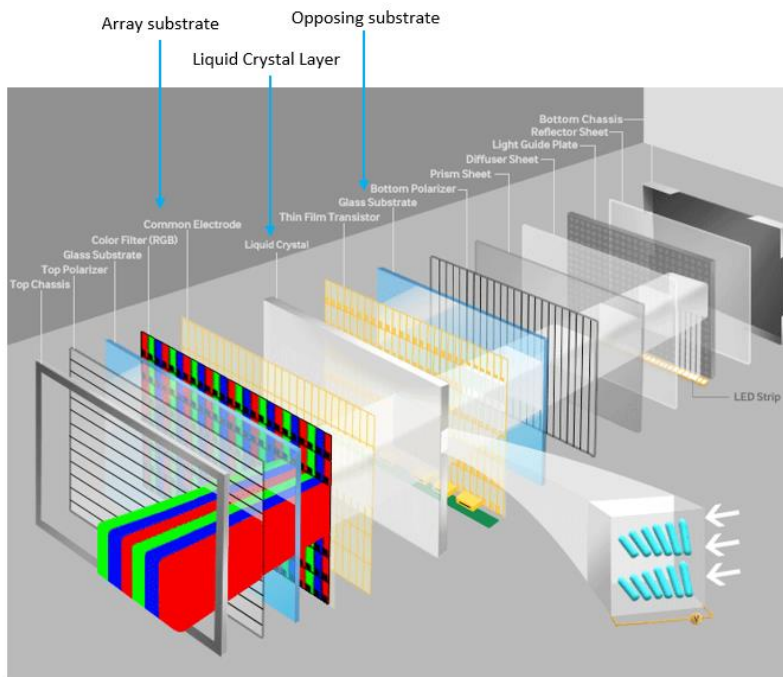
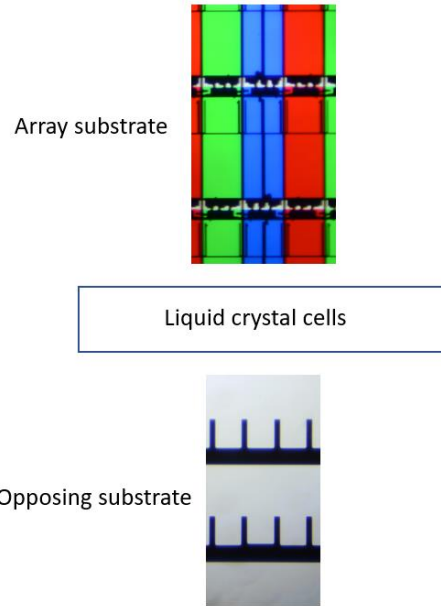
105. Defendants have, and continue to, infringe one or more claims of the '303 patent in this judicial district and elsewhere in Texas and the United States.

106. On information and belief, Defendants, either by themselves (individually and/or in concert) and/or via an agent, infringed literally, and/or under the Doctrine of Equivalents, infringe at least claim 1 of the '303 patent by, among other things, making, using, selling, offering for sale, and/or importing products, such as televisions and mobile phones, that satisfy the limitations of claim 1. Further, SEC is vicariously liable for this infringing conduct of SDC and/or SEA, as well as other related Samsung entities, and affiliates, (under both the alter ego and agency theories) because, as an example and upon information and belief, SEC, SDC, and SEA are essentially the same company, and SEC has the right and ability to control SDC's and SEA's infringing acts and receives a direct financial benefit from SEA's and SDC's infringement.

107. The products accused of infringing the '303 patent comprise a liquid crystal display device. For example, the QN55 includes an LCD display and LCM label.



108. The products accused of infringing the '303 patent comprise an array substrate. For example, within a QN55 television the display includes an array substrate, a liquid crystal cell layer, and an opposing substrate:

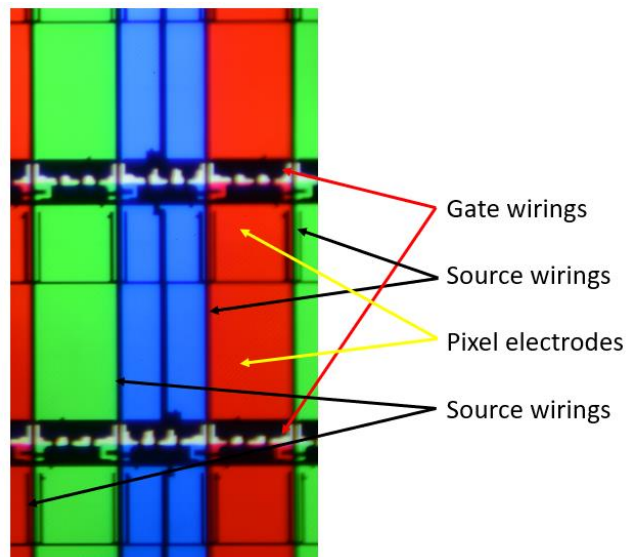


Source: <https://pid.samsungdisplay.com/en/learning-center/blog/lcd-structure>.

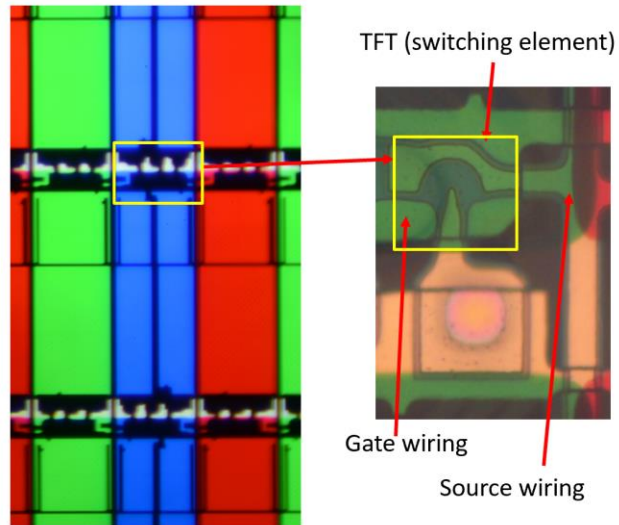
109. The products accused of infringing the '303 patent comprise an opposing substrate facing the array substrate. For example, as shown above within a QN55 television the opposing substrate faces the array substrate.

110. The products accused of infringing the '303 patent comprise a liquid crystal held between the array substrate and the opposing substrate. For example, as shown above within a QN55 television the liquid crystal layer is between the array and opposing substrates.

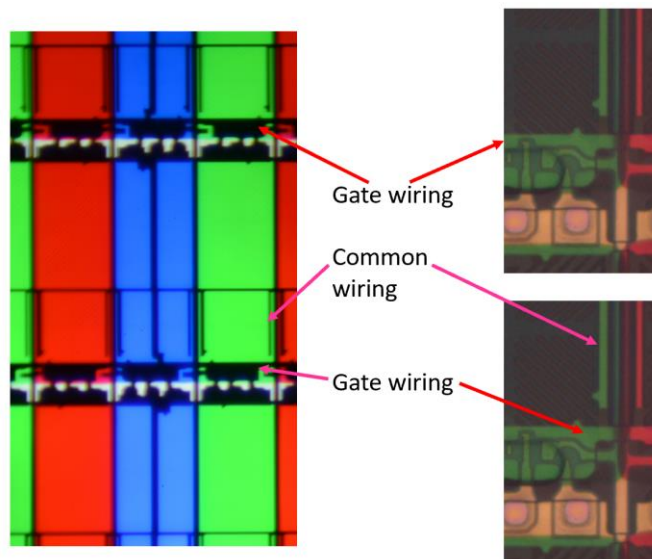
111. The products accused of infringing the '303 patent are configured such that the array substrate is provided with a plurality of gate wirings and a plurality of source wirings intersecting each other and a pixel electrode disposed in a region defined by two adjacent gate wirings and two adjacent source wirings. For example, an examination of the QN55 television demonstrates this:



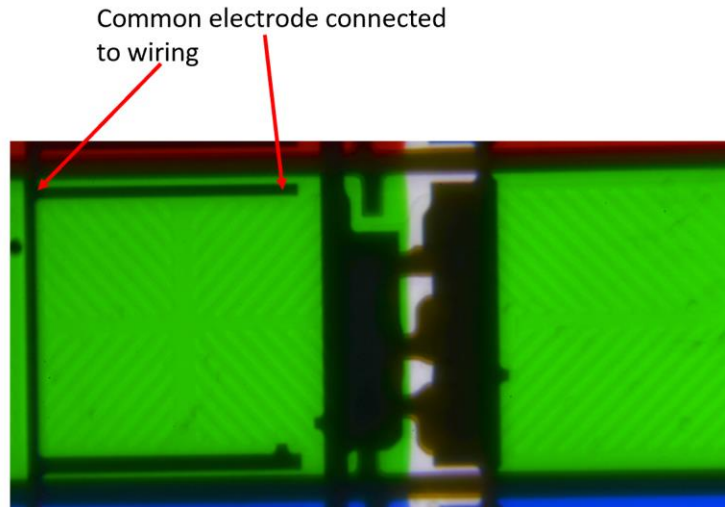
112. The products accused of infringing the '303 patent are configured such that the array substrate is provided with a switching element for switching a voltage applied to the pixel electrode from the source wiring based on a signal voltage fed from the gate wiring. For example, an examination of the QN55 television demonstrates this:



113. The products accused of infringing the '303 patent are configured such that the array substrate is provided with a common wiring formed between the two adjacent gate wirings. For example, an examination of the QN55 television demonstrates this:

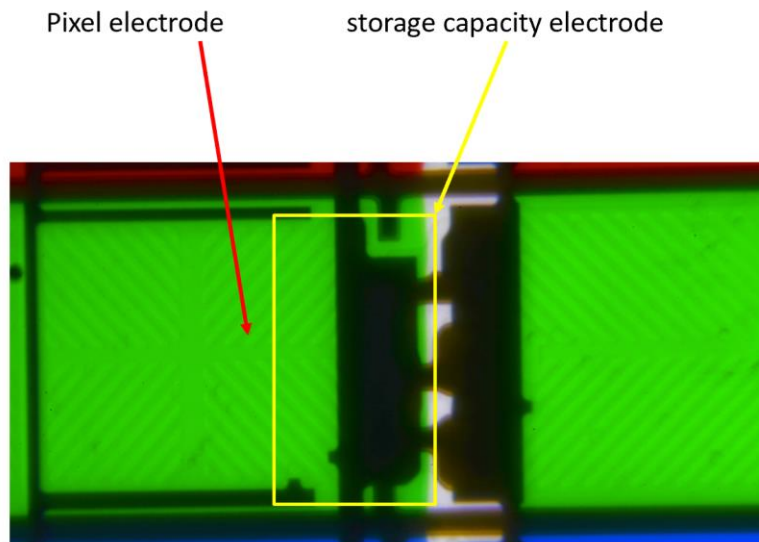


114. The products accused of infringing the '303 patent are configured such that the array substrate is provided with a common electrode being electrically connected to the common wiring and generating an electric field between the common electrode and the pixel electrode creating a voltage for driving the liquid crystal. For example, an examination of the QN55 television demonstrates this:



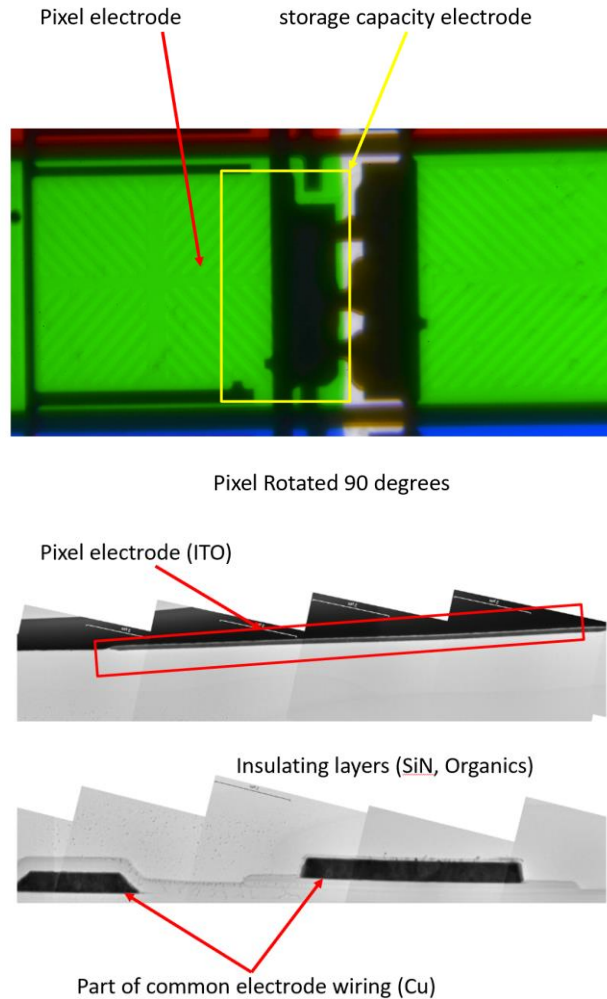
Pixel Rotated 90 degrees

115. The products accused of infringing the '303 patent are configured such that the array substrate is provided with a storage capacity electrode electrically connected to the pixel electrode. For example, an examination of the QN55 television demonstrates this:



Pixel Rotated 90 degrees

116. The products accused of infringing the '303 patent are configured such that the pixel electrode and the storage capacity electrode are layered so as to hold at least some part of the common wiring in between through an insulating layer. For example, an examination of the QN55 television demonstrates this:



117. At a minimum, Defendants have known of the '303 patent at least as early as the service date of this complaint. Further, on information and belief, Defendants have known of the '303 patent at least as early as the filing date of the original complaint. In addition, Defendants have known about the '303 patent since at least July 29, 2020, when Defendants received notice of its infringement.

**INDIRECT INFRINGEMENT (35 U.S.C. §271(b))**

118. Based on the information presently available to Plaintiff, absent discovery, Defendants have also indirectly infringed one or more claims of the '303 patent by inducing infringement, including, at least, the importation and sale of products that, as set forth above,

infringe the '303 patent. For example, Defendants induce and have induced the importation and sale of products accused of infringing the '303 patent (e.g., QN55) by retailers. Further, SEC and/or SDC also induce and have induced the importation and sale of products accused of infringing the '303 patent (e.g., QN55) by SEA.

119. Defendants have known of the '303 patent and its infringement at least as early as the service date of this complaint. Further, on information and belief, Defendants have known of the '303 patent and its infringement at least as early as the filing date of the original complaint. In addition, Defendants have known about the '303 patent since at least July 29, 2020, when Defendants received notice of the '303 patent and its infringement.

120. On information and belief, despite having knowledge of the '303 patent and its infringement, Defendants specifically intended for retailers to import and sell products accused of infringing the '303 patent. Further, SEC and/or SDC specifically intended for SEA to import and sell products accused of infringing the '303 patent. On information and belief, Defendants instruct and encourage the importers to import and/or sell products accused of infringing the '303 patent. On information and belief, the purchase and sale agreements between Defendants and the importers provide such instruction and/or encouragement. Further, on information and belief, SEA exists for inter alia, the purpose of importing and selling products accused of infringing the '303 patent in the United States.

121. Upon information and belief, despite having knowledge of the '303 patent and knowledge that it is directly and/or indirectly infringing one or more claims of the '303 patent, Defendants have nevertheless continued its infringing conduct and disregarded an objectively high likelihood of infringement. Defendants' infringing activities relative to the '303 patent have been, and continue to be, willful, wanton, malicious, in bad-faith, deliberate, consciously wrongful,



flagrant, 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.

122. Each Defendant is liable for these infringements of the '303 patent pursuant to 35 U.S.C. § 271.

123. Plaintiff has been damaged as a result of Defendants' infringing conduct described in this Count. Defendants are, thus, liable to Plaintiff in an amount that adequately compensates Plaintiff 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.

124. Plaintiff has complied with the requirements of 35 U.S.C. § 287, to the extent necessary and/or applicable, and is entitled to collect pre- and post-filing damages for Defendants' infringements of the '303 patent.

**COUNT VI**  
**(Infringement of U.S. Patent No. 6,906,769)**

125. Plaintiff incorporates paragraphs 1 through 125 herein by reference.

126. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

127. Plaintiff is the owner of the '769 patent with all substantial rights to the '769 patent including the exclusive right to enforce, sue, and recover damages for past and future infringement.

128. The '769 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

**DIRECT INFRINGEMENT (35 U.S.C. §271(a))**

129. Defendants have, and continue to, infringe one or more claims of the '769 patent in this judicial district and elsewhere in Texas and the United States.

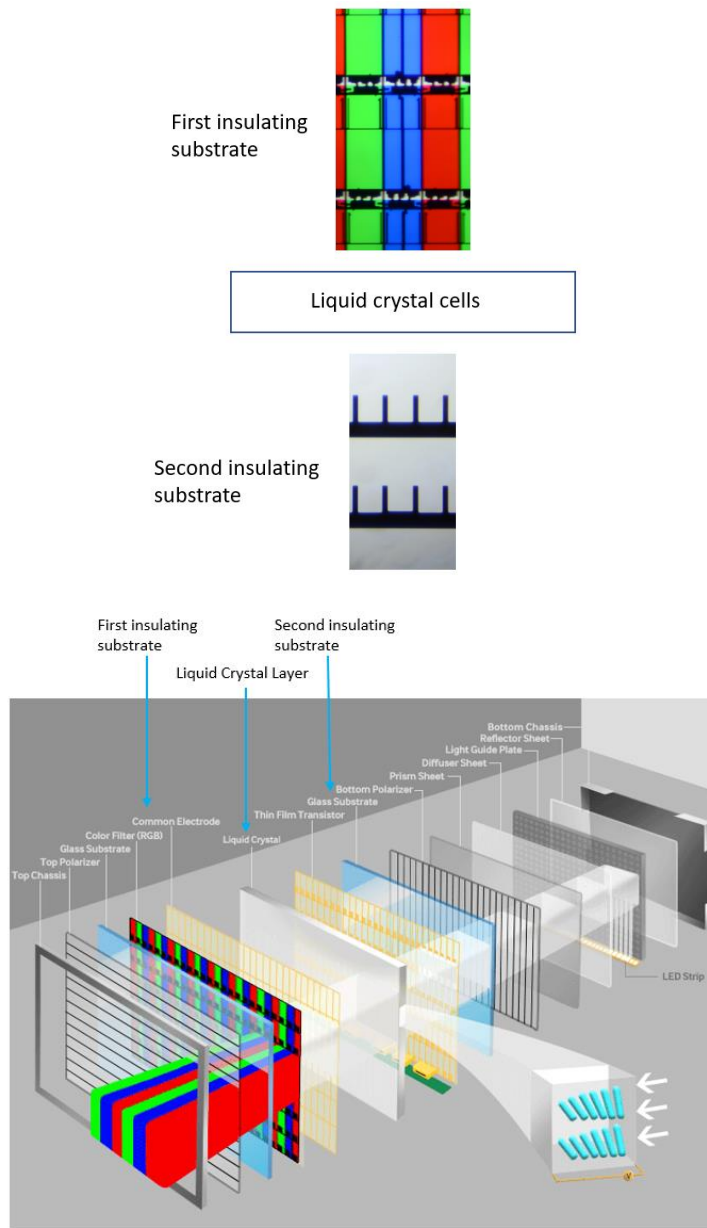


130. On information and belief, Defendants, either by themselves (individually and/or in concert) and/or via an agent, infringed literally, and/or under the Doctrine of Equivalents, infringe at least claim 1 of the '769 patent by, among other things, making, using, selling, offering for sale, and/or importing products, such as televisions and mobile phones, that satisfy the limitations of claim 1. Further, SEC is vicariously liable for this infringing conduct of SDC and/or SEA, as well as other related Samsung entities, and affiliates, (under both the alter ego and agency theories) because, as an example and upon information and belief, SEC, SDC, and SEA are essentially the same company, and SEC has the right and ability to control SDC's and SEA's infringing acts and receives a direct financial benefit from SEA's and SDC's infringement.

131. The products accused of infringing the '769 patent comprise a liquid crystal screen display. For example, the QN55 includes an LCD display and LCM label.



132. The products accused of infringing the '769 patent comprise a first insulating substrate. For example, within a QN55 television the display includes a first insulating substrate, a second insulating substrate, and a liquid crystal layer formed between the first and second insulating substrates:



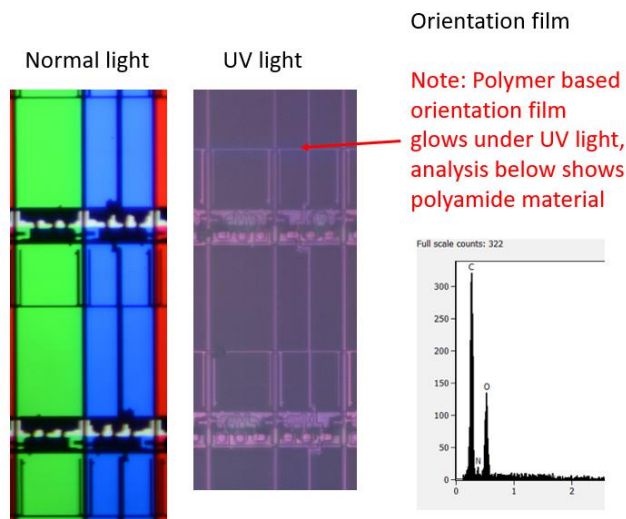
Source: <https://pid.samsungdisplay.com/en/learning-center/blog/lcd-structure>.

133. The products accused of infringing the '769 patent comprise a second insulating substrate facing the first insulating substrate. For example, as shown above within a QN55 television the second insulating substrate faces the first insulating substrate.

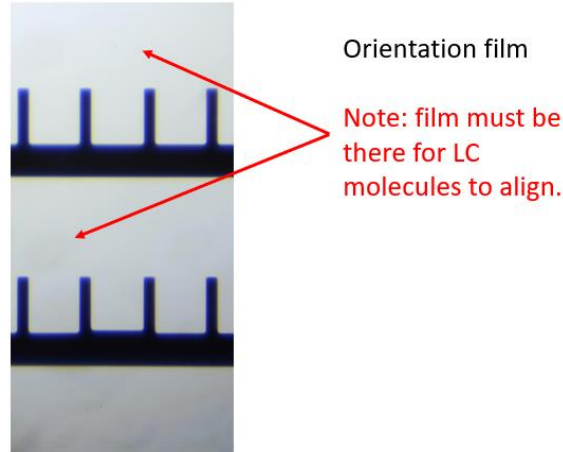
134. The products accused of infringing the '769 patent comprise a liquid crystal layer formed between the first and second insulating substrates. For example, as shown above within a

QN55 television the liquid crystal layer is formed between the first and second insulating substrates.

135. The products accused of infringing the '769 patent comprise alignment layers formed between the first insulating substrate and the liquid crystal layer and between the second insulating substrate and the liquid crystal layer, respectively, for aligning the liquid crystal layer. For example, an alignment layer, such as a polymer-based orientation film, between the first insulating substrate and the liquid crystal layer is evidenced by applying a UV light to the substrate. An examination of the QN55 television demonstrates this:

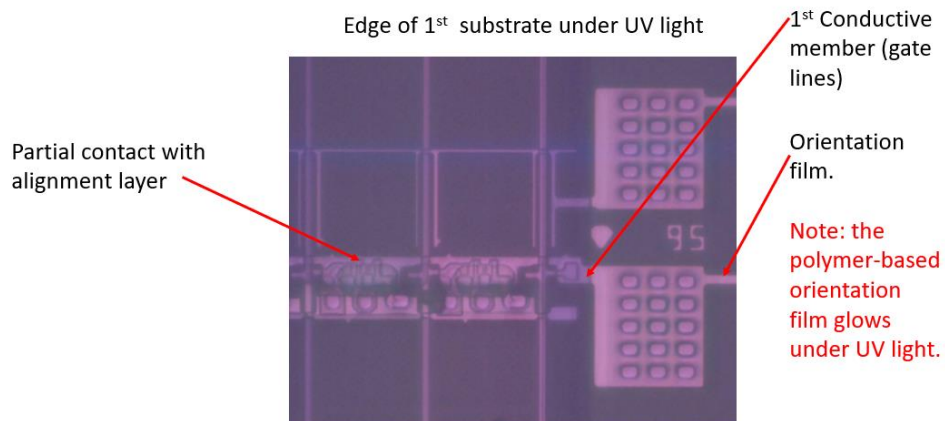


136. Similarly, an alignment layer, such as an orientation film, between the second insulating substrate and the liquid crystal layer is necessary for the liquid crystal molecules in the accused products to align. An examination of the QN55 television demonstrates this:



Micro photograph of QN55's 2<sup>nd</sup> Substrate

137. The products accused of infringing the '769 patent comprise a first conductive member which is formed on the first insulating substrate and interposed between the first insulating substrate and its corresponding alignment layer, being in partial contact with the alignment layer and to which a negative voltage is applied, the first conductive member being gate signal lines. For example, in the products accused of infringing the '769 patent gate lines are between the first insulating substrate and the corresponding alignment layer. Negative voltages are applied to the gate lines to operate the thin film transistors. An examination of the QN55 television demonstrates this:



138. At a minimum, Defendants have known of the '769 patent at least as early as the service date of this complaint. Further, on information and belief, Defendants have known of the

'769 patent at least as early as the filing date of the original complaint. In addition, Defendants have known about the '769 patent since at least July 29, 2020, when Defendants received notice of its infringement. Further, on information and belief, Defendants' conduct before the USPTO and foreign offices, suggest that it was aware of the '769 patent prior to receiving the letter. For example, in prosecuting U.S. Patent Publication No. 2006/0022201A1, Defendants disclosed the family associated with the '769 patent to the USPTO.

#### **INDIRECT INFRINGEMENT (35 U.S.C. §271(b))**

139. Based on the information presently available to Plaintiff, Defendants have also indirectly infringed one or more claims of the '769 patent by inducing infringement, including, at least, the importation and sale of products that, as set forth above, infringe the '769 patent. For example, Defendants induce and have induced the importation and sale of products accused of infringing the '769 patent (e.g., QN55) by retailers. Further, SEC and/or SDC also induce and have induced the importation and sale of products accused of infringing the '769 patent (e.g., QN55) by SEA.

140. Defendants have known of the '769 patent and its infringement at least as early as the service date of this complaint. Further, on information and belief, Defendants have known of the '769 patent and its infringement at least as early as the filing date of the original complaint. In addition, Defendants have known about the '769 patent since at least July 29, 2020, when Defendants received notice of the '769 patent and its infringement.

141. On information and belief, despite having knowledge of the '769 patent and its infringement, Defendants specifically intended for retailers to import and sell products accused of infringing the '769 patent. Further, SEC and/or SDC specifically intended for SEA to import and sell products accused of infringing the '769 patent. On information and belief, Defendants instruct

and encourage the importers to import and/or sell products accused of infringing the '769 patent. On information and belief, the purchase and sale agreements between Defendants and the importers provide such instruction and/or encouragement. Further, on information and belief, SEA exists for inter alia, the purpose of importing and selling products accused of infringing the '769 patent in the United States.

142. Upon information and belief, despite having knowledge of the '769 patent and knowledge that it is directly and/or indirectly infringing one or more claims of the '769 patent, Defendants have nevertheless continued its infringing conduct and disregarded an objectively high likelihood of infringement. Defendants' infringing activities relative to the '769 patent have been, and continue to be, willful, wanton, malicious, in bad-faith, deliberate, consciously wrongful, flagrant, 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.

143. Each Defendant is liable for these infringements of the '769 patent pursuant to 35 U.S.C. § 271.

144. Plaintiff has been damaged as a result of Defendants' infringing conduct described in this Court. Defendants are, thus, liable to Plaintiff in an amount that adequately compensates Plaintiff 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.

145. Plaintiff has complied with the requirements of 35 U.S.C. § 287, to the extent necessary and/or applicable, and is entitled to collect pre- and post-filing damages for Defendants' infringements of the '769 patent.

**COUNT VII**  
**(Infringement of U.S. Patent No. 7,414,682)**

146. Plaintiff incorporates paragraphs 1 through 145 herein by reference.

147. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

148. Plaintiff is the owner of the '682 patent with all substantial rights to the '682 patent including the exclusive right to enforce, sue, and recover damages for past and future infringement.

149. The '682 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

**DIRECT INFRINGEMENT (35 U.S.C. §271(a))**

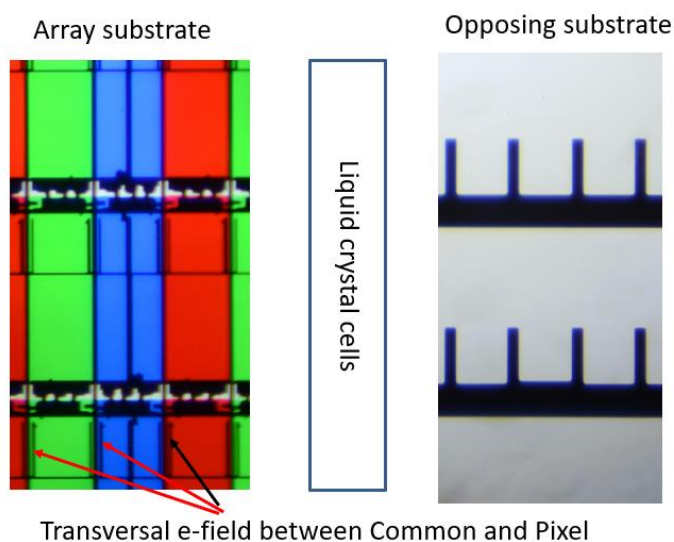
150. Defendants have, and continue to, infringe one or more claims of the '682 patent in this judicial district and elsewhere in Texas and the United States.

151. On information and belief, Defendants, either by themselves (individually and/or in concert) and/or via an agent, infringed literally, and/or under the Doctrine of Equivalents, infringe at least claim 1 of the '682 patent by, among other things, making, using, selling, offering for sale, and/or importing products, such as televisions and mobile phones, that satisfy the limitations of claim 1. Further, SEC is vicariously liable for this infringing conduct of SDC and/or SEA, as well as other related Samsung entities, and affiliates, (under both the alter ego and agency theories) because, as an example and upon information and belief, SEC, SDC, and SEA are essentially the same company, and SEC has the right and ability to control SDC's and SEA's infringing acts and receives a direct financial benefit from SEA's and SDC's infringement.

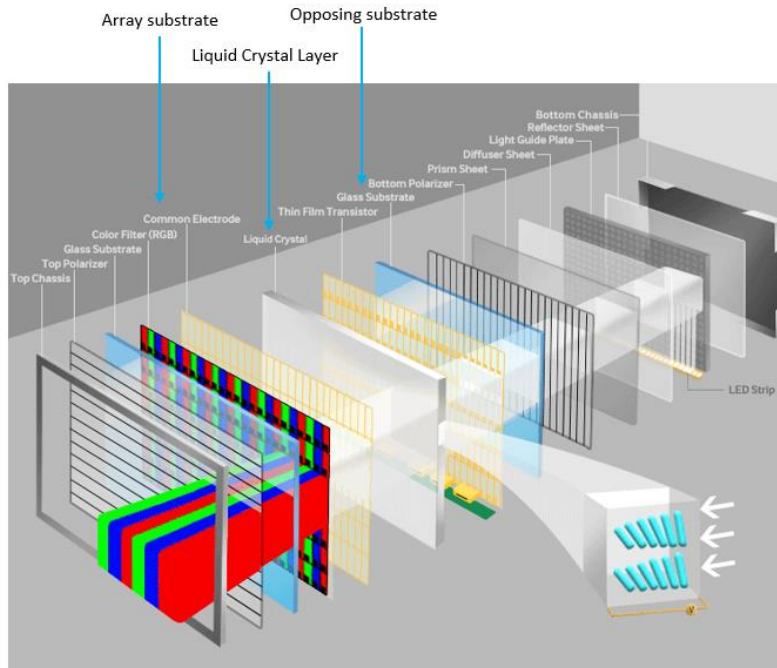
152. The products accused of infringing the '682 patent comprise a liquid crystal display of transversal electric field type. For example, the QN55 includes an LCD display and LCM label.



153. The products accused of infringing the '682 patent comprise a liquid crystal panel in which liquid crystal is retained between a pair of substrates. For example, within a QN55 television the display includes an array substrate, an opposing substrate, and liquid crystal formed between the array and opposing substrates:

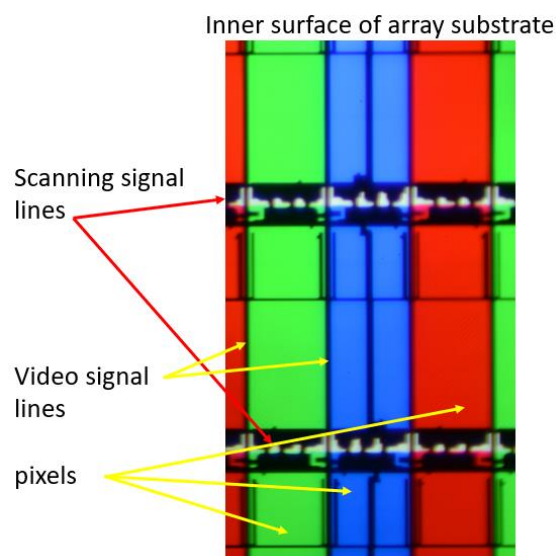




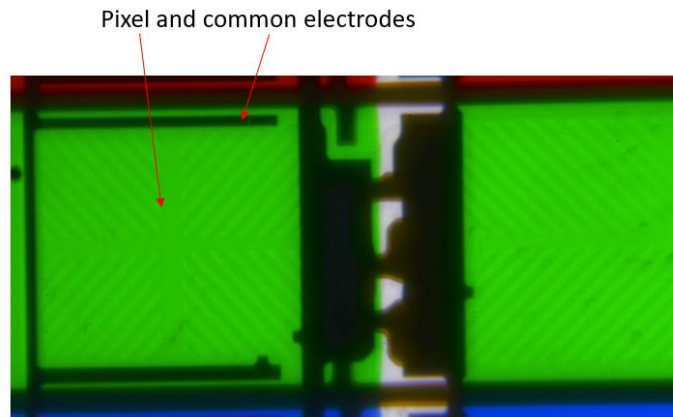


Source: <https://pid.samsungdisplay.com/en/learning-center/blog/lcd-structure>.

154. The products accused of infringing the '682 patent comprise a plurality of scanning signal lines and a plurality of video signal lines formed so as to define a plurality of pixels in a matrix on an inner surface of one of the pair of substrates. An examination of the QN55 television demonstrates this:

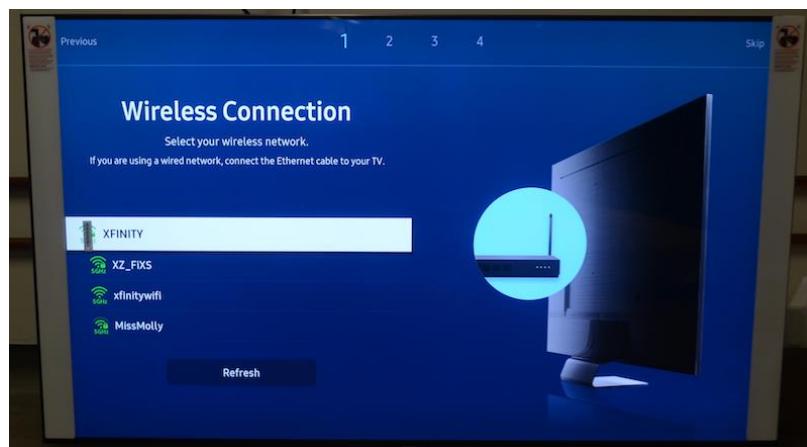


155. The products accused of infringing the '682 patent comprise a pixel electrode and a common electrode formed opposite to each other in each pixel in a plan view. An examination of the QN55 television demonstrates this:



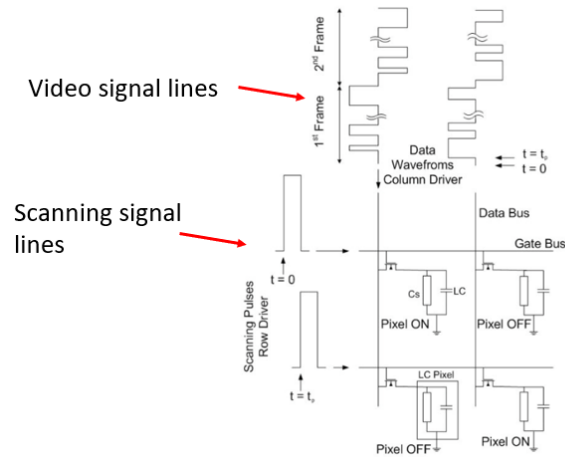
Pixel Rotated 90 degrees

156. The products accused of infringing the '682 patent are configured such that an image is displayed on the liquid crystal panel by inputting a video signal from the video signal line into the pixel electrode while sequentially selecting the pixel through the scanning signal line. An examination of the QN55 television demonstrates this:

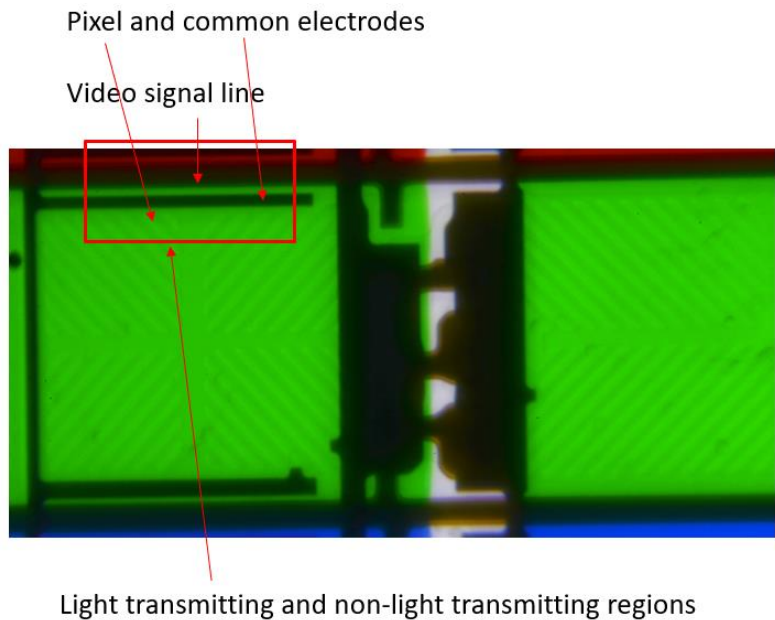


157. The products accused of infringing the '682 patent are configured to use an active matrix addressing method such as inputting a video signal from the video signal line into the pixel

electrode while sequentially selecting the pixel through the scanning signal line will display an image on the liquid crystal panel:

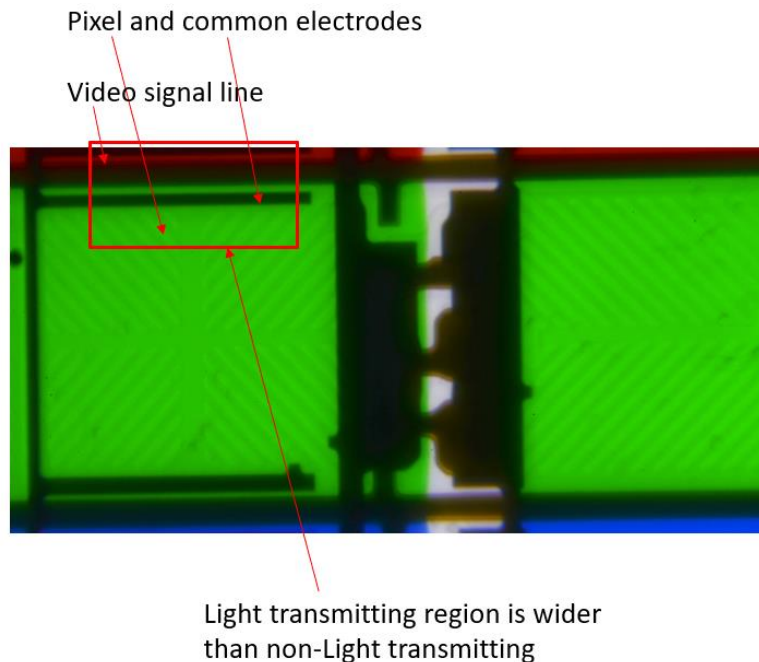


158. The products accused of infringing the '682 patent are configured such that at least one of the scanning signal lines, the video signal lines, the pixel electrode, or the common electrode is at least partially constituted by a light-transmitting conductive layer and a light-non-transmitting conductive layer. An examination of the QN55 television demonstrates this:



159. The products accused of infringing the '682 patent are configured such that a width of the light-transmitting conductive layer is wider than a width of the light-non-transmitting layer.

An examination of the QN55 television demonstrates this:



160. At a minimum, Defendants have known of the '682 patent at least as early as the service date of this complaint. Further, on information and belief, Defendants have known of the '682 patent at least as early as the filing date of the original complaint. In addition, Defendants have known about the '682 patent since at least July 29, 2020, when Defendants received notice of its infringement.

#### **INDIRECT INFRINGEMENT (35 U.S.C. §271(b))**

161. Based on the information presently available to Plaintiff, absent discovery Defendants have also indirectly infringed one or more claims of the '682 patent by inducing infringement, including, at least, the importation and sale of products that, as set forth above, infringe the '682 patent. For example, Defendants induce and have induced the importation and sale of products accused of infringing the '682 patent (e.g., QN55) by retailers. Further, SEC and/or

SDC also induce and have induced the importation and sale of products accused of infringing the '682 patent (e.g., QN55) by SEA.

162. Defendants have known of the '682 patent and its infringement at least as early as the service date of this complaint. Further, on information and belief, Defendants have known of the '682 patent and its infringement at least as early as the filing date of the original complaint. In addition, Defendants have known about the '682 patent since at least July 29, 2020, when Defendants received notice of the '682 patent and its infringement.

163. On information and belief, despite having knowledge of the '682 patent and its infringement, Defendants specifically intended for retailers to import and sell products accused of infringing the '682 patent. Further, SEC and/or SDC specifically intended for SEA to import and sell products accused of infringing the '682 patent. On information and belief, Defendants instruct and encourage the importers to import and/or sell products accused of infringing the '682 patent. On information and belief, the purchase and sale agreements between Defendants and the importers provide such instruction and/or encouragement. Further, on information and belief, SEA exists for inter alia, the purpose of importing and selling products accused of infringing the '682 patent in the United States.

164. Upon information and belief, despite having knowledge of the '682 patent and knowledge that it is directly and/or indirectly infringing one or more claims of the '682 patent, Defendants have nevertheless continued its infringing conduct and disregarded an objectively high likelihood of infringement. Defendants' infringing activities relative to the '682 patent have been, and continue to be, willful, wanton, malicious, in bad-faith, deliberate, consciously wrongful, flagrant, 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.

165. Each Defendant is liable for these infringements of the '682 patent pursuant to 35 U.S.C. § 271.

166. Plaintiff has been damaged as a result of Defendants' infringing conduct described in this Count. Defendants are, thus, liable to Plaintiff in an amount that adequately compensates Plaintiff 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.

167. Plaintiff has complied with the requirements of 35 U.S.C. § 287, to the extent necessary and/or applicable, and is entitled to collect pre- and post-filing damages for Defendants' infringements of the '682 patent.

#### **CONCLUSION**

168. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of the 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]

169. 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**

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

**PRAYER FOR RELIEF**

Plaintiff asks that the Court find in its favor and against Defendants and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of the Asserted Patents have been infringed, either literally and/or under the doctrine of equivalents, by Defendants;
- b. Judgment that Defendants account for and pay to Plaintiff all damages and costs incurred by Plaintiff because of Defendants' infringing activities and other conduct complained of herein, including an accounting for any sales or damages not presented at trial;
- c. Judgment that Defendants account for and pay to Plaintiff a reasonable, ongoing, post judgment royalty because of Defendants' infringing activities, including continuing infringing activities, and other conduct complained of herein;
- d. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein;
- e. Find this case exceptional under the provisions of 35 U.S.C. § 285 and award enhanced damages; and
- f. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: April 20, 2021

Respectfully submitted,

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