

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FUNDAMENTAL INNOVATION
SYSTEMS INTERNATIONAL LLC,

Plaintiff,

vs.

HYUNDAI MOTOR COMPANY,
HYUNDAI MOTOR AMERICA, GENESIS
MOTOR AMERICA LLC, HYUNDAI
CAPITAL AMERICA,

Defendants.

Civil Action No. 2:21-cv-283

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND

Plaintiff Fundamental Innovation Systems International LLC (“Fundamental”), by and through its undersigned counsel, brings this action against Defendants Hyundai Motor Company Hyundai Motor America, Genesis Motor America LLC, and Hyundai Capital America (collectively, “Hyundai” or “Defendants”) to prevent the Defendants’ continued use of Plaintiff’s patents without authorization and to recover damages resulting from such unauthorized use.

PARTIES

1. Plaintiff Fundamental is a Delaware limited liability company with its principal place of business located 2990 Long Prairie Road, Suite B, Flower Mound, Texas 75022.
2. Fundamental is the assignee of all right, title, and interest in U.S. Patent Nos. 6,936,936 (the “’936 Patent” attached as Ex. A), 7,239,111 (the “’111 Patent” attached as Ex. B),

7,453,233 (the “’233 Patent” attached as Ex. C), and 8,624,550 (the “’550 Patent” attached as Ex. D) (collectively, the “Patents-in-Suit”).

3. On information and belief, Defendant Hyundai Motor Company is a corporation organized and existing under the laws of the Republic of Korea with its principal place of business at 12 Heolleung-ro Seocho-gu, Seoul 06797, Republic of Korea. On information and belief, Hyundai Motor Company operates through Defendant Hyundai Motor America in the United States, including in the State of Texas and this judicial district.

4. On information and belief, Defendant Hyundai Motor America is a wholly owned sales subsidiary of Hyundai Motor Company. Ex. E at 14 (PDF 17). On information and belief, Defendant Hyundai Motor America is a corporation organized and existing under the laws of the State of California. On information and belief, Hyundai Motor America maintains a regular and established place of business at its Southern Central Regional Office, 1421 S Belt Line Rd, Coppell, TX 75019. On information and belief, Hyundai Motor America may be served with process through its registered agent, Corporation Service Company d/b/a CSC-Layers Inc., located at 211 E. 7th Street, Suite 620, Austin TX 78701.

5. On information and belief, Hyundai Motor America (“HMA”) owns and operates Hyundai Motor Manufacturing Alabama, LLC (“HMMA”) that manufactures Hyundai vehicles. On information and belief, vehicles made by HMMA are sold throughout the United States, including in the State of Texas and in this judicial district.

6. On information and belief, Defendant Genesis Motor America LLC (“Genesis”) is a wholly owned subsidiary of Hyundai Motor America engaged in sales of Genesis brand vehicles. On information and belief, Genesis is a limited liability company organized under the laws of the State of California with its principal place of business at 10550 Talbert Avenue,

Fountain Valley, CA 92708. On information and belief, Hyundai Motor America may be served with process through its registered agent, Corporation Service Company d/b/a CSC-Layers Inc., located at 211 E. 7th Street, Suite 620, Austin TX 78701.

7. On information and belief, Defendant Hyundai Capital America (“HCA”) is a majority-owned subsidiary of Hyundai Motor America (80%), organized and existing under the laws of the State of California. On information and belief, HCA has a regular and established place of business at 6100 W. Plano Parkway, Plano, Texas, United States, 75093. On information and belief, HCA may be serviced through its registered agent, National Registered Agents, Inc. located at 1999 Bryan Street, Ste. 900, Dallas, TX 75201.

8. On information and belief, HMA maintains Hyundai dealerships throughout the Eastern District of Texas, including, at least: Hyundai Of Longview, 3680 North Highway 259, Longview, TX 75605; Texoma Hyundai, 2500 Texoma Parkway, Sherman, TX 75090; Huffines Hyundai Plano, 909 Coit Road, Plano, TX 75075; Huffines Hyundai Mckinney, 1301 N. Central Expressway, Mckinney, TX 75070; Hyundai Of Lufkin, 3101 S. Medford Drive, Lufkin, TX 75901; Greenville Hyundai, 7311 I- 30 Frontage Road, Greenville, TX 75402; Patterson Hyundai Tyler, 3120 Southwest Loop 323, Tyler, TX 75701; Hyundai Of Silsbee, 4100 Highway 96 Bypass, Silsbee, TX 77656; Philpott Motors Hyundai, 1400 Highway 69 N, Nederland, TX 77627.

9. On information and belief, HMA and Genesis also operate Genesis dealerships in this judicial district, including at least: Genesis of Plano, 909 Coit Road, Plano, TX 75075 and Genesis of McKinney, 1301 N. Central Expressway, McKinney, TX 75070.

10. On information and belief, the dealerships hold themselves out as the HMA’s or Genesis’ places of business by, *inter alia*, operating under the name “Hyundai” and/or

“Genesis,” and using the Hyundai and Genesis’s logos without reservation or caveat. On information and belief, HMA and Genesis authorize the dealers to include trademarks associated with the Hyundai or Genesis vehicles in its store display and on building exteriors. Partial screenshots of Google Maps for the dealerships are shown below:



¹ <https://www.google.com/maps/place/Hyundai+of+Lufkin/@31.3164992,-94.7061175,3a,104.1y,90t/data=!3m8!1e2!3m6!1sAF1QipObw-Se54ZZrE-TmQwhzQIzInm7nK1E1BJPugNu!2e10!3e12!6shttps:%2F%2Flh5.googleusercontent.com%2Fp%2FAF1QipObw-Se54ZZrE-TmQwhzQIzInm7nK1E1BJPugNu%3Dw203-h152-k-no!7i640!8i480!4m12!1m6!3m5!1s0x86383dab843c6ea5:0x5691847f0bbd5c1d!2sHyundai+of+Lufkin!8m2!3d31.3160694!4d-94.7059745!3m4!1s0x86383dab843c6ea5:0x5691847f0bbd5c1d!8m2!3d31.3160694!4d-94.7059745>

² https://www.google.com/maps/place/Hyundai+of+Silsbee/@30.3207545,-94.1795947,3a,87.1y,90t/data=!3m8!1e2!3m6!1sAF1QipNXThCYZDJpIN5IAJH_fo20WyiZBpadQ3gIuD16!2e10!3e12!6shttps:%2F%2Flh5.googleusercontent.com%2Fp%2FAF1QipNXThCYZDJpIN5IAJH_fo20WyiZBpadQ3gIuD16%3Dw203-h135-k-no!7i1188!8i792!4m5!3m4!1s0x86393bd7247f2f1b:0x416da41bc3a5d488!8m2!3d30.3207545!4d-94.1795947

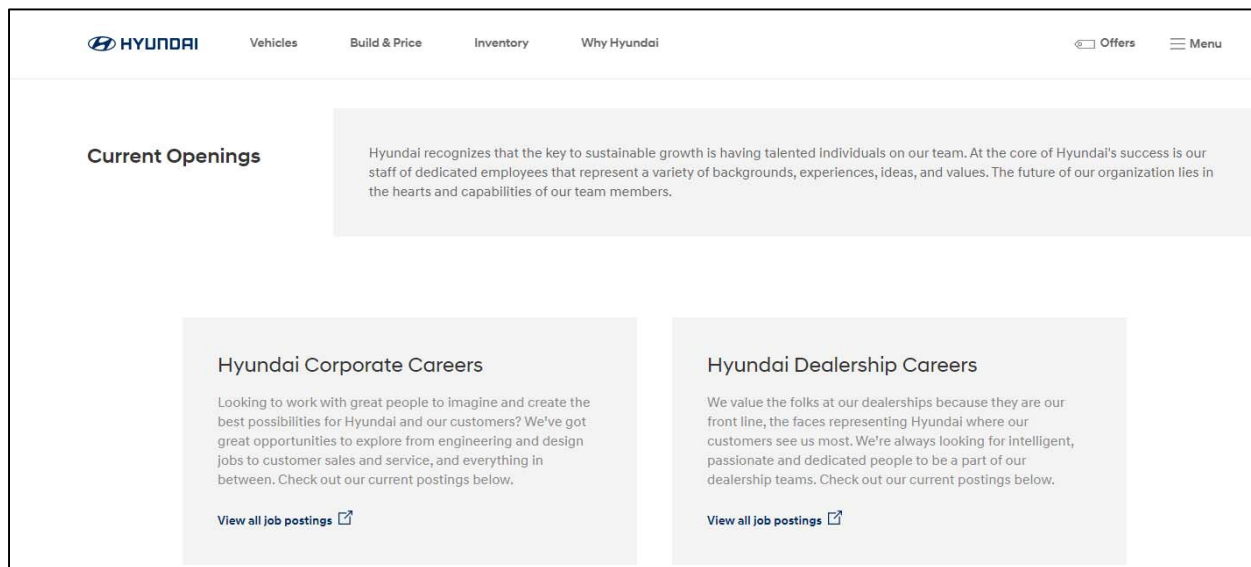


³ https://www.google.com/maps/place/Hyundai+of+Longview/@32.5627994,-94.7307734,3a,75y,90t/data=!3m8!1e2!3m6!1sAF1QipMmsCyPi_91gRDpWv74J5sxEKXkE5duI_2BH-NP!2e10!3e12!6shttps:%2F%2Fh5.googleusercontent.com%2Fp%2FAF1QipMmsCyPi_91gRDpWv74J5sxEKXkE5duI_2BH-NP%3Dw203-h152-k-no!7i4160!8i3120!4m2!1m6!3m5!1s0x86363f60f17695dd:0xc8c43cd19708796a!2sHyundai+of+Longview!8m2!3d32.5627146!4d-94.7307722!3m4!1s0x86363f60f17695dd:0xc8c43cd19708796a!8m2!3d32.5627146!4d-94.7307722

⁴ <https://www.google.com/maps/place/Texoma+Hyundai/@33.6657811,-96.597816,3a,75y,90t/data=!3m8!1e2!3m6!1sAF1QipOL3Yi31uplGMxR32oIoiUYgHVSmh1brIL34Ubd!2e10!3e12!6shttps:%2F%2Fh5.googleusercontent.com%2Fp%2FAF1QipOL3Yi31uplGMxR32oIoiUYgHVSmh1brIL34Ubd%3Dw446-h298-k-no!7i6000!8i4005!4m15!1m7!3m6!1s0x864c888a855574c5:0xcd928ce84572850!2s2500+Texoma+Pkwy,+Sherman,+TX+75090!3b1!8m2!3d33.6660436!4d-96.5976103!3m6!1s0x864c888a7ab58819:0x11a0055aa2a8d2b8!8m2!3d33.6657811!4d-96.597816!14m1!1BCgIgARICEAE>

⁵ https://www.google.com/maps/uv?pb=!1s0x864c226bb9db9d39%3A0x8db5e3f47edd131f13m1!7e115!4s%2Fmaps%2Fplace%2Fgenesis%2Bof%2Bplano%2F%4033.0121007%2C-96.7671646%2C3a%2C75y%2C263.22h%2C90t%2Fdata%3D*213m4*211e1*213m2*211su2RIY7t95sYMPMI9-uxKxg*212e0*214m2*213m1*211s0x864c226bb9db9d39%3A0x8db5e3f47edd131f%3Fsa%3DX!5sgenesis%20of%20plano%20-%20Google%20Search!15sCgIgAQ&imagekey=!1e10!2sAF1QipNlsGU39bIbmGfJDHdXILMP

11. On information and belief, HMA holds its dealerships out as its places of business by, *inter alia*, listing the dealerships on its websites, making the inventory of each dealership available to search on one of its websites, and even advertising dealership job openings on another of its websites.



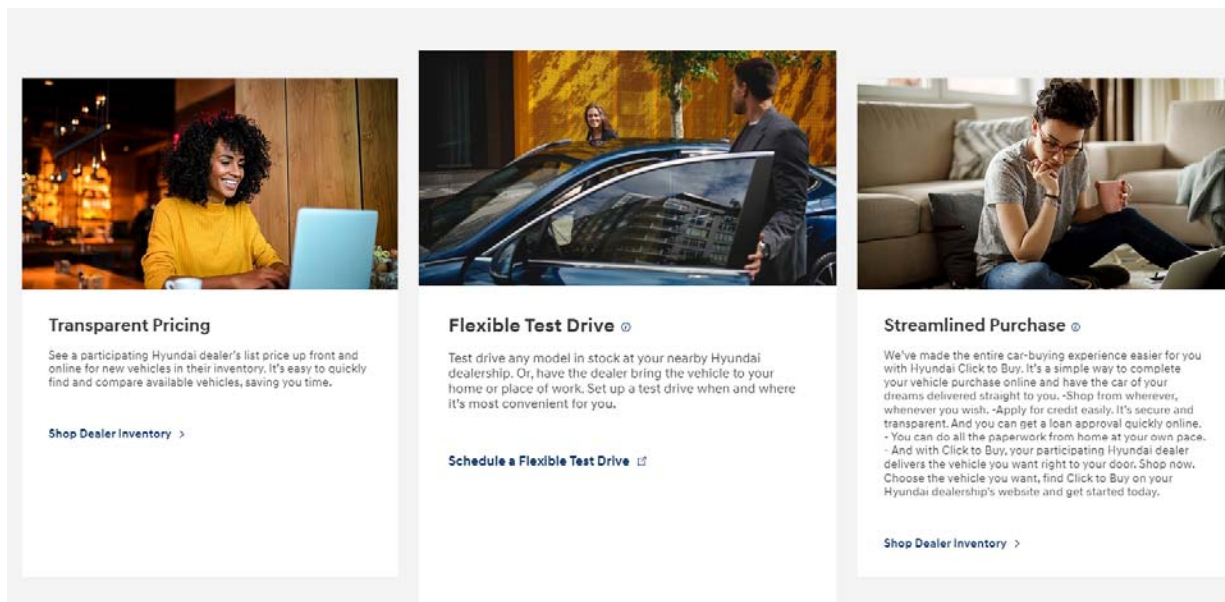
12. On information and belief, HMA describes people at the dealerships as their “front line, the faces representing Hyundai where [the] customers see [them] most.” Defendants actively recruits people “to be part of [their] dealership team.” Ex. F. The advertised jobs includes service technicians, consultants, and parts counter jobs.

13. On information and belief, HMA includes people who “service” their cars as part of its work force. *See* Ex. G. On information and belief, services on Hyundai cars are performed by dealerships. For example, clicking on “Schedule Service” link under “Menu” on Hyundai web page leads to a list of local dealerships. On further information and belief, Defendants service their warranty obligations through dealerships, including those in this District.

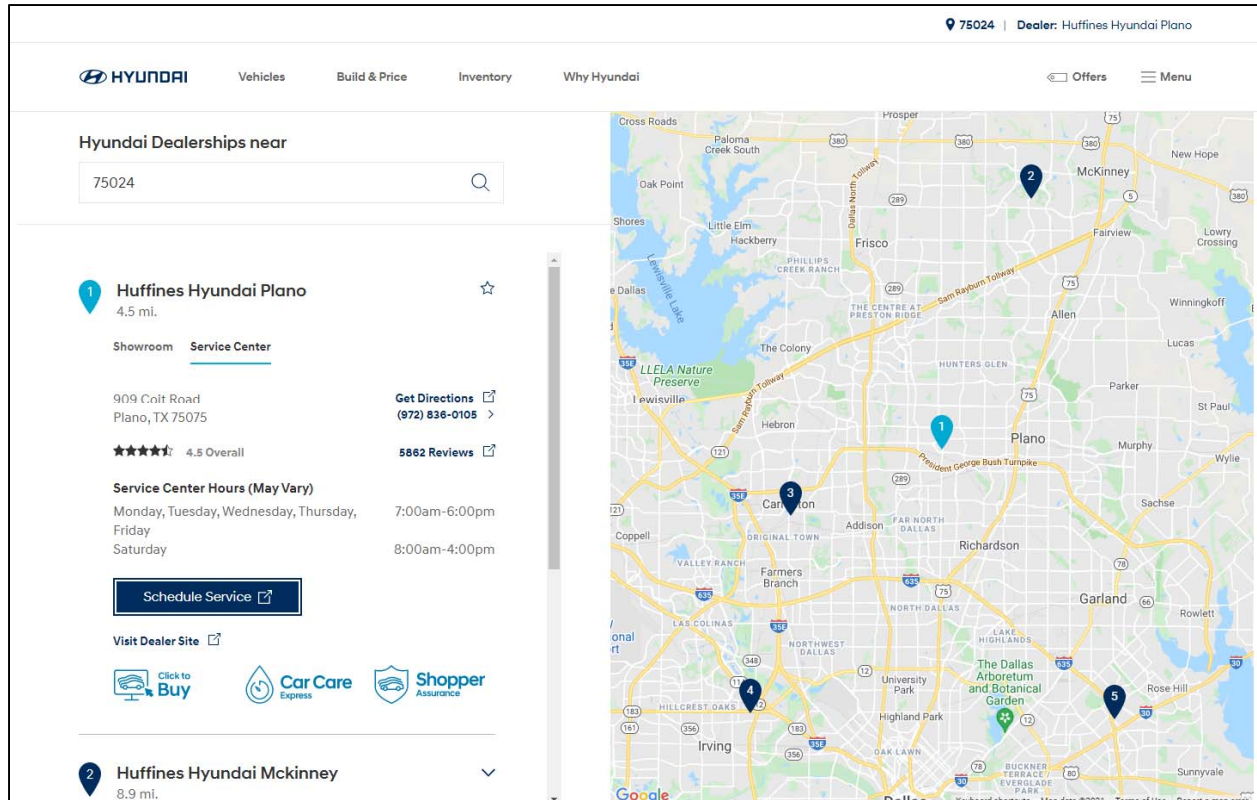
eON1dmOk2jGnzdky&hl=en&sa=X&ved=2ahUKEwj83PTxlevxAhVExZ4KHXYcYQpx8wFXoECE8QCA

14. On information and belief, HMA and Genesis and their dealers function as one for the purpose of selling, leasing and servicing Hyundai and Genesis branded vehicles. For example, on information and belief, HMA and Genesis sell, offer for sale, or otherwise distribute through the dealerships products at issue in this complaint (such as vehicles with charging capability through Universal Serial Bus (“USB”) charging ports and/or media ports that can supply more than the amounts of current permitted under the USB 2.0 Specification and parts enabling such charging functionality).

15. On information and belief, HMA and Genesis exclusively distribute their new vehicles, including its infringing vehicles, through dealerships including those in the Eastern District of Texas. For example, HMA’s web site has a link for “Shopper Assurance” that touts “Simplifying the car buying process.” Ex. H. The link takes a prospective buyer to <https://www.hyundaiusa.com/us/en/shopper-assurance> (Ex. I). Each of the touted features involves interacting with a dealer.



16. On information belief, HMA’s shopper assurance web page automatically lists nearby dealers based on a potential buyer’s location.



17. On information and belief, HMA and Genesis direct interested consumers to authorized dealers to purchase cars. For example, HMA’s web site (<https://www.hyundaiusa.com/us/en/dealer-locator>, Ex. J) provides a geographically searchable database of dealers including in the Eastern District of Texas and Texas generally. As a further example, the inventory of Hyundai dealerships, including dealerships in this State and District, are available for search on Defendant Hyundai Motor America’s website, (<https://www.hyundaiusa.com/us/en/inventory-search>, Ex. K).

18. As another example, Genesis’ “Find a Retailer” link under the “Menu” link allows a user to search a retailer by zip codes. The search results include links to the dealers’ web pages, which display the “Genesis” logo as well as “Genesis Care.” On information and belief, the dealers’ web sites also include a link to “MyGenesisUSA” that states:

MYGENESISUSA

Because we respect your time, Genesis gives you access to vehicle information and details on all your owner benefits in one convenient place. Just join MyGenesisUSA to manage your Genesis ownership experience online. You'll have access to vehicle information and details on all of your ownership benefits, in one convenient place. You can schedule service, learn about our Connected Services, and more. Register today at MyGenesisUSA.com.

19. On information and belief, a dealer must be authorized by HMA and Genesis before it can sell or service Hyundai or Genesis branded vehicles. For example, on information and belief, HMA and/or Genesis enter into a contract with each authorized dealer agreeing to sell to the dealer one or more specified product lines at wholesale prices and granting the dealer the right to sell those vehicles to retail customers from an approved location. On information and belief, HMA and Genesis dealers, including the ones located in this judicial district, have to comply with Defendants' requirements on location, space, appearance, layout and equipment.

20. On information and belief, HMA and Genesis' authorized dealers offer parts, accessories, service, and repairs for Hyundai and Genesis branded vehicles in the product lines that they sell using Hyundai and Genesis parts and accessories. On information and belief, the authorized dealers are authorized to service Hyundai and Genesis branded vehicles under HMA's or Genesis' limited warranty programs, and those repairs are made with Hyundai and Genesis parts.

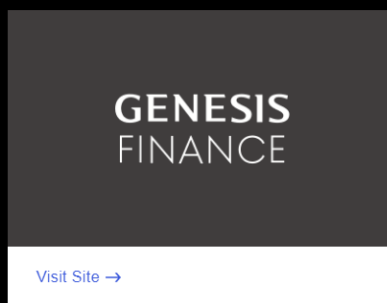
21. On information and belief, HMA and Genesis offer financing to their manufacturers, dealers, and/or end customers through Hyundai Capital America, a captive auto finance company, 80% of whose share, on information and belief, is owned by HMA. Ex. E at 14 (PDF 17); Ex. L.

Hyundai Capital

Our Company

As a captive auto finance company, we achieve success by helping our partners succeed—working to fuel the growth of our auto manufacturers and dealers.

Finance Options



22. On further information and belief, HMA's and Genesis' dealers generally provide Defendants' customers with access to credit or lease financing, vehicle insurance and extended service contracts provided by *e.g.*, Hyundai Capital America d/b/a Hyundai Motor Finance or Genesis Finance.

23. On further information and belief, through authorized sales, services and financing at authorized dealerships, including those located in this judicial district, Defendants distribute infringing vehicles and parts, perform infringing services through their wide range of sales and services activities, such as maintenance, vehicle accessories sales, and repairs and replacements by Hyundai certified technicians.

24. On information and belief, the authorized dealerships, including those located in

this judicial district, provide warranties upon sales of new vehicles that warrant to the original and each subsequent owner of new Hyundai or Genesis vehicles that any authorized dealer will make any repairs or replacements necessary to correct defects in material or workmanship arising during the warranty period; and these dealerships, including those in this District, perform new car warranty service paid for by Defendants, directed and controlled by Defendants, and on Defendants' behalf. On information and belief, these warranty services are performed by technicians certified by Defendants. On further information and belief, these technicians have also participated in training programs or events sponsored by Defendants. These technicians when performing employee services operate as agents or employees of Defendants.

25. On information and belief, HMA and Genesis regularly, continuously and systematically provide support and control over its dealers, including those located in this judicial district. Upon further information and belief, HMA and Genesis require certain of its employees to work with and at its dealership locations, including at the locations in this District. For example, on information and belief, HMA and Genesis employees travel to the dealerships located in this District to ensure compliance with the dealer standards, ensure that advertising is consistent with Hyundai corporate message and branding guidelines, train dealership personnel on new products, assist dealers with problem solving, diagnose technical concerns, provide on-site assistance, assist dealers with sales, marketing, business development, and business planning, ensure dealer orders meet market demand, manage monthly vehicle allocation, review and analyze dealer financial statements, and consult with dealers to improve their operations and retail business.

JURISDICTION AND VENUE

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

27. This Court has personal jurisdiction over Defendants, in part because they transact continuous and systematic business and have substantial, systematic, and continuous contacts in this District, including by providing infringing products and services to the residents of the Eastern District of Texas that Defendants knew would be used within this District, and by soliciting business from the residents of the Eastern District of Texas.

28. For example, Defendants are subject to personal jurisdiction in this Court because, *inter alia*, and on information and belief, they have and continue to operate directly or through their wholly owned subsidiaries, representatives, intermediaries, and/or agents in the State of Texas, including at the Southern Central Regional Office, 1421 S Belt Line Rd, Coppell, TX 75019. As a further example, HCA maintains an operation center within the Eastern District of Texas at 6100 W. Plano Parkway, Plano, Texas, United States, 75093. Through financing provided by HCA, Defendants are able to finance dealerships and finance purchase or lease of vehicles.

29. Defendants are also subject to the personal jurisdiction of this Court because, on information and belief, they directly and/or through agents regularly solicit and transact business in the Eastern District of Texas (and elsewhere in the State of Texas) in an attempt to derive financial benefit from residents of this District, including, for example, through various dealerships that bear Defendants' business names or logos in particular and residents of the State of Texas in general, as well as via advertisements or marketing targeting residents of this District

and the rest of the State of Texas. The benefit that Defendants derive from their business transactions includes those directly related to the infringement of the Patents-in-Suit as set forth herein.

30. On information and belief, Defendants have committed and continue to commit acts of infringement in violation of 35 U.S.C. § 271, and have made, used, marketed, distributed, offered for sale, sold, and/or imported products that are alleged herein to infringe one or more of the Patents-in-Suit in the State of Texas, including in this District, and engaged in infringing conduct within and directed at or from this District. For example, Defendants have purposefully and voluntarily placed products equipped with or comprising infringing USB chargers or adapters (the “Accused Products”) into the stream of commerce with the expectation that the Accused Products will be used in this District. These Accused Products include, but are not limited to, cars containing infringing USB chargers or adapters, and original or replacement parts having infringing USB chargers or adapters. The Accused Products have been and continue to be distributed to and used in this District. HCA’s financing enables such infringing distribution.

31. Defendants also have been and continue to operate the Accused Products in an infringing manner, including when they operate, service, or repair the Accused Products for USB charging in an infringing manner. Defendants’ acts cause and have caused injury to Fundamental, including within this District. On further information and belief, Defendants have purposefully directed activities at citizens of the State of Texas including those located within this District, including advertising, promoting, selling, leasing, financing the sale/lease of, and servicing Accused Products that infringe one or more claims of the Patents-in-Suit or performing one or more activities using Accused Products provided by the Defendants in a manner that infringes one or more claims of the Patents-in-Suit. On information and belief, Plaintiff’s cause

of action arises directly from Defendants' business contacts and other activities in the State of Texas.

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

33. The Court also has personal jurisdiction over Defendant Hyundai Motor Company under Federal Rule of Civil Procedure 4(k)(2) if Defendants allege that Defendant Hyundai Motor Company is not subject to general jurisdiction in any one state. The exercise of jurisdiction in this patent infringement action over Defendants under the federal law is consistent with the United States Constitution.

34. Venue is proper in this District under the provisions of 28 U.S.C. §§ 1391 and 1400(b). For example, Defendant Hyundai Motor Company is a foreign corporation and not a resident of the United States, and may therefore be sued in any judicial district, including this one. As another example, the venue is proper for the Defendants HMA and Genesis because they have committed acts of infringement in this District and maintain regular and established places of business in this District at least at their authorized dealerships. As a further example, the venue is proper for Defendant HCA because it has committed acts of infringement in this District and maintains a regular and established place of business in this District at 6100 W. Plano Parkway, Plano, Texas, United States, 75093.

FACTUAL ALLEGATIONS

The Patents-in-Suit

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

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

37. The value of the inventions claimed by the Patents-in-Suit has been widely recognized. Over fifty companies have taken licenses to the Patents-in-Suit, including in the market for automotive USB ports.

The Accused Products and Infringing Acts

38. On information and belief, Defendants, make, use, sell, offer for sale, lease, rent, distribute, service, repair, and/or import Accused Products in the United States. Examples of the Accused Products include, but are not limited to, vehicles with USB media ports that can provide more than 500mA of current (*e.g.*, charging downstream ports (“CDP”)) or USB charge ports, and original or replacement parts/modules/systems that are or include such USB media ports or USB charge ports. Examples of vehicles with infringing USB ports include, but are not limited

to, Tuscon, Elantra, Santa Fe, Palisade, Sonata, and Genesis brand models, each starting from no later than model year 2019, as well as any other infringing vehicles made, sold, offered for sale, or otherwise distributed by Defendants that include USB ports with similar properties. *See* Ex. DD (260 search results for “USB charging adapter” feature). On information and belief, “USB charging adapter” is one feature by which Hyundai permits its user to find a model of choice. *Id.*

39. Examples of infringing parts/modules/systems include, but are not limited to, components with USB ports that enable USB charging, without relying on enumeration, in the accused vehicles, such as 96125-D3000, 96120-D3600, 96120-F2000, 96125-F2000, 96120-S1100-4X, 96125-J3000, 96125-S1500, 96125-S8000, 96125-S8300, 96120-S8000, 96125-S9110, 96120-C2600, 96125-L1000, 96120-L1100, C2F66 AU001, 00F53 AM100, and any other parts with similar functionality. *See* Ex. EE (incomplete listing of search results for Hyundai “USB charging port”).

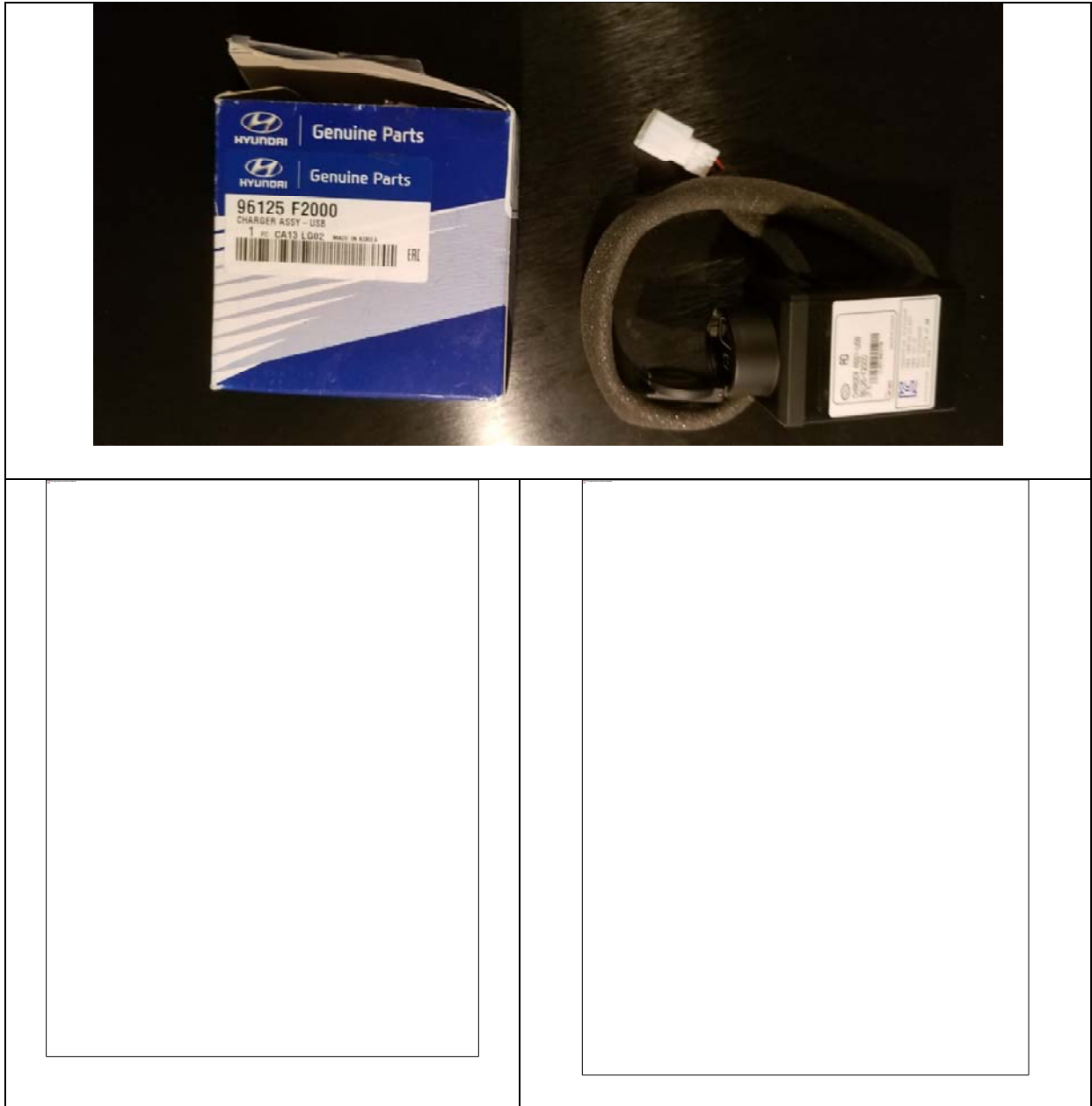
40. The Accused Products are or incorporate USB charging adapters that are designed to provide current to USB devices in excess of that permitted under the USB 2.0 Specification and generally without the need for enumeration or before completing enumeration. For example, the accused vehicles include one or more USB charge ports designed for USB charging only and not for data transfer or media play, and/or USB media ports for both charging and data. *See, e.g.*, Ex. M at PDF 6 (all Elantra models come with one USB charge port and one USB media port); Ex. N at PDF 9 (all Palisade models come with 3 front-row and dual 2nd-row USB charge ports); Ex. O at PDF 16 (same); Ex. P at PDF 4, PDF 7 (rear USB charge port and/or USB media port available); Ex. Q at PDF 8 (rear-seat USB charge port available for most trims); Ex. R at PDF 7 (Santa Fe comes standard with dual front and rear USB charge ports); Ex. S at PDF 13 (G70 comes standard with two USB charge ports in the front and one in the rear); Ex. T at PDF 17

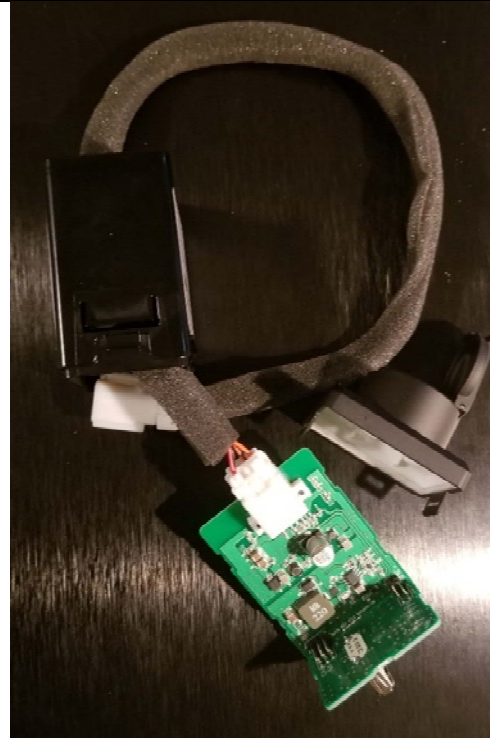
(G80 comes standard with a “data + charge” USB port in front and a “charge only” port in the center console).

41. The USB charging adapters incorporated into Hyundai/Genesis vehicles or sold separately as parts each include a VBUS line, a USB communication path and a USB connector for connecting to a USB device. The USB charging adapters each include a plug unit for receiving energy from a power socket, such as a power socket from a vehicle’s power system. The USB charging adapters also each include a power converter coupled to the plug unit for regulating the energy received from the power socket to a suitable power output, such as a 5V output suitable for USB charging. The USB charging adapters are further each configured with an identification subsystem that is coupled to the USB connector and that is configured to provide an identification signal. The identification signal or signals indicate to a connected USB device that the USB charging adapter is receiving power from a source that is not a USB host or hub, and/or that the device may draw an amount of current in excess of that permitted under the USB 2.0 Specification without or before completion of enumeration. In the Accused Products, the identification signals are provided, *inter alia*, as voltages on a D+ line and/or on a D- line. For example, on information and belief, the Accused Products support Battery Charging Specification, including the primary detection and secondary detection for a Dedicated Charging Port (“DCP”). A claimed identification signal generally corresponds to a data or data line condition regarded as abnormal by the USB 2.0 Specification.

42. On information and belief, infringing USB charging adapters in the accused Hyundai/Genesis vehicles are capable of supplying more than 500mA of current in response to abnormal data conditions on D+ or D- lines, without relying on enumeration. An example of an

infringing USB charging adapter with one USB port is shown below. On information and belief, the part, 96125-F2000, is used at least in the Elantra.





43. On information and belief, Hyundai also sells parts through <https://www.hyundaiaccessories.com> by referring customers to its nearby dealerships, including

the USB adapters shown below. *See* Ex. U (directing customers to a nearby, authorized dealer through the website).



44. On further information and belief, the above parts are charging USB adapters compatible with many recent Hyundai models and model years. *See* Ex. V (2.1A adapter compatible with, *inter alia*, Elantra and Tuscon for 2019 on, Santa Fe from 2021 on, Sonata for 2019); Ex. W (2.4A adapter compatible with, *inter alia*, Elantra, Tuscon, Santa Fe, and Sonata from 2019 on, and Palisade from 2020 on) These adapters are configured to provide current in excess of that permitted in the USB 2.0 Specification, for example 2.1A and 2.4A. *See* Exs. X, Y.

45. On information and belief, Defendants promote the USB charging port features in their vehicles. For example, a brochure for the 2021 Tuscon extols the advantages of its rear charge port: “Need to juice up everyone’s smartphones on the go? A 2nd-row USB charge port

is available for bringing power to the people, regardless of seating position.” *See* Ex. P at PDF 4.

It also features a close up photo of the port in use.



46. As another example, Defendants’ 2019 brochure on the Elantra advertises the advantages of the Elantra’s charging ports. Ex. Z at PDF 6.

More Power To You

The dual USB charging ports available on select Elantra models let you keep two digital devices plugged into their lifeblood electricity wherever you roam. The 2019 Elantra Limited also offers a generously proportioned wireless charging pad that does away with messy phone charging cords altogether.

47. The 2021 Brochure for Elantra continues to promote the USB charging features: “[T]o keep everyone powered up, Elantra offers ... dual USB ports.” Ex. M at PDF 6. Sonata brochures feature the same promotion. *See* Ex. Q at PDF 8 (“To keep everyone powered up, Sonata offers ... a rear-seat USB charge port.”); Ex. AA at PDF 7 (“To keep everyone powered up when you’re on the road, Sonata offers ... a rear-seat USB charge port.”).

48. As another example, Defendants’ 2020 brochure on the Palisade promotes its features as follows: “Need to get power to your people? Seven USB charging ports and a

wireless charging pad are available on Palisade SEL and standard on Palisade Limited.” *See* Ex. O at PDF 5. The brochure also shows a charging port in use charging a mobile device. *Id.* at 7.



49. In promoting the Santa Fe design and “experience,” Hyundai called out the location of USB ports and the availability of “two USB ports” for back-seat passengers’ electronics. *See* Ex. BB at PDF 5.

Defendants’ Knowledge of the Patents-in-Suit and Infringement

50. On or around July 27, 2020, Fundamental provided Defendant Hyundai Motor America with a specific notice that its vehicles with USB charge ports infringe one or more of the claims of the ‘111, ‘233 and ‘550 patents. *See* Ex. CC. These patents claim priority to and reference the ‘936 patent. Fundamental assured Hyundai that its “intention is to allow Hyundai to continue its use of these patents through a license from Fundamental.” *Id.* at 2. Fundamental also sought a meeting with Hyundai to discuss the patents and license terms. *Id.* Defendants did not respond to this notice or the accompanying request. Defendants also have never contacted Fundamental to provide Fundamental with any basis for believing that they do not infringe the Patents-in-Suit.

51. Despite having received notice of infringement of the Patents-in-Suit, Defendants have continued to make, use, sell, offer for sale, and import into the United States the Accused Products. Defendants' making, using, selling/leasing, offering to sell/lease, and importing of the Accused Products into the United States constitute direct infringement under 35 U.S.C. § 271(a). On information and belief, Defendants also directly infringe one or more method claims of the Patents-in-Suit by testing, repairing, servicing, or using the Accused Products in the United States.

52. Despite having received notice of infringement of the Patents-in-Suit, Defendants have remained willfully blind to the risk of infringement by their customers, partners, dealers, representatives, and agents, despite believing there to be a high probability of infringement due to their instructions and inducement, in violation of 35 U.S.C. § 271(b).

53. After having received notice of infringement of the Patents-in-Suit, Defendants have continued to advertise the infringing features, distribute the Accused Products, offer technical assistance, publish user manuals or instructions describing the use of the infringing features, provide literature featuring USB charging ports to customers, dealers and partners, and advise them to use the Accused Products in a manner that directly infringes the Patents-in-Suit, in violation of 35 U.S.C. § 271(b). For examples, a user of an infringing Hyundai/Genesis vehicle that uses the USB port for charging in accordance with the instructions provided by Defendants directly infringes one or more claims of the Patents-in-Suit as a result of active inducement by Defendants. Defendants provide instructions through, for example, user manuals or brochures. As another example, a purchaser of an infringing USB adapter from Hyundai who installs and uses the adapter in accordance with the instructions directly infringes one or more claims of the Patents-in-Suit as a result of active inducement by Defendants.

54. After having received notice of infringement of the Patents-in-Suit, Defendants have continued to make, use, sell, offer for sale, and import into the United States USB charging adapters containing USB charge ports with knowledge that these parts are a material part of the inventions claimed by the Patents-in-Suit and are especially made or adapted for use in an infringement of the Patents-in-Suit. On information and belief, Defendants know that the accused USB charging adapters are not staple articles or commodities of commerce suitable for substantial non-infringing use. Defendants' actions therefore contribute to the direct infringement of the Patents-in-Suit by others, including customers of the accused vehicles incorporating the USB charging adapters, in violation of 35 U.S.C. § 271(c).

FIRST CLAIM FOR RELIEF

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

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

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

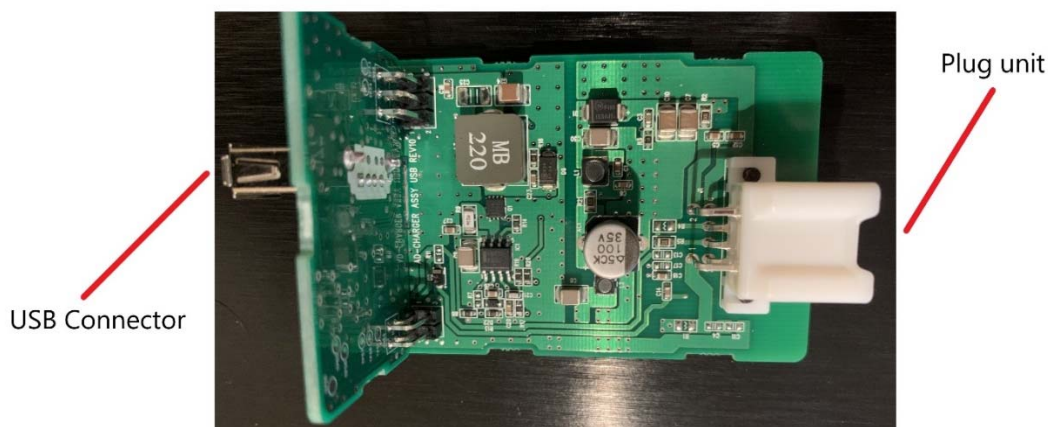
57. The '936 Patent names Daniel M. Fischer, Dan G. Radut, Michael F. Habicher, Quang A. Luong, and Jonathan T. Malton as co-inventors.

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

59. On information and belief, the Accused Products either are or incorporate USB charging adapters that are able to provide power to a mobile device through a USB charging port, as shown below.

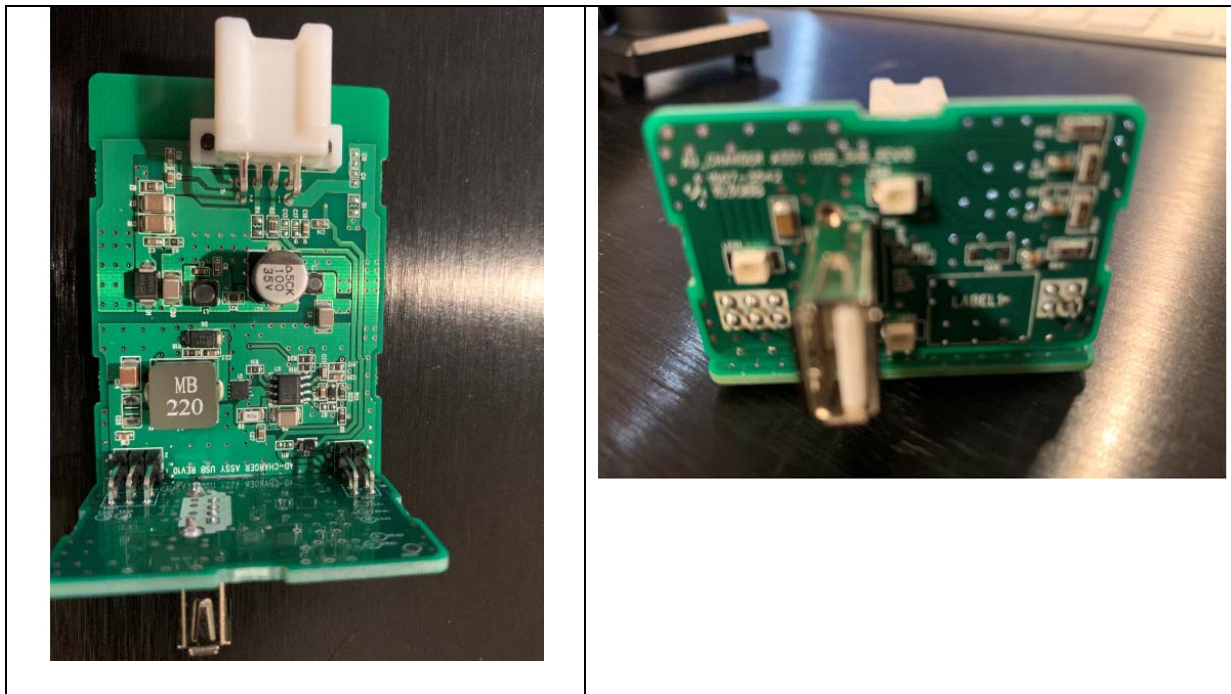


60. On information and belief, each accused USB charging adapter includes a plug unit that can be coupled to an infringing vehicle's battery power output socket to receive energy from the socket. An example is provided below for illustration.



61. On information and belief, each accused USB charging adapter also includes a power converter that is electrically connected to the plug unit and to at least one USB connector, *e.g.*, a USB type-A connector as shown above. When coupled to a USB device, such as a handset, the device can be charged by drawing power from the USB connector. A power requirement is thus delivered to the handset. The power converter converts a vehicle electrical system's 12V DC voltage input at the plug end of the adapter to a 5V DC voltage output at the

USB connector for charging a mobile device. The power converter comprises numerous electrical parts on the motherboard, including inductors, diodes, buck controller/FETs, and current limiters, among other things. An example is shown below.



62. On information and belief, each accused USB charging adapter also includes an identification subsystem electrically connected to the USB connector, including to the D+ and D- pins of the USB connector. The identification subsystem can comprise a hard-wired connection that connects the D+ and D- lines with a resistor. Upon connecting to a USB device with the device asserting a predetermined voltage on either the D+ and D- line, the D+ and D- lines will assume a similar voltage.

63. On information and belief, when in operation, the identification subsystem provides an identification signal that comprises voltage levels on the D+ and D- lines to a USB device connected for charging, via the USB connector's D+ and D- pins. For example, on information and belief, infringing USB charging adapters are configured to support Battery

Charging Specification and are configured to provide an identification signal that indicates they each have a dedicated charging port.

64. On information and belief, when charging, a USB device, such as a smartphone, is connected to a USB connector of the USB adapter via a USB cable. The D+ and D- data lines of the mobile device are connected to the D+ and D- pins of the USB connector to detect identification signals, and the VBUS and ground lines of the mobile device are connected to the VBUS and ground pins of the USB connector to receive power.

65. On information and belief, Defendants infringe at least claim 13 of the '936 Patent. Defendants have been, and currently are, directly infringing the '936 Patent in violation of 35 U.S.C. § 271(a) by making, using, selling/leasing, offering to sell/lease, and/or importing into the United States the Accused Products.

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

67. On information and belief, Defendants have been, and currently are, contributorily infringing the '936 Patent, in violation of 35 U.S.C. § 271(c), by selling/leasing or offering to sell/lease, in this judicial district and throughout the United States, components that

embody a material part of the inventions described in the '936 Patent, are known by Defendants to be especially made or especially adapted for use in infringement of the '936 Patent, and are not staple articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Products. Defendants' actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c).

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

69. In addition, Defendants' infringing acts have caused and are causing immediate and irreparable harm to Fundamental.

70. On information and belief, Defendants have had actual knowledge of their infringement of the '936 Patent since no later than July 2020. On information and belief, Defendants' infringement of the '936 Patent has been and continues to be deliberate and willful, and, therefore, this is an exceptional case warranting an award of treble damages and attorney's fees to Fundamental pursuant to 35 U.S.C. §§ 284–285.

SECOND CLAIM FOR RELIEF

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

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

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

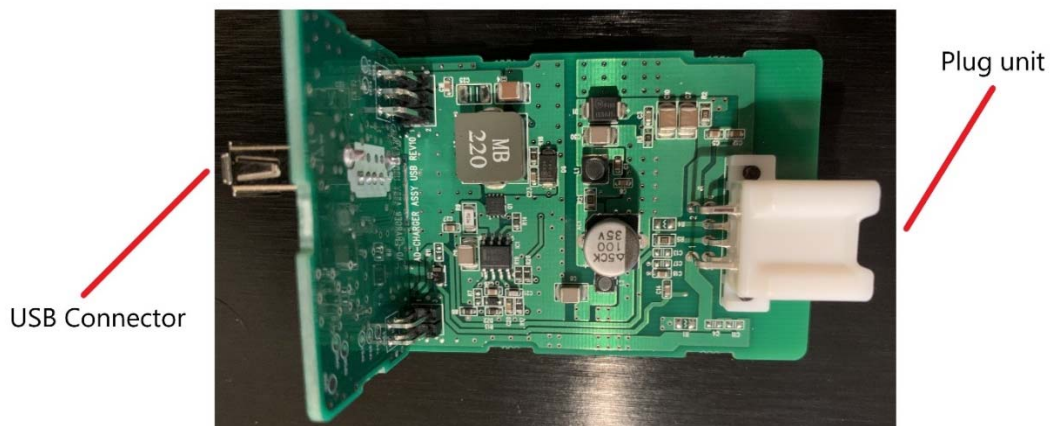
73. The '111 Patent names Daniel M. Fischer, Dan G. Radut, Michael F. Habicher, Quang A. Luong, and Jonathan T. Malton as co-inventors.

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

75. On information and belief, the Accused Products either are or incorporate USB charging adapters that are able to provide power to a mobile device through a USB charging port as shown below.

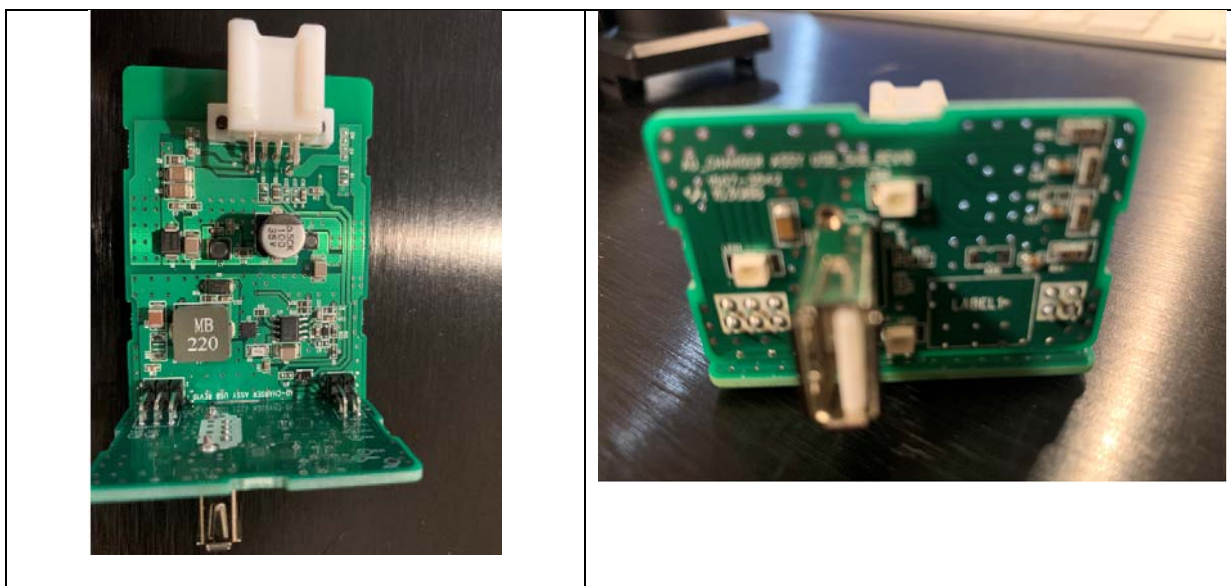


76. Each accused USB charging adapter includes a plug unit that can be coupled to an infringing vehicle's battery power output socket to receive energy from the socket. A representative example is provided below for illustration.



77. Each accused USB charging adapter also includes a power converter that is electrically connected to the plug unit and to at least one USB connector, as shown above.

78. The power converter can convert a vehicle's 12V DC voltage input at the plug end of the adapter to a 5V DC voltage output at the USB connector for charging a mobile device. The power converter comprises numerous electrical parts on the motherboard, including inductors, diodes, buck controller/FETs, and current limiters, among other things. A representative example is shown below.



79. On information and belief, each accused USB charging adapter also includes an identification subsystem electrically connected to the USB connector, including to the D+ and D- pins of the USB connector. The identification subsystem can comprise a hard-wired connection that connects the D+ and D- lines with a resistor. Upon connecting to a USB device with the device asserting a predetermined voltage on either the D+ and D- line, the D+ and D- lines will assume a similar voltage.

80. On information and belief, when in operation, the identification subsystem provides an identification signal that comprises voltage levels on the D+ and D- lines to a USB

device connected for charging, via the USB connector's D+ and D- pins. For example, on information and belief, infringing USB charging adapters are configured to support Battery Charging Specification and are configured to provide an identification signal that indicates they each have a dedicated charging port. These voltages and signals indicate to a connected USB mobile device that the device is not drawing energy from a USB host or hub, but from a dedicated charging port connected to the vehicle's electrical system that does not participate in USB data transfer.

81. When charging, a USB device, such as a smartphone, is connected to a USB connector of the USB adapter via a USB cable. The D+ and D- data lines of the mobile device are connected to the D+ and D- pins of the USB connector to detect identification signals that indicate to the mobile device that the power socket is not a USB hub or host, and the VBUS and ground lines of the mobile device are connected to the VBUS and ground pins of the USB connector to receive power.

82. On information and belief, Defendants and the Accused Products infringe at least claim 17 of the '111 Patent. Defendants have been, and currently are, directly infringing the '111 Patent in violation of 35 U.S.C. § 271(a) by making, using, selling/leasing, offering to sell/lease, and/or importing into the United States the Accused Products.

83. On information and belief, Defendants have been, and currently are, inducing infringement of the '111 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Products in the United States, or to import the Accused Products into the United States, without license or authority from Fundamental, with knowledge of or willful blindness to the fact that their actions will induce others, including but not limited to their customers, partners, and/or end users, to directly

infringe the '111 Patent. Defendants induce others to infringe the '111 Patent by encouraging and facilitating others to perform actions that they know to be acts of infringement of the '111 Patent with specific intent that those performing the acts infringe the '111 Patent.

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

85. As a result of Defendants' infringement of the '111 Patent, Fundamental has been damaged. Fundamental is entitled to recover for damages sustained as a result of Defendants' wrongful acts in an amount to be determined.

86. In addition, Defendants' infringing acts have caused and are causing immediate and irreparable harm to Fundamental.

87. On information and belief, Defendants have had actual knowledge of their infringement of the '111 Patent since no later than July 2020. On information and belief, Defendants' infringement of the '111 Patent has been and continues to be deliberate and willful, and, therefore, this is an exceptional case warranting an award of treble damages and attorney's fees to Fundamental pursuant to 35 U.S.C. §§ 284–285.

THIRD CLAIM FOR RELIEF

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

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

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

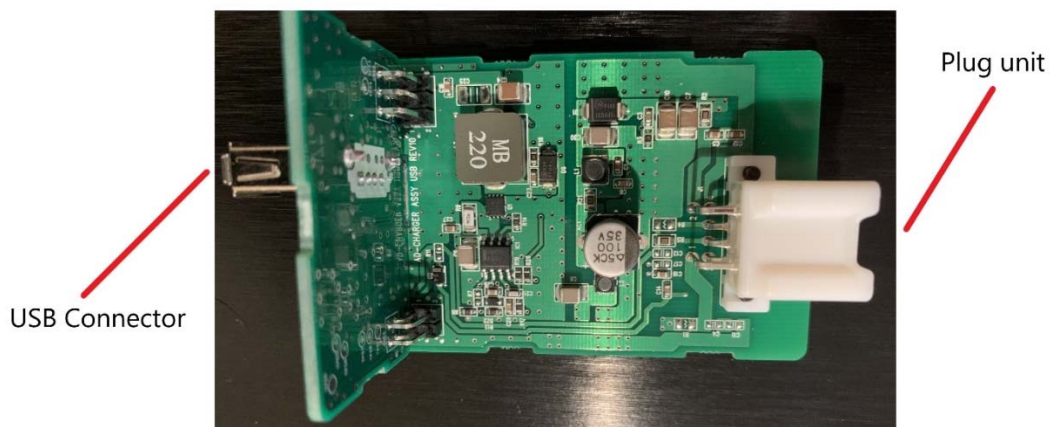
90. The '233 Patent names Daniel M. Fischer, Dan G. Radut, Michael F. Habicher, Quang A. Luong, and Jonathan T. Malton as co-inventors.

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

92. On information and belief, the Accused Products either are or incorporate USB charging adapters that are able to provide power to a mobile device through a USB charging or media (CDP-type) port, as shown below.

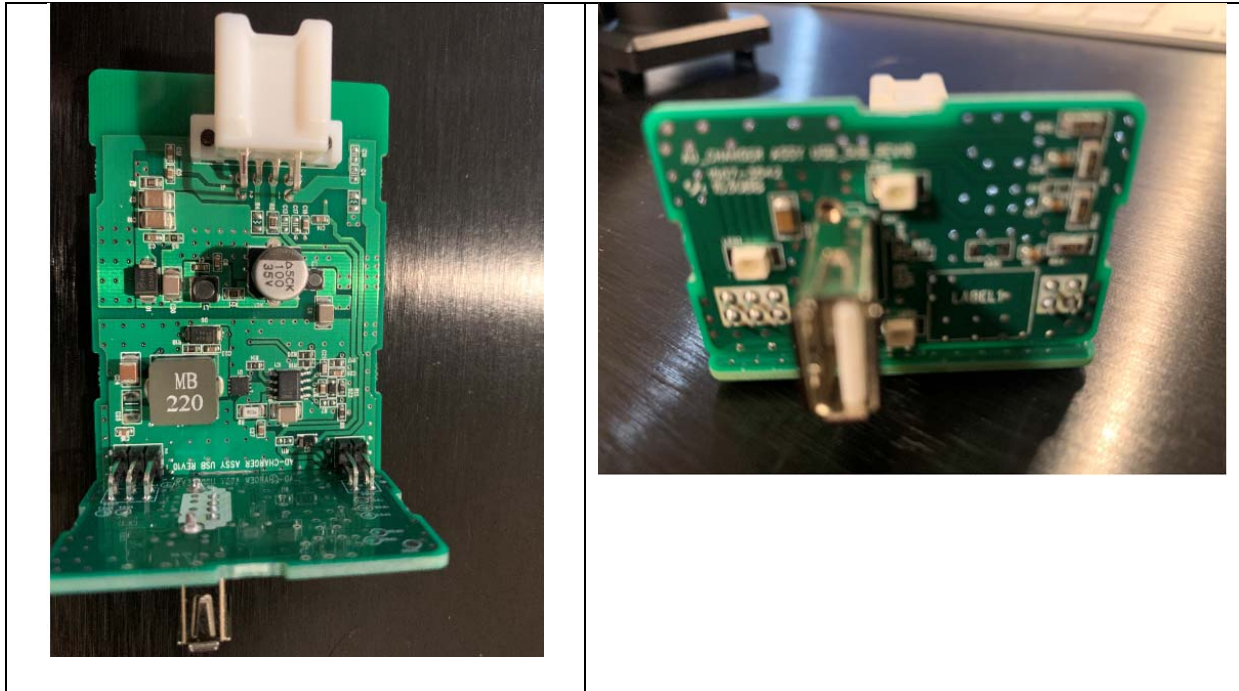


93. Each accused USB charging adapter includes a plug unit that can be coupled to an infringing vehicle's battery power output socket to receive energy from the socket. An example is provided below for illustration.



94. Each accused USB charging adapter also includes a power converter that is electrically connected to the plug unit and to at least one USB connector, as shown above.

95. The power converter can convert a vehicle's 12V DC voltage input at the plug end of the adapter to a 5V DC voltage output at the USB connector for charging a mobile device. The power converter comprises numerous electrical parts on the motherboard, including inductors, diodes, buck controller/FETs, and current limiters, among other things. A representative example is shown below.



96. On information and belief, each accused USB charging adapter also includes an identification subsystem electrically connected to the USB connector, including to the D+ and D- pins of the USB connector. The identification subsystem can comprise a hard-wired connection that connects the D+ and D- lines with a resistor. Upon connecting to a USB device with the device asserting a predetermined voltage on either the D+ and D- line, the D+ and D- lines will assume a similar voltage.

97. On information and belief, when in operation, the identification subsystem provides an identification signal that comprises voltage levels on the D+ and D- lines to a USB device connected for charging, via the USB connector's D+ and D- pins. For example, on information and belief, infringing USB charging adapters are configured to support Battery Charging Specification and are configured to provide an identification signal that indicates they each contain a dedicated charging port. These voltages and signals indicate to a connected USB mobile device that the USB charging adapter is configured to send substantial energy, *e.g.*, an

amount in excess of what is permitted under the USB 2.0 Specification, through the USB connector before completing device enumeration, including without USB enumeration.

98. As another example, on information and belief, a CDP-type media port has a plug unit for coupling to the vehicle's electrical system, a power converter for converting an output from the vehicle electrical system (*e.g.*, 12V) to 5V suitable for USB applications, an identification subsystem with D+ and D- lines that support Battery Charging Specifications and support supplying current in excess of that permitted under the USB 2.0 Specification before completion of enumeration.

99. When charging, a USB device, such as a smartphone, is connected to a USB connector of the USB adapter via a USB cable. The D+ and D- data lines of the mobile device are connected to the D+ and D- pins of the USB connector to detect identification signals. The identification signals indicate to the mobile device that the USB adapter is not a conventional USB hub or host and is configured to provide an amount of energy in excess of that permitted by the USB 2.0 Specification before completing device enumeration (including without USB enumeration). The DCP and CDP identification signals pursuant to Battery Charging Specification indicate invalid USB 2.0 state using D+ and D- data lines. The VBUS and ground lines of the mobile device are connected to the VBUS and ground pins of the USB connector to receive power.

100. On information and belief, Defendants and the Accused Products infringe at least claim 15 of the '233 Patent. Defendants have been, and currently are, directly infringing the '233 Patent in violation of 35 U.S.C. § 271(a) by making, using, selling/leasing, offering to sell/lease, and/or importing into the United States the Accused Products.

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

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

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

104. In addition, Defendants' infringing acts have caused and are causing immediate and irreparable harm to Fundamental.

105. On information and belief, Defendants have had actual knowledge of their infringement of the '233 Patent since no later than July 2020. On information and belief, Defendants' infringement of the '233 Patent has been and continues to be deliberate and willful, and, therefore, this is an exceptional case warranting an award of treble damages and attorney's fees to Fundamental pursuant to 35 U.S.C. §§ 284–285.

FOURTH CLAIM FOR RELIEF

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

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

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

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

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

110. The Accused Products either are or incorporate charging adapters that include a USB VBUS line and D+/D- lines that are a USB communication path. The charging adapters, when connected to a power source, generate voltages on the D+ and D- lines.

111. The accused charging adapters are each configured to signal to the mobile device, through voltage levels on the D+ and D- considered abnormal under the USB 2.0 Specification, that they can supply current of greater than 500mA, which is without regard to the current limits

in at least the USB 2.0 specification. For example, on information and belief, infringing USB charging adapters support Battery Charging Specifications and provide identification signals that indicate that the chargers each have a dedicated charging port.

112. In response to the abnormal data conditions, the mobile device draws and the adapter supplies current on the VBUS line of *greater* than 500 mA. For example, Defendants supply USB charging adapters/ports that can supply 1A or even more current to a connected USB device. No enumeration is required in this process.

113. As another example, on information and belief, a CDP-type media port has D+ and D- lines as well as VBUS and ground lines. The media port supports Battery Charging Specifications and, in response to the signal on the D+ and D- lines indicating that the media port is a CDP port, supply more than 100mA of current before completing enumeration (or without enumeration) or more than 500mA of current without regard to the USB 2.0 Specification. The signal indicating that the media port is a CDP port is regarded as abnormal data condition under the USB 2.0 Specification.

114. On information and belief, Defendants infringe at least claims 3–8 and 12–17 of the '550 Patent. Defendants have been, and currently are, directly infringing the '550 Patent in violation of 35 U.S.C. § 271(a) by making, using, selling/leasing, offering to sell/lease, and/or importing into the United States the Accused Products.

115. On information and belief, Defendants have been, and currently are, inducing infringement of the '550 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Products in the United States, or to import the Accused Products into the United States, without license or authority from Fundamental, with knowledge of or willful blindness to the fact that their actions will induce

others, including but not limited to their customers, partners, and/or end users, to directly infringe the '550 Patent. Defendants induce others to infringe the '550 Patent by encouraging and facilitating others to perform actions that they know to be acts of infringement of the '550 Patent with specific intent that those performing the acts infringe the '550 Patent.

116. On information and belief, Defendants have been, and currently are, contributorily infringing the '550 Patent, in violation of 35 U.S.C. § 271(c), by selling/lease or offering for sale/lease, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the '550 Patent, are known by Defendants to be especially made or especially adapted for use in infringement of the '550 Patent, and are not staple articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Products. Defendants' actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c).

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

118. In addition, Defendants' infringing acts have caused and are causing immediate and irreparable harm to Fundamental.

119. On information and belief, Defendants have had actual knowledge of their infringement of the '550 Patent since no later than July 2020. On information and belief, Defendants' infringement of the '550 Patent has been and continues to be deliberate and willful, and, therefore, this is an exceptional case warranting an award of treble damages and attorney's fees to Fundamental pursuant to 35 U.S.C. §§ 284–285.

PRAYER FOR RELIEF

WHEREFORE, Fundamental prays for judgment against the Defendants as follows:

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

DEMAND FOR JURY TRIAL

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

Respectfully submitted,

/s/ Robert Christopher Bunt
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