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7 Attorneys for Plaintiffs

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

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TCL INDUSTRIES HOLDINGS CO.,
LTD.; TCL INDUSTRIES
HOLDINGS (H.K.) LIMITED; TCL
COMMUNICATION TECHNOLOGY
HOLDINGS LIMITED; TCL
COMMUNICATION (BVI)
LIMITED; TCL MOBILE
COMMUNICATION HOLDINGS
LIMITED; HUIZHOU TCL MOBILE
COMMUNICATION CO. LTD;
HUIZHOU TCL COMMUNICATION
ELECTRONIC LIMITED; TCL
MOBILE COMMUNICATION (HK)
COMPANY LIMITED; TCT MOBILE
(US) HOLDINGS INC.; TCL
COMMUNICATION INC.; TCT
MOBILE (US) INC.; TCL
COMMUNICATION LIMITED; TCT
MOBILE INTERNATIONAL
LIMITED; TCT MOBILE
WORLDWIDE LIMITED; TTE
TECHNOLOGY, INC.; TCL
ELECTRONICS HOLDINGS LTD.;
TCL KING ELECTRICAL
APPLIANCES (HUIZHOU) CO.
LTD.; SHENZHEN TCL NEW
TECHNOLOGY CO., LTD.; TCL
SMART DEVICE (VIETNAM) CO.,
LTD.; TCL TECHNOLOGY GROUP
CORPORATION; TCL OVERSEAS
MARKETING LTD.; TCT MOBILE,
INC.; TTE CORPORATION; TCL
HOLDINGS (BVI) LTD.; ALPHA
ALLIANCE ENTERPRISES

Case No. '21CV1598 GPC WVG

**COMPLAINT FOR DECLARATORY
JUDGMENT OF NON-
INFRINGEMENT**

JURY TRIAL DEMANDED

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LIMITED; WINNING SYNERGY
LIMITED; NOVEL STATE
LIMITED; ACE BUSINESS
HOLDINGS LIMITED; SUPERB
STRENGTH GLOBAL LIMITED;
TCL ELECTRONICS MEXICO, S DE
RL DE CV; MANUFACTURAS
AVANZADAS SA DE CV; TTE
MASA 1, LCC (US); TTE (NORTH
AMERICA) HOLDINGS LIMITED;
and TCL OVERSEAS HOLDINGS
LIMITED,

Plaintiffs,

v.

BELL NORTHERN RESEARCH,
LLC

Defendant.

1 Plaintiffs TCL Industries Holdings Co., Ltd.; TCL Industries Holdings (H.K.)
2 Limited; TCL Communication Technology Holdings Limited; TCL
3 Communication (BVI) Limited; TCL Mobile Communication Holdings Limited;
4 Huizhou TCL Mobile Communication Co. Ltd; Huizhou TCL Communication
5 Electronic Limited; TCL Mobile Communication (HK) Company Limited; TCT
6 Mobile (US) Holdings Inc.; TCL Communication Inc.; TCT Mobile (US) Inc.; TCL
7 Communication Limited; TCT Mobile International Limited; TCT Mobile
8 Worldwide Limited; TTE Technology, Inc.; TCL Electronics Holdings Ltd.; TCL
9 King Electrical Appliances (Huizhou) Co. Ltd.; Shenzhen TCL New Technology
10 Co., Ltd.; TCL Smart Device (Vietnam) Co., Ltd.; TCL Technology Group
11 Corporation (formerly known as TCL Corp.); TCL Overseas Marketing Ltd.; TCT
12 Mobile, Inc.; TTE Corporation; TCL Holdings (BVI) Ltd.; Alpha Alliance
13 Enterprises Limited; Winning Synergy Limited; Novel State Limited; Ace Business
14 Holdings Limited; Superb Strength Global Limited; TCL Electronics Mexico, S de
15 RL de CV; Manufacturas Avanzadas SA de CV; TTE Masa 1, LCC (US); TTE
16 (North America) Holdings Limited; and TCL Overseas Holdings Limited
17 (collectively, “TCL”) hereby bring this Complaint for Declaratory Judgment of
18 Non-Infringement against Defendant Bell Northern Research, LLC (“BNR”), and
19 states as follows:

20 NATURE OF THE ACTION

21 1. This is an action for a declaratory judgment of noninfringement arising
22 under the patent laws of the United States, Title 35 of the United States Code.

23 2. TCL is a manufacturer and seller of consumer electronics, including
24 mobile phones such as the Alcatel IDOL 5S mobile phone and televisions such as
25 the TCL 43S425 television (“TCL Products”).

26 3. BNR is a patent-holding entity, and through its prior actions and
27 statements has created a substantial controversy of sufficient immediacy and reality
28 to warrant the issuance of a declaratory judgment of non-infringement as to whether

1 the TCL Products practice United States Patent Nos. RE48,629 (“the ’629 Patent”);
2 8,416,862 (“the ’862 Patent”); 7,957,450 (“the ’450 Patent”); 7,039,435 (“the ’435
3 Patent”); 6,941,156 (“the ’156 Patent”); ,396,072 (“the ’072 Patent”); 7,319,889
4 (“the ’889 Patent”); 8,204,554 (“the ’554 Patent”); 6,696,941 (“the ’941 Patent”);
5 6,858,930 (“the ’930 Patent”); and 6,963,129 (“the ’129 Patent”) (collectively, the
6 “Patents-in-Suit”) which are attached hereto as Exhibits 1–11.

7 4. BNR has demonstrated a pattern of suing manufacturers and sellers of
8 consumer electronics, including mobile phones.

9 5. On August 1, 2018, BNR filed a complaint for patent infringement
10 against ZTE, a true and correct copy of which is attached hereto as Exhibit 12.
11 BNR accused ZTE of infringing the ’889 Patent, the ’554 Patent, the ’862 Patent,
12 the ’156 Patent, and others with ZTE’s consumer electronics products, including
13 mobile phones.

14 6. On August 1, 2018, BNR filed a complaint for patent infringement
15 against Kyocera, a true and correct copy of which is attached hereto as Exhibit 13.
16 BNR accused Kyocera of infringing the ’889 Patent, the ’554 Patent, the
17 ’862 Patent, the ’156 Patent, and others with Kyocera’s consumer electronics
18 products, including mobile phones.

19 7. On August 1, 2018, BNR filed a complaint for patent infringement
20 against Huawei, a true and correct copy of which is attached hereto as Exhibit 14.
21 BNR accused Huawei of infringing the ’889 Patent, the ’554 Patent, the
22 ’862 Patent, the ’156 Patent, and others with Huawei’s consumer electronics
23 products, including mobile phones.

24 8. On December 20, 2018, BNR filed a complaint for patent infringement
25 against Coolpad, a true and correct copy of which is attached hereto as Exhibit 15.
26 BNR accused Coolpad of infringing the ’889 Patent, the ’554 Patent, the
27 ’862 Patent, the ’156 Patent, and others with Coolpad’s consumer electronics
28 products, including mobile phones.

1 9. On December 20, 2018, BNR filed a complaint for patent infringement
2 against LG, a true and correct copy of which is attached hereto as Exhibit 16. BNR
3 accused LG of infringing the '862 Patent, the '450 Patent, the '156 Patent, the
4 '435 Patent, and others with LG's consumer electronics products, including mobile
5 phones.

6 10. On August 22, 2019, BNR filed a complaint for patent infringement
7 against Samsung, a true and correct copy of which is attached hereto as Exhibit 17.
8 BNR accused Samsung of infringing the '889 Patent, the '554 Patent, the
9 '862 Patent, the '450 Patent, the '435 Patent, and others with Samsung's consumer
10 electronics products, including mobile phones.

11 11. On April 24, 2020, BNR filed a complaint for patent infringement
12 against Samsung, a true and correct copy of which is attached hereto as Exhibit 18.
13 BNR accused Samsung of infringing the '129 Patent and the '930 Patent with
14 Samsung's consumer electronics products, including mobile phones.

15 12. On August 11, 2021, BNR filed a complaint for patent infringement
16 against Apple, a true and correct copy of which is attached hereto as Exhibit 19.
17 BNR accused Apple of infringing the '554 Patent, the '889 Patent, the '629 Patent,
18 the '862 Patent, the '450 Patent, the '129 Patent, the '930 Patent, the '435 Patent,
19 the '072 Patent, and others with Apple's consumer electronics products, including
20 mobile phones.

21 13. On August 13, 2021, BNR filed a complaint for patent infringement
22 against Lenovo, a true and correct copy of which is attached hereto as Exhibit 20.
23 BNR accused Lenovo of infringing the '554 Patent, the '889 Patent, the
24 '629 Patent, the '862 Patent, the '450 Patent, the '156 Patent, the '941 Patent, the
25 '129 Patent, the '930 Patent, and the '435 Patent with Lenovo's consumer
26 electronics products, including mobile phones.

27 14. On September 1, 2021, BNR filed a complaint for patent infringement
28 against Dell, a true and correct copy of which is attached hereto as Exhibit 21.

1 BNR accused Dell of infringing the '629 Patent, the '862 Patent, the '129 Patent,
2 the '930 Patent, and others with Dell's consumer electronics products, including
3 laptop computers.

4 15. On September 10, 2021, BNR filed a complaint for patent
5 infringement against CommScope, a true and correct copy of which is attached
6 hereto as Exhibit 22. BNR accused CommScope of infringing the '629 Patent, the
7 '862 Patent, the '129 Patent, the '930 Patent, and others with CommScope's
8 consumer electronics products, including wireless access points.

9 16. On September 10, 2021, BNR filed a complaint for patent
10 infringement against HP, a true and correct copy of which is attached hereto as
11 Exhibit 23. BNR accused HP of infringing the '629 Patent, the '862 Patent, the
12 '129 Patent, the '930 Patent, and others with HP's consumer electronics products,
13 including laptop computers.

14 17. BNR has claimed through communication of letters and email that
15 TCL infringes the Patents-in-Suit and that TCL requires a license to the Patents-in-
16 Suit.

17 18. BNR has contacted TCL on no less than six occasions over the past
18 four years alleging that TCL infringes the Patents-in-Suit and alleging that TCL is
19 required to take a license to the Patents-in-Suit.

20 19. On December 1, 2017, BNR sent a letter to TCL alleging that TCL's
21 products, including the Dawn, PULSEMIX, One Touch, Idol 3, Cameo X, A30
22 Table, and KEYone, infringed the '156 Patent, the '889 Patent, the '554 Patent, the
23 '072 Patent, the '862 Patent, and others. BNR alleged that TCL was required to
24 take a license to those patents. A true and correct copy of this letter is attached
25 hereto as Exhibit 24.

26 20. On January 19, 2018, BNR sent a letter to TCL alleging that TCL's
27 products, including the, including the G5, Dawn, PULSEMIX, One Touch, Idol 3,
28 Cameo, A30 Table, and KEYone, infringed the patents identified in the December

1 1, 2017 letter as well as one additional patent. BNR alleged that TCL was required
2 to take a license to those patents. A true and correct copy of this letter is attached
3 hereto as Exhibit 25.

4 21. On January 21, 2019, BNR sent a letter to TCL alleging that TCL's
5 products, including the Blackberry KEY2, Blackberry KEYone, Alcatel IDOL 5S,
6 and Alcatel IDOL 5, infringed the '941 Patent, the '435 Patent, the '450 Patent, and
7 others. BNR alleged that TCL was required to take a license to those patents. A
8 true and correct copy of this letter is attached hereto as Exhibit 26.

9 22. On May 15, 2020, BNR sent a letter to TCL alleging that TCL's
10 products, including the Alcatel IDOL 5S, infringed the '129 Patent and the
11 '930 Patent. BNR alleged that TCL was required to take a license to those patents.
12 A true and correct copy of this letter is attached hereto as Exhibit 27.

13 23. On December 15, 2020, BNR sent an email to TCL alleging that
14 TCL's products infringed the patents identified in the earlier communications.
15 BNR alleged that TCL was required to take a license to those patents. A true and
16 correct copy of this letter is attached hereto as Exhibit 28.

17 24. On September 7, 2021, BNR sent an email to TCL alleging that TCL's
18 products, including the 20 Pro 5G, 20S, 20SE, 10 Pro, 10 5G UW, 10L, Signa,
19 Linkhub Mesh WiFi AC1200, TV 43S525, TV 43S425, TV 75Q825, and TV
20 65R625, infringed the '629 Patent. BNR alleged that TCL was required to take a
21 license to those patents. A true and correct copy of this letter is attached hereto as
22 Exhibit 29.

1 25. Subsequent to September 7, 2021, TCL and BNR held one meeting at
2 which BNR repeated its allegations that TCL is required to take a license to those
3 patents. BNR further provided a term sheet for such a license.¹

4 26. However, despite BNR's allegations, the TCL Products do not infringe
5 the Patents-in-Suit, as detailed in the allegations below.

6 27. At least because of BNR's repeated allegations that TCL infringes the
7 Patents-in-Suit and must take a license to them, in combination with BNR's historic
8 pattern of suing manufacturers and sellers of consumer electronics, including
9 mobile phones, further in combination with BNR's recent filing of numerous
10 lawsuits against manufacturers and sellers of consumer electronics, BNR has
11 created a substantial controversy of sufficient immediacy and reality to warrant the
12 issuance of a declaratory judgment of non-infringement as to whether the TCL
13 Products practice and whether TCL infringes the Patents-in-Suit.

14 28. TCL brings this action to obtain a declaratory judgment that TCL does
15 not infringe at least the claims of the Patents-in-Suit identified below, directly or
16 indirectly, literally or under the doctrine of equivalents.

THE PARTIES

17
18 29. TCL Industries Holdings Co., Ltd. is a corporation organized and
19 existing under the laws of the People's Republic of China with its principal place of
20 business at 22 Floor, TCL Technical Tower, Huifeng 3 Road, Zhongkai
21 Development Zone Huizhou.

22 30. TCL Industries Holdings (H.K.) Limited is a corporation organized
23 and existing under the laws of Hong Kong with its principal place of business at 8th
24

25 _____
26 ¹ Pursuant to the terms of a Non-Disclosure Agreement entered into between TCL
27 and BNR, TCL does not provide any further description of the meeting or term
28 sheet. With permission from BNR, TCL will submit such materials.

1 Floor, Building 22E, Phase Three, Hong Kong Science Park, Pak Shek Kok, New
2 Territories, Hong Kong.

3 31. TCL Communication Technology Holdings Limited is a corporation
4 organized and existing under the laws of the Cayman Islands with its principal
5 place of business at 5/F, Building 22E, 22 Science Park East Avenue, Hong Kong
6 Science Park, Sha Tin, New Territories, Hong Kong.

7 32. TCL Communication (BVI) Limited is a corporation organized and
8 existing under the laws of the British Virgin Islands with its principal place of
9 business at 5/F, Building 22E, 22 Science Park East Avenue, Hong Kong Science
10 Park, Sha Tin, New Territories, Hong Kong.

11 33. TCL Mobile Communication Holdings Limited is a corporation
12 organized and existing under the laws of the British Virgin Islands with its principal
13 place of business at 5/F, Building 22E, 22 Science Park East Avenue, Hong Kong
14 Science Park, Sha Tin, New Territories, Hong Kong.

15 34. Huizhou TCL Mobile Communication Co. Ltd is a corporation
16 organized and existing under the laws of the People's Republic of China with its
17 principal place of business at No. 86, West Hechang Road, Zhongkai High-tech
18 Zone, Huizhou, Guangdong Province, The People's Republic of China.

19 35. Huizhou TCL Communication Electronic Limited is a corporation
20 organized and existing under the laws of the People's Republic of China with its
21 principal place of business at No. 3, Donghe South Road, Dongxing District,
22 Dongjiang High-tech Zone, Huizhou city, Guangdong, P.R. China 516006.

23 36. TCL Mobile Communication (HK) Company Limited is a corporation
24 organized and existing under the laws of Hong Kong with its principal place of
25 business at 5/F, Building 22E, 22 Science Park East Avenue, Hong Kong Science
26 Park, Sha Tin, New Territories, Hong Kong.

1 37. TCT Mobile (US) Holdings Inc. is a corporation organized and
2 existing under the laws of Delaware with its principal place of business at 25
3 Edelman, Suite 200, Irvine, California 92618.

4 38. TCL Communication Inc. is a corporation organized and existing
5 under the laws of Delaware with its principal place of business at 25 Edelman, Suite
6 200, Irvine, California 92618.

7 39. TCT Mobile (US) Inc. is a corporation organized and existing under
8 the laws of Delaware with its principal place of business at 25 Edelman, Suite 200,
9 Irvine, California 92618.

10 40. TCL Communication Limited is a corporation organized and existing
11 under the laws of Hong Kong with its principal place of business at 5/F, Building
12 22E, 22 Science Park East Avenue, Hong Kong Science Park, Sha Tin, New
13 Territories, Hong Kong.

14 41. TCT Mobile International Limited is a corporation organized and
15 existing under the laws of Hong Kong with its principal place of business at 5/F,
16 Building 22E, 22 Science Park East Avenue, Hong Kong Science Park, Sha Tin,
17 New Territories, Hong Kong.

18 42. TCT Mobile Worldwide Limited is a corporation organized and
19 existing under the laws of Hong Kong with its principal place of business at 5/F,
20 Building 22E, 22 Science Park East Avenue, Hong Kong Science Park, Sha Tin,
21 New Territories, Hong Kong.

22 43. TTE Technology, Inc. is a corporation organized and existing under
23 the laws of Delaware with its principal place of business at 555 South Promenade
24 Avenue, Suite 103, Corona, CA 92879.

25 44. TCL Electronics Holdings Ltd. (f/k/a TCL Multimedia Technology
26 Holdings, Ltd.) is a corporation organized and existing under the laws of Cayman
27 Island with its principal place of business at 7/F, Building 22E, 22 Science Park
28 East Avenue, Hong Kong Science Park, Sha Tin, New Territories, Hong Kong.

1 45. TCL King Electrical Appliances (Huizhou) Co. Ltd. is a corporation
2 organized and existing under the laws of the People’s Republic of China with its
3 principal place of business at No. 78, Huifeng 4 Road, Zhongkai Development
4 Zone Huizhou, 516006 P.R. China.

5 46. Shenzhen TCL New Technology Co., Ltd. is a corporation organized
6 and existing under the laws of the People’s Republic of China with its principal
7 place of business at 9 Floor, TCL Electronics Holdings Limited Building, TCL
8 International E City, No. 1001 Zhongshan Park Road, Nanshan.

9 47. TCL Smart Device (Vietnam) Co., Ltd. is a corporation organized and
10 existing under the laws of Vietnam with its principal place of business at No. 26
11 VSIP II-A, Street 32, Vietnam Singapore Industrial Park II-A, Tan Binh Commune,
12 Bac Tan Uyen District, Binh Duong Province, 75000 Vietnam.

13 48. TCL Technology Group Corporation (formerly known as TCL Corp.)
14 is a corporation organized and existing under the laws of the People’s Republic of
15 China with its principal place of business at TCL Technology Building, No.17,
16 Huifeng 3rd Road, Zhongkai High-tech Zone, Huizhou City, Guangdong, P.R.
17 China 516006.

18 49. TCL Overseas Marketing Ltd. is a corporation organized and existing
19 under the laws of the British Virgin Islands with its principal place of business at
20 5/F, Building 22E, 22 Science Park East Avenue, Hong Kong Science Park, Sha
21 Tin, New Territories, Hong Kong.

22 50. TCT Mobile, Inc. is a corporation organized and existing under the
23 laws of Delaware with its principal place of business at 25 Edelman, Suite 200,
24 Irvine, California 92618.

25 51. TTE Corporation is a corporation organized and existing under the law
26 of the British Virgin Islands with its principal place of business at 7/F, Building
27 22E, 22 Science Park East Avenue, Hong Kong Science Park, Shatin, N.T., Shatin
28 Hong Kong.

1 52. TCL Holdings (BVI) Ltd. is a corporation organized and existing
2 under the law of the British Virgin Islands with its principal place of business at
3 5/F, Building 22E, 22 Science Park East Avenue, Hong Kong Science Park, Sha
4 Tin, New Territories, Hong Kong.

5 53. Alpha Alliance Enterprises Limited is a corporation organized and
6 existing under the law of the British Virgin Islands with its principal place of
7 business at 5/F, Building 22E, 22 Science Park East Avenue, Hong Kong Science
8 Park, Sha Tin, New Territories, Hong Kong.

9 54. Winning Synergy Limited is a corporation organized and existing
10 under the law of the British Virgin Islands with its principal place of business at
11 5/F, Building 22E, 22 Science Park East Avenue, Hong Kong Science Park, Sha
12 Tin, New Territories, Hong Kong.

13 55. Novel State Limited is a corporation organized and existing under the
14 law of the British Virgin Islands with its principal place of business at 5/F, Building
15 22E, 22 Science Park East Avenue, Hong Kong Science Park, Sha Tin, New
16 Territories, Hong Kong.

17 56. Ace Business Holdings Limited is a corporation organized and existing
18 under the law of the British Virgin Islands with its principal place of business at
19 5/F, Building 22E, 22 Science Park East Avenue, Hong Kong Science Park, Sha
20 Tin, New Territories, Hong Kong.

21 57. Superb Strength Global Limited is a corporation organized and
22 existing under the law of the British Virgin Islands with its principal place of
23 business at 5/F, Building 22E, 22 Science Park East Avenue, Hong Kong Science
24 Park, Sha Tin, New Territories, Hong Kong.

25 58. TCL Electronics Mexico, S de RL de CV is a corporation organized
26 and existing under the law of Mexico.

27 59. Manufacturas Avanzadas SA de CV is a corporation organized and
28 existing under the law of Mexico.

1 60. TTE Masa 1, LCC (US) is a corporation organized and existing under
2 the law of the United States.

3 61. TTE (North America) Holdings Limited is a corporation organized and
4 existing under the law of the British Virgin Islands with its principal place of
5 business at 5/F, Building 22E, 22 Science Park East Avenue, Hong Kong Science
6 Park, Sha Tin, New Territories, Hong Kong.

7 62. TCL Overseas Holdings Limited is a corporation organized and
8 existing under the law of the British Virgin Islands with its principal place of
9 business at 5/F, Building 22E, 22 Science Park East Avenue, Hong Kong Science
10 Park, Sha Tin, New Territories, Hong Kong.

11 63. On information and belief, BNR is a limited liability company
12 organized under the laws of Delaware with a place of business at 401 North
13 Michigan Avenue, Chicago, Illinois 60611. *See Exhibit 23, ¶ 2.*

14 **JURISDICTION AND VENUE**

15 64. The Court has subject matter jurisdiction over this action pursuant the
16 Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, and pursuant to 28
17 U.S.C. §§ 1331 and 1338(a) because this action involves claims arising under the
18 patent laws of the United States, 35 U.S.C. § 1, et seq.

19 65. Venue is proper in this District pursuant to at least 28 U.S.C.
20 § 1391(b), because a substantial part of the events at issue in this action is whether
21 TCL commits acts of infringement in this and other districts in the United States,
22 and because BNR is subject to the Court's personal jurisdiction and thus resides in
23 this District, pursuant to § 1391(c).

24 66. This Court has personal jurisdiction over BNR at least because BNR
25 has purposefully availed itself of the benefits of California law and has more than
26 sufficient minimum contacts with California, including within this District, such
27 that this declaratory judgment action meets the requirements of California's long-
28 arm statute.

1 67. For example, in its December 15, 2020 email communication, BNR
2 indicated that it was emailing an employee of TCT Mobile, Inc. because the
3 previous communications to other TCL entities had not received a response. *See*
4 Exhibit 28. TCT Mobile, Inc. has its principal place of business in Irvine,
5 California. As such, BNR purposefully directed its licensing activities to a
6 corporation resident in California and to the state of California.

7 68. As further example, BNR directed its September 7, 2021 email
8 communication to Mr. Wu, an employee of TCT Mobile, Inc., who identified
9 himself as answering on behalf of the TCT employee contacted in the December
10 15, 2020 letter. *See* Exhibit 29. In this addition way, BNR purposefully directed its
11 licensing activities to a corporation resident in California and to the state of
12 California.

13 69. As further example, BNR has initiated five lawsuits in this District to
14 assert its patents rights. *See* Exhibit 12, Exhibit 13, Exhibit 14, Exhibit 15,
15 Exhibit 16. Those prior lawsuits involved not just BNR's assertion of its patent
16 rights generally, but rather BNR's assertion of the Patents-in-Suit in particular,
17 including the '889 Patent, the '554 Patent, the '862 Patent, the '156 Patent, the
18 '450 Patent, and the '435 Patent. Thus, BNR has purposely availed itself of the
19 courts in this state, and of this Court in particular.

20 70. The Court's exercise of jurisdiction over BNR will not offend
21 traditional notions of fair play and substantial justice.

22 71. An actual controversy exists between TCL and BNR because, as
23 described in the Nature of the Action above, BNR through its prior actions and
24 statements has created a substantial controversy as to whether the TCL Products
25 infringe the Patents-in-Suit that is of sufficient immediacy and reality to warrant the
26 issuance of a declaratory judgment as to the controversy.

THE PATENTS-IN-SUIT

1
2 72. On July 6, 2021, the U.S. Patent and Trademark Office issued the '629
3 Patent, titled "Backward-compatible long training sequences for wireless
4 communication networks" to assignee BNR. A true and correct copy of the '629
5 Patent is attached to this Complaint as Exhibit 1. Upon further information and
6 belief, BNR purports to hold by assignment and/or by license all substantive rights
7 to assert the '629 Patent.

8 73. On April 9, 2013, the U.S. Patent and Trademark Office issued the
9 '862 Patent, titled "Efficient feedback of channel information in a closed loop
10 beamforming wireless communication system" to assignee Broadcom Corporation.
11 On information and belief, the '862 Patent was later assigned to BNR. A true and
12 correct copy of the '862 Patent is attached to this Complaint as Exhibit 2. Upon
13 further information and belief, BNR purports to hold by assignment and/or by
14 license all substantive rights to assert the '862 Patent.

15 74. On June 7, 2011, the U.S. Patent and Trademark Office issued the '450
16 Patent, titled "Method and system for frame formats for MIMO channel
17 measurement exchange" to assignee Broadcom Corporation. On information and
18 belief, the '450 Patent was later assigned to BNR. A true and correct copy of the
19 '450 Patent is attached to this Complaint as Exhibit 3. Upon further information
20 and belief, BNR purports to hold by assignment and/or by license all substantive
21 rights to assert the '450 Patent.

22 75. On May 2, 2006, the U.S. Patent and Trademark Office issued the '435
23 Patent, titled "Proximity regulation system for use with a portable cell phone and a
24 method of operation thereof" to assignee Agere Systems Inc. On information and
25 belief, the '435 Patent was later assigned to BNR. A true and correct copy of the
26 '435 Patent is attached to this Complaint as Exhibit 4. Upon further information
27 and belief, BNR purports to hold by assignment and/or by license all substantive
28 rights to assert the '435 Patent.

1 76. On September 6, 2005, the U.S. Patent and Trademark Office issued
2 the '156 Patent, titled "Automatic handoff for wireless piconet multimode cell
3 phone" to assignee Agere Systems Inc. On information and belief, the '156 Patent
4 was later assigned to BNR. A true and correct copy of the '156 Patent is attached
5 to this Complaint as Exhibit 5. Upon further information and belief, BNR purports
6 to hold by assignment and/or by license all substantive rights to assert the '156
7 Patent.

8 77. On March 12, 2013, the U.S. Patent and Trademark Office issued the
9 '072 Patent, titled "Method and apparatus for channel traffic congestion avoidance
10 in a mobile communication system" to assignee Renesas Mobile Corporation. On
11 information and belief, the '072 Patent was later assigned to BNR. A true and
12 correct copy of the '072 Patent is attached to this Complaint as Exhibit 6. Upon
13 further information and belief, BNR purports to hold by assignment and/or by
14 license all substantive rights to assert the '072 Patent.

15 78. On January 15, 2008, the U.S. Patent and Trademark Office issued the
16 '889 Patent, titled "System and method for conserving battery power in a mobile
17 station" to assignee Agere Systems Inc. On information and belief, the '889 Patent
18 was later assigned to BNR. A true and correct copy of the '889 Patent is attached
19 to this Complaint as Exhibit 7. Upon further information and belief, BNR purports
20 to hold by assignment and/or by license all substantive rights to assert the '889
21 Patent.

22 79. On June 19, 2012, the U.S. Patent and Trademark Office issued the
23 '554 Patent, titled "System and method for conserving battery power in a mobile
24 station" to assignee Agere Systems Inc. On information and belief, the '554 Patent
25 was later assigned to BNR. A true and correct copy of the '554 Patent is attached
26 to this Complaint as Exhibit 8. Upon further information and belief, BNR purports
27 to hold by assignment and/or by license all substantive rights to assert the '554
28 Patent.

1 80. On February 24, 2004, the U.S. Patent and Trademark Office issued
 2 the '941 Patent, titled "Theft alarm in mobile device" to assignee Agere Systems
 3 Inc. On information and belief, the '941 Patent was later assigned to BNR. A true
 4 and correct copy of the '941 Patent is attached to this Complaint as Exhibit 9.
 5 Upon further information and belief, BNR purports to hold by assignment and/or by
 6 license all substantive rights to assert the '941 Patent.

7 81. On February 22, 2005, the U.S. Patent and Trademark Office issued
 8 the '930 Patent, titled "Multi chip module" to assignee LSI Logic Corporation. On
 9 information and belief, the '930 Patent was later assigned to BNR. A true and
 10 correct copy of the '930 Patent is attached to this Complaint as Exhibit 10. Upon
 11 further information and belief, BNR purports to hold by assignment and/or by
 12 license all substantive rights to assert the '930 Patent.

13 82. On November 8, 2015, the U.S. Patent and Trademark Office issued
 14 the '129 Patent, titled "Multi-chip package having a contiguous heat spreader
 15 assembly" to assignee LSI Logic Corporation. On information and belief, the '129
 16 Patent was later assigned to BNR. A true and correct copy of the '129 Patent is
 17 attached to this Complaint as Exhibit 11. Upon further information and belief,
 18 BNR purports to hold by assignment and/or by license all substantive rights to
 19 assert the '129 Patent.

COUNT ONE

Non-Infringement of U.S. Patent No. RE48,629

22 83. TCL incorporates by reference the preceding allegations of this
 23 Complaint.

24 84. TCL has not infringed and does not infringe at least claim 1 of the
 25 '629 Patent, either directly or indirectly, literally or under the doctrine of
 26 equivalents, including through its making, use, sale or offer for sale in, or
 27 importation into the United States of the TCL products.

1 85. The TCL Products also do not perform substantially the same function,
2 in substantially the way, to obtain substantially the same result as claim 1 of the
3 '629 Patent.

4 86. By way of example, claim 1 of the '629 Patent is directed to a wireless
5 communication device that transmits an optimal extended length long training
6 sequence. *See* Exhibit 1, Claim 1, at 5:53–6:22. Claim 1 recites numerous
7 limitations, including: a wireless communication device that includes “a signal
8 generator” that “generates an extended long training sequence,” and an Inverse
9 Fourier transformer that “provides an optimal extended long training sequence with
10 a minimal peak-to-average ratio.” *Id.* The TCL Products do not infringe claim 1, at
11 least because they do not practice these claim limitations. For example, the TCL
12 Products do not process the extended long training sequence to provide an optimal
13 extended long training sequence with a minimal peak-to-average ratio, or
14 implement “a signal generator” or “an Inverse Fourier Transformer” as recited in
15 claim 1. The TCL Products also are not required to determine an “optimal”
16 extended long training sequence by determining that this “optimal” extended long
17 training sequence has a “minimal” peak-to-average ratio.

18 87. Accordingly, at least for the above reasons, TCL does not directly
19 infringe at least claims 1 of the '629 Patent, either literally or under the doctrine of
20 equivalents, because the TCL Products do not practice all elements of that claim.

21 88. TCL also does not indirectly infringe the '629 Patent for at least the
22 reasons stated above and because there is no direct infringement of the '629 Patent,
23 either literally or under the doctrine of equivalents.

24 89. As set forth above, an actual controversy exists between TCL and
25 BNR with respect to alleged infringement of the '629 Patent, and this controversy is
26 likely to continue. Accordingly, TCL desires a judicial determination and
27 declaration of the respective rights and duties of the parties with respect to the '629
28 Patent.

1 90. A judicial declaration is necessary and appropriate so that TCL may
2 ascertain its rights regarding the claims of the '629 Patent.

3 **COUNT TWO**

4 **Non-Infringement of U.S. Patent No. 8,416,862**

5 91. TCL incorporates by reference the preceding allegations of this
6 Complaint.

7 92. TCL has not infringed and does not infringe at least claim 1 of the
8 '862 Patent, either directly or indirectly, literally or under the doctrine of
9 equivalents, including through its making, use, sale or offer for sale in, or
10 importation into the United States of the TCL products.

11 93. The TCL Products also do not perform substantially the same function,
12 in substantially the way, to obtain substantially the same result as claim 1 of the
13 '862 Patent.

14 94. By way of example, claim 1 of the '862 Patent is directed to method of
15 feeding back transmitter beamforming information by a wireless communication
16 device. *See Exhibit 2, claim 1, at 16:8–27.* Claim 1 recites numerous limitations,
17 including: transmission of “transmitter beamforming information” that is produced
18 from “an estimated transmitter beamforming unitary matrix (V) . . . and a receiver
19 beamforming unitary matrix (U).” *Id.* The TCL Products do not infringe claim 1,
20 at least because they do not practice these claim limitations. For example, the TCL
21 Products do not determine “an estimated transmitter beamforming unitary matrix
22 (V)” or “a receiver beamforming unitary matrix (U)” as required by claim 1.

23 95. Accordingly, at least for the above reasons, TCL does not directly
24 infringe at least claims 1 of the '862 Patent, either literally or under the doctrine of
25 equivalents, because the TCL Products do not practice all elements of that claim.

26 96. TCL also does not indirectly infringe the '862 Patent for at least the
27 reasons stated above and because there is no direct infringement of the '862 Patent,
28 either literally or under the doctrine of equivalents.

1 97. As set forth above, an actual controversy exists between TCL and
2 BNR with respect to alleged infringement of the '862 Patent, and this controversy is
3 likely to continue. Accordingly, TCL desires a judicial determination and
4 declaration of the respective rights and duties of the parties with respect to the '862
5 Patent.

6 98. A judicial declaration is necessary and appropriate so that TCL may
7 ascertain its rights regarding the claims of the '862 Patent.

8 **COUNT THREE**

9 **Non-Infringement of U.S. Patent No. 7,957,450**

10 99. TCL incorporates by reference the preceding allegations of this
11 Complaint.

12 100. TCL has not infringed and does not infringe at least claim 1 of the
13 '450 Patent, either directly or indirectly, literally or under the doctrine of
14 equivalents, including through its making, use, sale or offer for sale in, or
15 importation into the United States of the TCL products.

16 101. The TCL Products also do not perform substantially the same function,
17 in substantially the way, to obtain substantially the same result as claim 1 of the
18 '450 Patent.

19 102. By way of example, claim 1 of the '450 Patent is directed to method of
20 communication in which coefficients of channel estimate matrices are transmitted
21 back as feedback information. *See* Exhibit 3, claim 1, at 19:13–22. Claim 1 recites
22 numerous limitations, including: “computing a plurality of channel estimate
23 matrices” wherein the matrices comprise “coefficients derived from performing a
24 singular value matrix decomposition on said received signals” and “transmitting
25 said coefficients . . . to said base station.” *Id.* The TCL Products do not infringe
26 claim 1, at least because they do not practice these claim limitations. For example,
27 the TCL Products do not implement “performing a singular value matrix
28

1 decomposition” to derive “a plurality of channel estimate matrices” that are
2 transmitted to a base station.

3 103. Accordingly, at least for the above reasons, TCL does not directly
4 infringe at least claims 1 of the ’450 Patent, either literally or under the doctrine of
5 equivalents, because the TCL Products do not practice all elements of that claim.

6 104. TCL also does not indirectly infringe the ’450 Patent for at least the
7 reasons stated above and because there is no direct infringement of the ’450 Patent,
8 either literally or under the doctrine of equivalents.

9 105. As set forth above, an actual controversy exists between TCL and
10 BNR with respect to alleged infringement of the ’450 Patent, and this controversy is
11 likely to continue. Accordingly, TCL desires a judicial determination and
12 declaration of the respective rights and duties of the parties with respect to the ’450
13 Patent.

14 106. A judicial declaration is necessary and appropriate so that TCL may
15 ascertain its rights regarding the claims of the ’450 Patent.

16 **COUNT FOUR**

17 **Non-Infringement of U.S. Patent No. 7,039,435**

18 107. TCL incorporates by reference the preceding allegations of this
19 Complaint.

20 108. TCL has not infringed and does not infringe at least claim 1 of the
21 ’435 Patent, either directly or indirectly, literally or under the doctrine of
22 equivalents, including through its making, use, sale or offer for sale in, or
23 importation into the United States of the TCL products.

24 109. The TCL Products also do not perform substantially the same function,
25 in substantially the way, to obtain substantially the same result as claim 1 of the
26 ’435 Patent.

27 110. By way of example, claim 1 of the ’435 Patent is directed to portable
28 cell phone including a location sensing subsystem that determines a location of said

1 cell phone proximate to a user. *See* Exhibit 4, claim 1, at 8:2–15. Claim 1 recites
2 numerous limitations, including: “a proximity regulation system, including: a
3 location sensing subsystem that determines a location of said portable cell phone
4 proximate a user,” “a power governing subsystem, coupled to said location sensing
5 subsystem, that determines a proximity transmit power level of said portable cell
6 phone based on said location” and “determines a transmit power level for said
7 portable cell phone based on said network adjusted transmit power level and said
8 proximity transmit power level” *Id.* The TCL Products do not infringe claim 1 at
9 least because they do not practice these limitations. For example, the TCL Products
10 do not determine a “location” of a portable cell phone proximate a user or
11 determine a “proximity transmit power level” based on a location.

12 111. Accordingly, at least for the above reasons, TCL does not directly
13 infringe at least claims 1 of the ’435 Patent, either literally or under the doctrine of
14 equivalents, because the TCL Products do not practice all elements of that claim.

15 112. TCL also does not indirectly infringe the ’435 Patent for at least the
16 reasons stated above and because there is no direct infringement of the ’435 Patent,
17 either literally or under the doctrine of equivalents.

18 113. As set forth above, an actual controversy exists between TCL and
19 BNR with respect to alleged infringement of the ’435 Patent, and this controversy is
20 likely to continue. Accordingly, TCL desires a judicial determination and
21 declaration of the respective rights and duties of the parties with respect to the ’435
22 Patent.

23 114. A judicial declaration is necessary and appropriate so that TCL may
24 ascertain its rights regarding the claims of the ’435 Patent.

25 **COUNT FIVE**

26 **Non-Infringement of U.S. Patent No. 6,941,156**

27 115. TCL incorporates by reference the preceding allegations of this
28 Complaint.

1 116. TCL has not infringed and does not infringe at least claim 1 of the
2 '156 Patent, either directly or indirectly, literally or under the doctrine of
3 equivalents, including through its making, use, sale or offer for sale in, or
4 importation into the United States of the TCL products.

5 117. The TCL Products also do not perform substantially the same function,
6 in substantially the way, to obtain substantially the same result as claim 1 of the
7 '156 Patent.

8 118. By way of example, claim 1 of the '156 Patent is directed to
9 performing an automatic handoff for a multimode cell phone. *See* Exhibit 5, claim
10 1, at 8:15–31. Claim 1 recites numerous limitations, including: “multimode cell
11 phone” that includes “a module” to establish “simultaneous communication paths”
12 “using both said cell phone functionality and said RF communication
13 functionality.” *Id.* The '156 Patent further requires “an automatic switch over
14 module” to “switch a communication path . . . with another communication path
15 later established.” *Id.* The TCL Products do not infringe claim 1, at least because
16 they do not practice these claim limitations. For example, the TCL Products do not
17 establish the claimed “simultaneous communication path” “using both said cell
18 phone functionality and said RF communication functionality.” Furthermore, the
19 TCL Products also do not implement “the module” and “the automatic switch over
20 module” recited in claim 1.

21 119. Accordingly, at least for the above reasons, TCL does not directly
22 infringe at least claims 1 of the '156 Patent, either literally or under the doctrine of
23 equivalents, because the TCL Products do not practice all elements of that claim.

24 120. TCL also does not indirectly infringe the '156 Patent for at least the
25 reasons stated above and because there is no direct infringement of the '156 Patent,
26 either literally or under the doctrine of equivalents.

27 121. As set forth above, an actual controversy exists between TCL and
28 BNR with respect to alleged infringement of the '156 Patent, and this controversy is

1 likely to continue. Accordingly, TCL desires a judicial determination and
2 declaration of the respective rights and duties of the parties with respect to the '156
3 Patent.

4 122. A judicial declaration is necessary and appropriate so that TCL may
5 ascertain its rights regarding the claims of the '156 Patent.

6 **COUNT SIX**

7 **Non-Infringement of U.S. Patent No. 8,396,072**

8 123. TCL incorporates by reference the preceding allegations of this
9 Complaint.

10 124. TCL has not infringed and does not infringe at least claim 1 of the
11 '072 Patent, either directly or indirectly, literally or under the doctrine of
12 equivalents, including through its making, use, sale or offer for sale in, or
13 importation into the United States of the TCL products.

14 125. The TCL Products also do not perform substantially the same function,
15 in substantially the way, to obtain substantially the same result as claim 1 of the
16 '072 Patent.

17 126. By way of example, claim 1 of the '072 Patent is directed to an
18 apparatus for use in controlling congestion in a cell in a communication network.
19 *See* Exhibit 6, claim 1, at 9:8–22. Claim 1 recites numerous limitations, including:
20 “apparatus for use in controlling congestion in a cell of a communication network”
21 which includes “at least one controller and a memory storing a computer program.”
22 *Id.* Further, claim 1 recites that the at least one controller and the memory are
23 configured to “determine whether there is congestion based on whether said series
24 of blocks comprise a flag.” *Id.* Additionally, Claim 1 recites that the at least one
25 controller and the memory are configured to “initiate an access procedure . . . in the
26 event that . . . there is no congestion.” *Id.* The TCL Products do not infringe claim
27 1, at least because they do not practice these claim limitations. For example, the
28 TCL Products do not implement the claimed “at least one controller and the

1 memory” as recited in claim 1. Furthermore, the TCL Products do not “initiate an
2 access procedure” “in the event that the determination is that there is no
3 congestion” as required by claim 1.

4 127. Accordingly, at least for the above reasons, TCL does not directly
5 infringe at least claims 1 of the ’072 Patent, either literally or under the doctrine of
6 equivalents, because the TCL Products do not practice all elements of that claim.

7 128. TCL also does not indirectly infringe the ’072 Patent for at least the
8 reasons stated above and because there is no direct infringement of the ’072 Patent,
9 either literally or under the doctrine of equivalents.

10 129. As set forth above, an actual controversy exists between TCL and
11 BNR with respect to alleged infringement of the ’072 Patent, and this controversy is
12 likely to continue. Accordingly, TCL desires a judicial determination and
13 declaration of the respective rights and duties of the parties with respect to the ’072
14 Patent.

15 130. A judicial declaration is necessary and appropriate so that TCL may
16 ascertain its rights regarding the claims of the ’072 Patent.

17 **COUNT SEVEN**

18 **Non-Infringement of U.S. Patent No. 7,319,889**

19 131. TCL incorporates by reference the preceding allegations of this
20 Complaint.

21 132. TCL has not infringed and does not infringe at least claim 1 of the
22 ’889 Patent, either directly or indirectly, literally or under the doctrine of
23 equivalents, including through its making, use, sale or offer for sale in, or
24 importation into the United States of the TCL products.

25 133. The TCL Products also do not perform substantially the same function,
26 in substantially the way, to obtain substantially the same result as claim 1 of the
27 ’889 Patent.

1 134. By way of example, claim 1 of the '889 Patent is directed to a mobile
2 station. *See* Exhibit 7, claim 1, at 4:2–25. Claim 1 recites numerous limitations,
3 including: “a proximity sensor adapted to generate a signal indicative of proximity
4 of an external object,” and “a microprocessor adapted to: (a) determine whether a
5 telephone call is active; (b) receive the signal from the proximity sensor; and (c)
6 reduce power to the display if (i) the microprocessor determines that a telephone
7 call is active and (ii) the signal indicates the proximity of the external object
8 wherein.” *Id.* Further, claim 1 recites “the microprocessor reduces power to the
9 display while the signal indicates the proximity of the external object only if the
10 microprocessor determines that the wireless telephone call is active.” *Id.* Further,
11 claim 1 recites: “the proximity sensor begins detecting whether an external object
12 is proximate substantially concurrently with the mobile station initiating an
13 outgoing wireless telephone call or receiving an incoming wireless telephone call.”
14 The TCL Products do not infringe claim 1, at least because they do not practice
15 these claim limitations. For example, the TCL Products do not include a
16 microprocessor adapted to “reduce power to the display” if “the signal indicates the
17 proximity of the external object” as required by claim 1. As further example, the
18 TCL Products do not begin detecting whether an external object is proximate
19 “substantially concurrently with the mobile station initiating an outgoing wireless
20 telephone call or receiving an incoming wireless telephone call” as required by
21 claim 1.

22 135. Accordingly, at least for the above reasons, TCL does not directly
23 infringe at least claims 1 of the '889 Patent, either literally or under the doctrine of
24 equivalents, because the TCL Products do not practice all elements of that claim.

25 136. TCL also does not indirectly infringe the '889 Patent for at least the
26 reasons stated above and because there is no direct infringement of the '889 Patent,
27 either literally or under the doctrine of equivalents.
28

1 137. As set forth above, an actual controversy exists between TCL and
2 BNR with respect to alleged infringement of the '889 Patent, and this controversy is
3 likely to continue. Accordingly, TCL desires a judicial determination and
4 declaration of the respective rights and duties of the parties with respect to the '889
5 Patent.

6 138. A judicial declaration is necessary and appropriate so that TCL may
7 ascertain its rights regarding the claims of the '889 Patent.

8 **COUNT EIGHT**

9 **Non-Infringement of U.S. Patent No. 8,204,554**

10 139. TCL incorporates by reference the preceding allegations of this
11 Complaint.

12 140. TCL has not infringed and does not infringe at least claim 1 of the
13 '554 Patent, either directly or indirectly, literally or under the doctrine of
14 equivalents, including through its making, use, sale or offer for sale in, or
15 importation into the United States of the TCL products.

16 141. The TCL Products also do not perform substantially the same function,
17 in substantially the way, to obtain substantially the same result as claim 1 of the
18 '554 Patent.

19 142. By way of example, claim 1 of the '554 Patent is directed to a mobile
20 station. *See* Exhibit 8, claim 1, at 4:2–22. Claim 1 recites numerous limitations,
21 including: “a proximity sensor adapted to generate a signal indicative of the
22 existence of a first condition, the first condition being that an external object is
23 proximate,” and “a microprocessor adapted to: (a) determine, without using the
24 proximity sensor, the existence of a second condition independent and different
25 from the first condition, the second condition being that a user of the mobile station
26 has performed an action to initiate an outgoing call or to answer an incoming call;
27 (b) in response to a determination in step (a) that the second condition exists,
28 activate the proximity sensor; (c) receive the signal from the activated proximity

1 sensor; and (d) reduce power to the display if the signal from the activated
2 proximity sensor indicates that the first condition exists.” *Id.* The TCL Products do
3 not infringe claim 1, at least because they do not practice these claim limitations.
4 For example, the TCL Products do not have a microprocessor that determines the
5 existence of a second condition “independent and different from the first condition”
6 that is that “an external object is proximate” as required by claim 1. As further
7 example, the TCL Products do not “reduce power to the display if the signal from
8 the activated proximity sensor indicates that the first condition exists,” as required
9 by claim 1.

10 143. Accordingly, at least for the above reasons, TCL does not directly
11 infringe at least claims 1 of the ’554 Patent, either literally or under the doctrine of
12 equivalents, because the TCL Products do not practice all elements of that claim.

13 144. TCL also does not indirectly infringe the ’554 Patent for at least the
14 reasons stated above and because there is no direct infringement of the ’554 Patent,
15 either literally or under the doctrine of equivalents.

16 145. As set forth above, an actual controversy exists between TCL and
17 BNR with respect to alleged infringement of the ’554 Patent, and this controversy is
18 likely to continue. Accordingly, TCL desires a judicial determination and
19 declaration of the respective rights and duties of the parties with respect to the ’554
20 Patent.

21 146. A judicial declaration is necessary and appropriate so that TCL may
22 ascertain its rights regarding the claims of the ’554 Patent.

23 **COUNT NINE**

24 **Non-Infringement of U.S. Patent No. 6,696,941**

25 147. TCL incorporates by reference the preceding allegations of this
26 Complaint.

27 148. TCL has not infringed and does not infringe at least claim 1 of the
28 ’941 Patent, either directly or indirectly, literally or under the doctrine of

1 equivalents, including through its making, use, sale or offer for sale in, or
2 importation into the United States of the TCL products.

3 149. The TCL Products also do not perform substantially the same function,
4 in substantially the way, to obtain substantially the same result as claim 1 of the
5 '941 Patent.

6 150. By way of example, claim 1 of the '941 Patent is directed to a method
7 of remotely triggering an alarm within a mobile wireless device. *See* Exhibit 9,
8 claim 1, at 6:10–22. Claim 1 recites numerous limitations, including: “triggering a
9 sensory output from said mobile wireless device based on receipt of said alarm
10 trigger signal from said service provider,” and “preventing a current holder of said
11 mobile wireless device from stopping said sensory output unless an alarm PIN is
12 manually entered by said holder into said mobile wireless device.” *Id.* The TCL
13 Products do not infringe claim 1, at least because they do not practice these claim
14 limitations. For example, to the extent the TCL Products allow for a sensory output
15 to be triggered remotely, such sensory output is automatically disabled after a preset
16 time period, whether or not “an alarm PIN is manually entered by said holder into
17 said mobile wireless device.”

18 151. Accordingly, at least for the above reasons, TCL does not directly
19 infringe at least claims 1 of the '941 Patent, either literally or under the doctrine of
20 equivalents, because the TCL Products do not practice all elements of that claim.

21 152. TCL also does not indirectly infringe the '941 Patent for at least the
22 reasons stated above and because there is no direct infringement of the '941 Patent,
23 either literally or under the doctrine of equivalents.

24 153. As set forth above, an actual controversy exists between TCL and
25 BNR with respect to alleged infringement of the '941 Patent, and this controversy is
26 likely to continue. Accordingly, TCL desires a judicial determination and
27 declaration of the respective rights and duties of the parties with respect to the '941
28 Patent.

1 154. A judicial declaration is necessary and appropriate so that TCL may
2 ascertain its rights regarding the claims of the '941 Patent.

3 **COUNT TEN**

4 **Non-Infringement of U.S. Patent No. 6,858,930**

5 155. TCL incorporates by reference the preceding allegations of this
6 Complaint.

7 156. TCL has not infringed and does not infringe at least claim 1 of the
8 '930 Patent, either directly or indirectly, literally or under the doctrine of
9 equivalents, including through its making, use, sale or offer for sale in, or
10 importation into the United States of the TCL products.

11 157. The TCL Products also do not perform substantially the same function,
12 in substantially the way, to obtain substantially the same result as claim 1 of the
13 '930 Patent.

14 158. By way of example, claim 1 of the '930 Patent is directed to a multi
15 chip package. *See* Exhibit 10, claim 1, at 4:39–60. Claim 1 recites numerous
16 limitations, including: “heat spreaders each having a first side and an opposing
17 second side, the first side of each of the heat spreaders disposed adjacent the second
18 side of the integrated circuits, where one each of the heat spreaders is associated
19 with one each of the integrated circuits,” “a single stiffener having a first side and
20 an opposing second side, the stiffener covering all of the integrated circuits and heat
21 spreaders, the first side of the stiffener disposed adjacent the second side of the heat
22 spreaders,” and “discrete components electrically connected to the second side of
23 the package substrate and coplanar with the integrated circuits.” *Id.* The TCL
24 Products do not infringe claim 1, at least because they do not practice these claim
25 limitations. For example, the TCL Products do not have multiple heat spreaders
26 arranged such that “the first side of each” is “disposed adjacent” to the second side
27 of integrated circuits,” and such that each heat spreader is separately “associated
28 with” one of the integrated circuits. As further example, the TCL Products do not

1 include “a single” stiffener covering all integrated circuits and heat spreaders, with
2 a first side “adjacent” the second side of the heat spreaders.

3 159. Accordingly, at least for the above reasons, TCL does not directly
4 infringe at least claims 1 of the ’930 Patent, either literally or under the doctrine of
5 equivalents, because the TCL Products do not practice all elements of that claim.

6 160. TCL also does not indirectly infringe the ’930 Patent for at least the
7 reasons stated above and because there is no direct infringement of the ’930 Patent,
8 either literally or under the doctrine of equivalents.

9 161. As set forth above, an actual controversy exists between TCL and
10 BNR with respect to alleged infringement of the ’930 Patent, and this controversy is
11 likely to continue. Accordingly, TCL desires a judicial determination and
12 declaration of the respective rights and duties of the parties with respect to the ’930
13 Patent.

14 162. A judicial declaration is necessary and appropriate so that TCL may
15 ascertain its rights regarding the claims of the ’930 Patent.

16 **COUNT ELEVEN**

17 **Non-Infringement of U.S. Patent No. 6,963,129**

18 163. TCL incorporates by reference the preceding allegations of this
19 Complaint.

20 164. TCL has not infringed and does not infringe at least claim 1 of the
21 ’129 Patent, either directly or indirectly, literally or under the doctrine of
22 equivalents, including through its making, use, sale or offer for sale in, or
23 importation into the United States of the TCL products.

24 165. The TCL Products also do not perform substantially the same function,
25 in substantially the way, to obtain substantially the same result as claim 1 of the
26 ’129 Patent.

27 166. By way of example, claim 1 of the ’129 Patent is directed to a heat
28 spreader assembly. *See* Exhibit 11, claim 1, at 7:5–17. Claim 1 recites numerous

1 limitations, including: “a single, unibody heat spreader configured to extend across
2 substantially the entire first surface of at least two spaced integrated circuits
3 opposite a second surface of the integrated circuits having a bonding pad,” and “a
4 second heat spreader interposed between the heat spreader and only [one] of the at
5 least two spaced integrated circuits.” *Id.* The TCL Products do not infringe
6 claim 1, at least because they do not practice these claim limitations. For example,
7 the TCL Products do not include a “unibody” heat spreader extending across
8 “substantially the entire first surface of at least two spaced integrated circuits.” As
9 further example, the TCL Products do not contain a second heat spreader “between”
10 the first heat spreader “and only [one] of the at least two spaced integrated circuits.”

11 167. Accordingly, at least for the above reasons, TCL does not directly
12 infringe at least claims 1 of the ’129 Patent, either literally or under the doctrine of
13 equivalents, because the TCL Products do not practice all elements of that claim.

14 168. TCL also does not indirectly infringe the ’129 Patent for at least the
15 reasons stated above and because there is no direct infringement of the ’129 Patent,
16 either literally or under the doctrine of equivalents.

17 169. As set forth above, an actual controversy exists between TCL and
18 BNR with respect to alleged infringement of the ’129 Patent, and this controversy is
19 likely to continue. Accordingly, TCL desires a judicial determination and
20 declaration of the respective rights and duties of the parties with respect to the ’129
21 Patent.

22 170. A judicial declaration is necessary and appropriate so that TCL may
23 ascertain its rights regarding the claims of the ’129 Patent.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, TCL respectfully prays for entry of judgment in its favor and
26 against BNR as follows:

27 A. For judgment that TCL has not infringed and does not infringe at least
28 the identified claims of the Patents-in-Suit, directly or indirectly, literally or under

1 the doctrine of equivalents, by the making, using, selling, offering to sell, and/or
2 importing of the TCL Products;

3 B. For a preliminary and permanent injunction precluding BNR, its
4 officers, directors, employees, agents, and all other persons acting in concert or
5 participation with them from suing for infringement or otherwise asserting
6 infringement of the Patents-in-Suit against TCL;

7 C. For costs and reasonable attorneys' fees incurred in connection with
8 this and related actions;

9 D. For finding that this case is exceptional; and

10 E. Awarding any other remedy or relief to which TCL may be entitled
11 and which is deemed appropriate by the Court.

12 **DEMAND FOR JURY TRIAL**

13 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, TCL hereby
14 demands a jury trial on all issues so triable.

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DATED: September 13, 2021

PERKINS COIE LLP

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Attorneys for Plaintiffs
TCL INDUSTRIES HOLDINGS CO.,
LTD.; TCL INDUSTRIES HOLDINGS
(H.K.) LIMITED; TCL
COMMUNICATION TECHNOLOGY
HOLDINGS LIMITED; TCL
COMMUNICATION (BVI) LIMITED;
TCL MOBILE COMMUNICATION
HOLDINGS LIMITED; HUIZHOU
TCL MOBILE COMMUNICATION
CO. LTD; HUIZHOU TCL
COMMUNICATION ELECTRONIC
LIMITED; TCL MOBILE
COMMUNICATION (HK)
COMPANY LIMITED; TCT MOBILE
(US) HOLDINGS INC.; TCL
COMMUNICATION INC.; TCT
MOBILE (US) INC.; TCL
COMMUNICATION LIMITED; TCT
MOBILE INTERNATIONAL
LIMITED; TCT MOBILE
WORLDWIDE LIMITED; TTE
TECHNOLOGY, INC.; TCL
ELECTRONICS HOLDINGS LTD.;
TCL KING ELECTRICAL
APPLIANCES (HUIZHOU) CO. LTD.;
SHENZHEN TCL NEW
TECHNOLOGY CO., LTD.; TCL
SMART DEVICE (VIETNAM) CO.,
LTD.; TCL TECHNOLOGY GROUP
CORPORATION; TCL OVERSEAS
MARKETING LTD; TCT MOBILE,
INC.; TTE CORPORATION; TCL
HOLDINGS (BVI) LTD.; ALPHA
ALLIANCE ENTERPRISES
LIMITED; WINNING SYNERGY
LIMITED; NOVEL STATE LIMITED;
ACE BUSINESS HOLDINGS
LIMITED; SUPERB STRENGTH
GLOBAL LIMITED; TCL
ELECTRONICS MEXICO, S DE RL
DE CV; MANUFACTURAS
AVANZADAS SA DE CV; TTE

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MASA 1, LCC (US); TTE (NORTH AMERICA) HOLDINGS LIMITED; AND TCL OVERSEAS HOLDINGS LIMITED;