

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

KONINKLIJKE PHILIPS N.V., and  
PHILIPS NORTH AMERICA LLC

Plaintiffs,

v.

DELL TECHNOLOGIES INC., and  
DELL INC.,

Defendants.

C.A. No.: 20-cv-1240-CFC

**JURY TRIAL DEMANDED**

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs Koninklijke Philips N.V. and Philips North America LLC (collectively, “Philips” or “Plaintiffs”) bring this action for patent infringement under 35 U.S.C. § 271 against Dell Technologies, Inc. and Dell Inc. (collectively, “Dell” or “Defendants”), and allege as follows:

**THE PARTIES**

1. Plaintiff Koninklijke Philips N.V. (formerly known as Koninklijke Philips Electronics N.V.) (“Philips N.V.”) is a corporation duly organized and existing under the laws of The Netherlands, with its principal place of business at High Tech Campus 5, 5656 AE Eindhoven, The Netherlands.

2. Plaintiff Philips North America LLC (formerly known as Philips Electronics North America Corporation) (“Philips North America”) is a limited liability company duly organized and existing under the laws of the State of Delaware with its principal place of business at 222 Jacobs Street, Cambridge, MA 02141. Philips N.V. is the parent of Philips North America.

3. Defendant Dell Technologies, Inc. is a corporation duly organized and

existing under the laws of the State of Delaware with a principal place of business located at One Dell Way, Round Rock, Texas 78682.

4. Defendant Dell Inc. is a corporation duly organized and existing under the laws of the State of Delaware with a principal place of business located at One Dell Way, Round Rock, Texas 78682. Dell Inc. is a subsidiary of Dell Technologies, Inc.<sup>1</sup>

5. Defendants make, use, sell, offer for sale, and/or import throughout the United States, including within the District of Delaware (this “District”), products, such as digital video-capable devices and components thereof, that infringe the Asserted Patents, defined below. Defendants order and purchase components, such as digital video capable integrated circuits and associated firmware, that they incorporate into digital video-capable devices that are made, used, sold, offered for sale, and/or imported throughout the United States, including within this District. These digital video-capable devices may include, but are not limited to, laptops, desktops, all-in-one PCs, thin clients, tablets, convertible PCs, workstations, servers, monitors, displays, projectors, video adapters, and/or video hubs.

### **THE ASSERTED PATENTS**

#### **U.S. Patent No. 9,436,809**

6. United States Patent No. 9,436,809 (the “’809 Patent”) is entitled “Secure Authenticated Distance Measurement” and issued on September 6, 2016 to inventor Franciscus L. A. J. Kamperman. The ’809 Patent issued from United States Patent Application No. 14/538,493 filed on November 11, 2014. A copy of the ’809 Patent is attached hereto as Exhibit A.

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<sup>1</sup> Dell Technologies Inc. Form 10-K 2020 at Exhibit 21.1, retrieved from <https://investors.delltechnologies.com/node/10741/html>.

**U.S. Patent No. 10,091,186**

7. United States Patent No. 10,091,186 (the “’186 Patent”) is entitled “Secure Authenticated Distance Measurement” and issued on October 2, 2018 to inventor Franciscus L. A. J. Kamperman. The ’186 Patent issued from United States Patent Application No. 15/352,646 filed on November 16, 2016. A copy of the ’186 Patent is attached hereto as Exhibit B.

**U.S. Patent No. 9,590,977**

8. United States Patent No. 9,590,977 (the “’977 Patent”) is entitled “Secure Authenticated Distance Measurement” and issued on March 7, 2017 to inventor Franciscus L. A. J. Kamperman. The ’977 Patent issued from United States Patent Application No. 15/229,207 filed on August 5, 2016. A copy of the ’977 Patent is attached hereto as Exhibit C.

**U.S. Patent No. 10,298,564**

9. United States Patent No. 10,298,564 (the “’564 Patent”) is entitled “Secure Authenticated Distance Measurement” and issued on May 21, 2019 to inventor Franciscus L. A. J. Kamperman. The ’564 Patent issued from United States Patent Application No. 16/117,019 filed on August 30, 2018. A copy of the ’564 Patent is attached hereto as Exhibit D.

10. By way of assignment, Philips N.V. owns all rights, title, and interest to the ’809 Patent, ’186 Patent, ’977 Patent and ’564 Patent (collectively, the “Asserted Patents”).

11. The Asserted Patents are each valid and enforceable.

**JURISDICTION AND VENUE**

12. This is a civil action for patent infringement arising under the Patent Act, 35 U.S.C. § 1 *et seq.*

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

14. Venue in this District is proper pursuant to 28 U.S.C. §§ 1391(b), (c) and 1400(b) because Defendants are incorporated in the State of Delaware, reside in this District, and have committed acts of infringement in this District.

15. This Court has personal jurisdiction over Defendants. Defendants are residents of this District. Defendants have and do conduct business within this District.

### **BACKGROUND**

16. Philips incorporates the allegations of all of the foregoing paragraphs as if fully restated herein.

17. Philips is a world-renowned company that engages in research and development in numerous fields. One of these fields pertains to digital video-capable devices for delivering and displaying content to users. Exemplary products in this field include laptops, desktops, all-in-one PCs, thin clients, tablets, convertible PCs, workstations, servers, monitors, displays, projectors, video adapters, and/or video hubs. The Asserted Patents derive from Philips's efforts in this field and claim protection for, among other things, delivering and displaying content to users.

18. Defendants made, used, sold, offered for sale, imported, tested, designed, and/or marketed in the United States digital video-capable devices for delivering and/or displaying content to users that infringe the Asserted Patents.

19. Defendants have actual notice of the Asserted Patents and of their infringement. Defendants received actual notice of the Asserted Patents at least as early as March 21, 2014 by way of a letter to Defendants dated March 21, 2014. That letter included references to U.S. Patent No. 8,543,819 and U.S. Pat. App. No. 10/521,858. Defendants received a second letter dated September 16, 2020 that included allegations of infringement of the Asserted Patents. Additionally, the filing of the original Complaint and the filing of this First Amended Complaint also constitutes notice in accordance with 35 U.S.C. § 287.

20. With actual notice of the Asserted Patents, Defendants have directly infringed, and continue to directly infringe the Asserted Patents under 35 U.S.C. § 271(a) and (g) by one or more of making, using, selling and/or offering to sell, in this District and elsewhere in the United States, and importing into this District and elsewhere in the United States, certain infringing digital video-capable devices that infringe the Asserted Patents (the “Accused Products”), as further described in detail in Counts I-IV *infra*.

21. The Accused Products include, but are not limited to, all digital video-capable devices, including but not limited to, laptops, desktops, all-in-one PCs, thin clients, tablets, convertible PCs, workstations, servers, monitors, displays, projectors, video adapters, and/or video hubs, and other products that support the HDCP 2.0 protocol and above that Defendants make, use, sell, offer for sale, and/or import throughout the United States infringing products, such as: Alienware, Inspiron, G-Series, Latitude, Chromebook, and XPS laptops; Inspiron all-in-one PCs; Wyse thin clients; Latitude, XPS, and Inspiron tablets and/or convertible PCs; Precision desktop and mobile workstations; Alienware, XPS, G-Series, Inspiron, Vostro, Optiplex, and Precision desktops; PowerEdge servers; Alienware, S-Series, and UltraSharp monitors and displays; Dell S510 and S520 projectors; HDMI 2.0 video adapters; and Dell Universal Dock and Dell Docking Stations. This list of Defendants’ currently known digital video-capable devices is exemplary and, on information and belief, many other of Defendants’ digital video-capable devices infringe the Asserted Patents.

22. Defendants’ acts of infringement have caused damage to Philips. Philips is entitled to recover from Defendants the damages incurred by Philips as a result of Defendants’ wrongful acts.

## **COUNT I**

### **Defendants’ Infringement of the ’809 Patent**

23. Philips incorporates the allegations of all of the foregoing paragraphs as if fully restated herein.

24. Defendants have directly infringed, and continue to directly infringe, the '809 Patent by making, using, selling, offering for sale, or importing throughout the United States products and/or methods covered by one or more claims of the '809 Patent including, but not limited to, digital video-capable devices. The products that infringe one or more claims of the '809 Patent include, but are not limited to, at least the Accused Products. Further discovery may reveal additional infringing products and/or models.

25. For example and without limitation, the Accused Products infringe claims 1, 17 and 49 of the '809 Patent.

26. Attached hereto as Exhibit E, and incorporated into this First Amended Complaint, is a claim chart showing where in the Dell Inspiron 13 5000, Model No. Inspiron 13 5391 each limitation of claims 1, 17 and 49 are met. This claim chart is exemplary and, on information and belief, many other products provided by Defendants infringe the '809 Patent.

27. Philips has been and continues to be damaged and irreparably harmed by Defendants' infringement of the '809 Patent. This irreparable harm will continue unless this Court enjoins Defendants from further infringement of the '809 Patent.

28. Philips is entitled to recover damages under 35 U.S.C. § 284 to adequately compensate for Defendants' infringement of the '809 Patent.

## **COUNT II**

### **Defendants' Infringement of the '186 Patent**

29. Philips incorporates the allegations of all of the foregoing paragraphs as if fully restated herein.

30. Defendants have directly infringed, and continue to directly infringe, the '186 Patent by making, using, selling, offering for sale, or importing throughout

the United States products and/or methods covered by one or more claims of the '186 Patent including, but not limited to, digital video-capable devices. The products that infringe one or more claims of the '186 Patent include, but are not limited to, at least the Accused Products. Further discovery may reveal additional infringing products and/or models.

31. For example and without limitation, the Accused Products infringe claim 1 of the '186 Patent.

32. Attached hereto as Exhibit F, and incorporated into this First Amended Complaint, is a claim chart showing where in the Dell Inspiron 13 5000, Model No. Inspiron 13 5391 each limitation of claim 1 is met. This claim chart is exemplary and, on information and belief, many other products provided by Defendants infringe the '186 Patent.

33. Philips has been and continues to be damaged and irreparably harmed by Defendants' infringement of the '186 Patent. This irreparable harm will continue unless this Court enjoins Defendants from further infringement of the '186 Patent.

34. Philips is entitled to recover damages under 35 U.S.C. § 284 to adequately compensate for Defendants' infringement of the '186 Patent.

### **COUNT III**

#### **Defendants' Infringement of the '977 Patent**

35. Philips incorporates the allegations of all of the foregoing paragraphs as if fully restated herein.

36. Defendants have directly infringed, and continue to directly infringe, the '977 Patent by making, using, selling, offering for sale, or importing throughout the United States products and/or methods covered by one or more claims of the '977 Patent including, but not limited to, digital video-capable devices. The products that infringe one or more claims of the '977 Patent include, but are not limited to, at least the Accused Products. Further discovery may reveal additional infringing

products and/or models.

37. For example and without limitation, the Accused Products infringe claims 1 and 11 of the '977 Patent.

38. Attached hereto as Exhibit G, and incorporated into this First Amended Complaint, is a claim chart showing where in the Dell UltraSharp 27 4K PremierColor Monitor – UP2720Q each limitation of claims 1 and 11 are met. This claim chart is exemplary and, on information and belief, many other products provided by Defendants infringe the '977 Patent.

39. Philips has been and continues to be damaged and irreparably harmed by Defendants' infringement of the '977 Patent. This irreparable harm will continue unless this Court enjoins Defendants from further infringement of the '977 Patent.

40. Philips is entitled to recover damages under 35 U.S.C. § 284 to adequately compensate for Defendants' infringement of the '977 Patent.

#### **COUNT IV**

##### **Defendants' Infringement of the '564 Patent**

41. Philips incorporates the allegations of all of the foregoing paragraphs as if fully restated herein.

42. Defendants have directly infringed, and continue to directly infringe, the '564 Patent by making, using, selling, offering for sale, or importing throughout the United States products and/or methods covered by one or more claims of the '564 Patent including, but not limited to, digital video-capable devices. The products that infringe one or more claims of the '564 Patent include, but are not limited to, at least the Accused Products. Further discovery may reveal additional infringing products and/or models.

43. For example and without limitation, the Accused Products infringe claim 1 of the '564 Patent.

44. Attached hereto as Exhibit H, and incorporated into this First Amended



Complaint, is a claim chart showing where in the Dell UltraSharp 27 4K PremierColor Monitor – UP2720Q each limitation of claim 1 is met. This claim chart is exemplary and, on information and belief, many other products provided by Defendants infringe the '564 Patent.

45. Philips has been and continues to be damaged and irreparably harmed by Defendants' infringement of the '564 Patent. This irreparable harm will continue unless this Court enjoins Defendants from further infringement of the '564 Patent.

46. Philips is entitled to recover damages under 35 U.S.C. § 284 to adequately compensate for Defendants' infringement of the '564 Patent.

### **DAMAGES**

47. Defendants have refused to compensate Philips for their infringement of the Asserted Patents. Philips is entitled to monetary damages adequate to compensate Philips for Defendants' infringement in an amount no less than a reasonable royalty for the use made of the patented inventions by Defendants. The precise amount of damages will be determined through discovery in this action and proven at trial.

### **MARKING**

48. Philips and its licensees of the Asserted Patents have complied with 35 U.S.C. § 287, and relative to its licensees, Philips has taken reasonable steps to ensure compliance with marking.

### **PRAYER FOR RELIEF**

WHEREFORE, Philips respectfully asks the Court for an order granting the following relief:

- a) A judgment that the Asserted Patents are valid and enforceable;
- b) A judgment that Defendants have directly infringed, either literally or under the Doctrine of Equivalents, one or more claims of the '809 Patent;

- c) A judgment that Defendants have directly infringed, either literally or under the Doctrine of Equivalents, one or more claims of the '186 Patent;
- d) A judgment that Defendants have directly infringed, either literally or under the Doctrine of Equivalents, one or more claims of the '977 Patent;
- e) A judgment that Defendants have directly infringed, either literally or under the Doctrine of Equivalents, one or more claims of the '564 Patent;
- f) An injunction against Defendants, their officers, agents, servants, employees, all parent and subsidiary entities, all assignees and successors in interest, and those persons or entities acting in concert or participation with Defendants, including distributors, retailers, and others, enjoining them from further infringement of the Asserted Patents;
- g) A judgment awarding Philips all appropriate damages under 35 U.S.C. § 284 for Defendants' past infringement, and any continuing or future infringement of the Asserted Patents, including pre and post judgment interest, costs, and disbursements pursuant to 35 U.S.C. § 284;
- h) An accounting for infringing sales not presented at trial and an award by the Court of additional damages for any such infringing sales;
- i) A finding that this case is exceptional within the meaning of 35 U.S.C. § 285 and that Philips be awarded its reasonable attorneys' fees against Defendants incurred in prosecuting this action;
- j) An award of reasonable attorneys' fees, costs, and expenses incurred by Philips in connection with prosecuting this action; and
- k) Any and all other relief as the Court finds just, equitable, and proper

under the circumstances.

**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38, Philips hereby respectfully demands trial by jury on all claims and issues so triable.

Dated: August 30, 2022

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

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