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

MODULUS SYSTEMS LLC, Plaintiff, v. DEXATEK TECHNOLOGY LTD, Defendant.	Civil Action No. 2:23-cv-239 JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff states for its Complaint against Defendant as follows:

INTRODUCTION

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.

PARTIES

2. Plaintiff Modulus Systems LLC is a limited liability company organized and existing under the laws of Delaware.

3. On information and belief, Defendant Dexatek Technology LTD is a corporation organized and existing under the laws of Taiwan with a regular and established place of business at 16F.-1, No.81, Sec. 1, Xintai 5th Rd., Xizhi Dist., New Taipei City 22101, Taiwan (R.O.C.).

JURISDICTION

4. This Court has subject matter jurisdiction over all causes of action set forth herein pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, Title 35, United States Code, including 35 U.S.C. § 271 *et seq*.

5. This Court has personal jurisdiction over Defendant. For example, Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in and/or directed toward the State of Texas. On information and belief, Defendant has derived substantial revenues from its infringing acts occurring within the State of Texas.

6. This Court has personal jurisdiction over Defendant consistent with the requirements of the Due Process Clause of the United States Constitution and the Texas Long Arm Statute. On information and belief, Defendant has sufficient minimum contacts with the forum because Defendant, directly or through subsidiaries or intermediaries, transacts substantial business in the State of Texas and in this Judicial District. Further, on information and belief, Defendant has, directly or through subsidiaries or intermediaries, committed acts of patent infringement in the State of Texas and in this Judicial District as alleged in this Complaint. Moreover, on information and belief, Defendant has purposefully and voluntarily placed its products into the stream of commerce with the expectation that they will be purchased and used by customers located in the State of Texas. On information and belief, Defendant's customers in the State of Texas have used Defendant's infringing products.

7. Venue is proper in this Court as to Defendant pursuant to 28 U.S.C. § 1391(c) on the grounds that Defendant is a foreign corporation.

Plaintiff's U.S. Patent No. 8,610,573

8. Plaintiff is the assignee of all right, title and interest in United States Patent No. 8,610,573, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the '573 patent. Accordingly, Plaintiff possesses the exclusive right and standing to prosecute the present action for infringement of the '573 patent by Defendant.

9. The '573 patent, which issued on December 17, 2013, is entitled, "Radio Frequency Module and Methods of Transmitting/Receiving Data." The '573 patent issued from U.S. Application No. 12/558,484, which was filed on September 11, 2009. The '484 application claims the benefit of U.S. Provisional Application No. 61/096,163, filed on September 11, 2008. A true and correct copy of the '573 patent is attached hereto as Exhibit A and incorporated herein by reference.

COUNT ONE: INFRINGEMENT OF THE '573 PATENT

10. Plaintiff realleges and incorporates herein the preceding allegations of this Complaint as if fully set forth herein.

11. Plaintiff provided Defendant notice of its infringement by letter dated May 19, 2023, which letter was received by Defendant prior to the filing of this lawsuit.

12. Defendant has been and continues to directly infringe, literally or under the doctrine of equivalents, one or more claims of the '573 patent by making, using, offering to sell, selling and/or importing, without limitation, at least the Defendant products identified in the chart incorporated into this Count below (among the "Exemplary Defendant Products") and/or inducing distributors, end users, and others to offer, sell, or use its products in the customary and

intended manner that it knows to infringe the ’573 patent (including by selling the Exemplary Defendant Products and distributing product literature and website materials). *See* Exhibit B.

13. Exhibit B includes a chart comparing the Exemplary ’573 Patent Claim to the Exemplary Defendant Products. As set forth in this chart, the Exemplary Defendant Products practice the technology claimed by the ’573 patent. Accordingly, the Exemplary Defendant Products incorporated in this chart satisfy all elements of the Exemplary ’573 Patent Claim.

14. Plaintiff therefore incorporates by reference the claim chart of Exhibit B into its allegations herein.

15. Plaintiff is entitled to recover damages adequate to compensate for Defendant's infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff seeks the following relief:

a. Declaring that Defendant has infringed the ’573 patent;

b. That Defendant be ordered to pay damages adequate to compensate Plaintiff for its infringement of the ’573 patent pursuant to 35 U.S.C. § 284;

c. That Defendant be ordered to pay prejudgment interest pursuant to 35 U.S.C. § 284;

d. That Defendant be ordered to pay all costs associated with this action pursuant to 35 U.S.C. § 284;

e. That Defendant be ordered to pay Plaintiff’s attorneys’ fees pursuant to 35 U.S.C. § 285; and

f. That Plaintiff be granted such other and additional relief as the Court deems just

and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands a trial by jury of all issues so triable.

THIS 27th day of May, 2023.

Respectfully submitted,

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