

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

PROUDLION IP, LLC,)	
Plaintiff,)	
)	Civil Action No. 1:23-cv-614
v.)	
)	
LG ELECTRONICS U.S.A., INC.)	
Defendant.)	JURY TRIAL DEMANDED
)	

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

ProudLion IP, LLC (“ProudLion”) files this Original Complaint for Patent Infringement and demand for jury trial seeking relief from patent infringement of the claims of U.S. Pat. No. 9,967,389 (“the ‘389 patent”) (referred to as the “Patent-in-Suit”) by LG Electronics U.S.A., Inc., (“LG” or “Defendant”).

I. THE PARTIES

1. Plaintiff ProudLion IP, LLC is a LLC with its principal place of business located in Travis County, Texas.

2. On Information and belief, Defendant LG Electronics, Inc. is a corporation organized and existing under the laws of the Republic of Korea with its principal place of business at LG Twin Towers 20, Yeouido-Dong, Yeongdeungpo-Gu, Seoul, South Korea, 150-721. Defendant LG Electronics, Inc. can be served through its registered agent, United States Corporation Co., 211 E. 7th Street, Suite 620, Austin, Texas 78701, or anywhere else it may be found. LG maintains a regular and established place of business at 4030 W Braker Ln. Ste 510. Austin, TX 78759.

II. JURISDICTION AND VENUE

3. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271.

4. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Texas and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this judicial district.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas and this District.

III. INFRINGEMENT

A. Infringement of the '389 Patent

6. On May 8, 2018, U.S. Patent No. 9,967,389 ("the '389 patent", included as Exhibit A) entitled "System And Method For Selectable Alteration Of Operation And Appearance Of A Portable Computing Device" was duly and legally issued by the U.S. Patent and Trademark Office. Proudion owns the '389 patent by assignment.

7. The '389 patent relates to a novel and improved systems, methods, and apparatuses for selectably altering the operation and appearance of a portable computing device.

8. Defendant maintains, operates, and administers systems and methods that selectably alter the operation and appearance of a portable computing device that infringes one or more claims of the '389 patent, including one or more of claims 1 – 20, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the '389 patent into service; but for Defendant's actions, the claimed-inventions embodiments involving Defendant's products and services would never have been put into service. Defendant's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant's procurement of monetary and commercial benefit from it.

9. Support for the allegations of infringement may be found in the preliminary table attached as Exhibit B. These allegations of infringement are preliminary and are therefore subject to change. The Accused Instrumentality is the LG Watch.

10. Defendant has and continues to induce infringement. Defendant has actively encouraged or instructed others, and continues to do so, on how to use its products and services such as to cause infringement of one or more of claims 1- 20 of the '389 patent, literally or under the doctrine of equivalents. Moreover, Defendant has known of the '389 patent and the technology underlying it from at least the filing date of the lawsuit.¹ For clarity, direct infringement is previously alleged in this complaint.

11. Defendant has and continues to contributorily infringe. Defendant has actively encouraged or instructed others, and continues to do so, on how to use its products and services and related services such as to cause infringement of one or more of claims 1 - 20 of the '389

¹ Plaintiff reserves the right to amend if discovery reveals an earlier date of knowledge.

patent, literally or under the doctrine of equivalents. Further, there are no substantial noninfringing uses for Defendant's products and services. Moreover, Defendant has known of the '389 patent and the technology underlying it from at least the filing date of the lawsuit.² For clarity, direct infringement is previously alleged in this complaint.

12. Defendant has caused and will continue to cause ProudLion damage by direct and indirect infringement of (including inducing infringement of) the claims of the '389 patent.

IV. JURY DEMAND

ProudLion hereby requests a trial by jury on issues so triable by right.

V. PRAYER FOR RELIEF

WHEREFORE, ProudLion prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the '389 patent;
- b. award ProudLion damages in an amount sufficient to compensate it for Defendant's infringement of the '389 patent in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;
- c. award ProudLion an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
- d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award ProudLion its attorneys' fees, expenses, and costs incurred in this action;
- e. declare Defendant's infringement to be willful and treble the damages, including attorneys' fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;

² Plaintiff reserves the right to amend if discovery reveals an earlier date of knowledge.

- f. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendant from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and
- g. award ProudLion such other and further relief as this Court deems just and proper.

Respectfully submitted,

Ramey, LLP



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