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

NUCURRENT, INC. Plaintiff, v. ASUSTEK COMPUTER INC., Defendant.	Case No. 2:24-cv-696 COMPLAINT FOR PATENT INFRINGEMENT AND JURY TRIAL DEMANDED

COMPLAINT

This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code, against Defendant AsusTek Computer Inc. ("ASUS" or "Defendant") that relates to five U.S. patents owned by Plaintiff NuCurrent, Inc. ("NuCurrent" or "Plaintiff"): 9,208,942; (the "'942 Patent"); 9,232,893 (the "'893 Patent"); 11,336,003 (the "'003 Patent"); 11,476,566 (the "'566 Patent"); and 11,916,400 (the "'400 Patent") (collectively, the "Patents-in-Suit").

PARTIES

1. Plaintiff NuCurrent, Inc. is a Delaware corporation with a principal place of business at 641 W. Lake St., Suite 304, Chicago, Illinois, 60661.

2. Defendant AsusTek Computer Inc. is a corporation organized under the laws of Taiwan, with a principal place of business at No. 15, Li-Te Road, Beitou District, Taipei 112, Taiwan, and may be served pursuant to the provisions of the Hague Convention.

3. ASUS has made, made, makes, used, uses, imports, imported, sold, sells, offers to sell, and offered to sell accessories for mobile devices, including products that are capable of wirelessly charging a mobile device's battery.

4. ASUS has made, makes, used, uses, imports, imported, sold, sells, offers to sell and offered to sell mobile devices, including smartphones and earbuds, that contain batteries capable of being wirelessly charged.

JURISDICTION AND VENUE

5. This is a civil action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1, et seq., and more particularly 35 U.S.C. § 271.

6. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a), in which the district courts have original and exclusive jurisdiction of any civil action for patent infringement.

7. ASUS is subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute, Tex. Civ. Prac. & Rem. Code § 17.042, due at least to its substantial business conducted in this District, including: (i) having solicited business in the State of Texas, transacted business within the State of Texas, and attempted to derive financial benefit from residents of the State of Texas in this District, including benefits directly related to the instant patent infringement causes of action set forth herein; (ii) having placed its products and services into the stream of commerce throughout the United States and having been actively engaged in transacting business in Texas and in this District, and (iii) having committed the complained of tortious acts in Texas and in this District.

8. ASUS, directly and/or through subsidiaries and agents (including distributors, retailers, and others), makes, imports, ships, distributes, offers for sale, sells, uses, and advertises (including offering products and services through its website, https://www.asus.com/us/store/, as well as through other retailers) its products and/or services in the United States, the State of Texas, and the Eastern District of Texas. ASUS, directly and/or through its subsidiaries and agents

(including distributors, retailers, and others) has purposefully and voluntarily placed one or more of its products and/or services described below into the stream of commerce with the expectation that they will be purchased and used by consumers in the Eastern District of Texas. These infringing products and/or services have been and continue to be purchased and used by consumers in the Eastern District of Texas. ASUS has committed acts of patent infringement within the State of Texas, and more particularly, within the Eastern District of Texas.

9. Venue is proper as to Defendant because 28 U.S.C. § 1391(c)(3) provides that "a defendant not resident in the United States may be sued in any judicial district, and the joinder of such a defendant shall be disregarded in determining where the action may be brought with respect to other defendants."

NUCURRENT, INC. AND THE PATENTS-IN-SUIT

10. NuCurrent is the owner of record and assignee of each of the Patents-in-Suit.

11. NuCurrent has the exclusive right to sue and the exclusive right to recover damages for infringement of the Patents-in-Suit during all relevant time periods.

12. Since 2009, NuCurrent has been a pioneer in the field of wireless charging technologies and has received numerous awards in recognition of its technologies. NuCurrent's technologies include its Multi-Layer Multi-Turn ("MLMT") structures that provide increased wireless charging efficiency and durability.

13. On December 8, 2015, the '942 Patent, entitled "Multi-layer-multi-turn structure for high efficiency wireless communication," was duly and legally issued by the USPTO. The '942 Patent (at 1:7-16) states: "This application is a continuation in part of U.S. application Ser. No. 13/255,659 entitled "System and Method for Wireless Power Transfer in Implantable Medical Devices," filed on Sep. 9, 2011, with a 371(c) date of Nov. 22, 2011, which claims priority to

International Application No. PCT/US2010/000714 entitled "System and Method for Wireless Power Transfer in Implantable Medical Devices," filed on Mar. 9, 2010, which claims priority to U.S. Provisional Application No. 61/158,688, filed on Mar. 9, 2009, the disclosures of which are entirely incorporated herein by reference."

14. On January 12, 2016, the '893 Patent, entitled "Method of operation of a multi-layer-multi-turn structure for high efficiency wireless communication," was duly and legally issued by the USPTO. The '893 Patent (at 1:8-18) states: "This application is a continuation in part of U.S. patent application Ser. No. 13/255,659, now U.S. Pat. No. 8,855,786 entitled "System and Method for Wireless Power Transfer in Implantable Medical Devices," having a 371(c) date of Nov. 22, 2011, which claims priority to International Patent Application No. PCT/US2010/000714 entitled "System and Method for Wireless Power Transfer in Implantable Medical Devices," filed on Mar. 9, 2010, which claims priority to U.S. Provisional Patent Application No. 61/158,688, filed on Mar. 9, 2009, the disclosures of which are entirely incorporated herein by reference."

15. On May 17, 2022, the '003 Patent, entitled "Multi-layer, multi-turn inductor structure for wireless transfer of power," was duly and legally issued by the USPTO. The '003 Patent (at 1:7-32) states: "This application is a continuation of, and claims priority to, U.S. Non-Provisional application Ser. No. 15/227,192, filed on Aug. 3, 2016, and entitled "A MULTI-LAYER-MULTI-TURN STRUCTURE FOR HIGH EFFICIENCY WIRELESS COMMUNICATION," which in turn is a continuation-in-part of, and claims priority to, U.S. Non-Provisional application Ser. No. 14/059,100, filed on Oct. 21, 2013, issued as U.S. Pat. No. 9,444,213, and entitled "METHOD FOR MANUFACTURE OF MULTI-LAYER WIRE STRUCTURE FOR HIGH EFFICIENCY WIRELESS COMMUNICATION," which in turn is

a continuation-in-part of, and claims priority to, U.S. Non-Provisional application Ser. No. 13/233,686, filed on Sep. 15, 2011, issued as U.S. Pat. No. 8,567,048, and entitled "METHOD OF MANUFACTURE OF MULTI-LAYER WIRE STRUCTURE," which in turn is a continuation-in-part of, and claims priority to, U.S. Non-Provisional application Ser. No. 13/255,659, filed on Sep. 9, 2011 and having a § 371(c) date of Nov. 22, 2011, issued as U.S. Pat. No. 8,855,786, and entitled "System and Method for Wireless Power Transfer in Implantable Medical Devices," which in turn is a national stage entry of International Application No. PCT/US2010/000714, filed on Mar. 9, 2010, which in turn claims priority to U.S. Provisional Application No. 61/158,688, filed on Mar. 9, 2009, each of which is herein incorporated by reference in its entirety."

16. On October 18, 2022, the '566 Patent, entitled "Multi-layer-multi-turn structure for high efficiency wireless communication," was duly and legally issued by the USPTO. The '566 Patent (at 1:7-19) states: "This application is a continuation in part of U.S. application Ser. No. 14/059,100, filed on Oct. 21, 2013, now U.S. Pat. No. 9,444,213, which is a continuation in part of U.S. Application Ser. No. 13/233,686, filed on Sep. 15, 2011, now U.S. Pat. No. 8,567,048, which is a continuation in part of U.S. application Ser. No. 13/255,659, filed on Sep. 9, 2011 and having a 371(c) date of Nov. 22, 2011, now U.S. Pat. No. 8,855,786, which is a 371 national stage entry of International Application No. PCT/US2010/000714 filed on Mar. 9, 2010, which claims priority to U.S. Provisional Application No. 61/158,688, filed on Mar. 9, 2009, the disclosures of which are entirely incorporated herein by reference."

17. On February 27, 2024, the '400 Patent, entitled "Multi-layer-multi-turn structure for high efficiency wireless communication," was duly and legally issued by the USPTO. The '400 Patent states (at 1:7-32): "This application is a continuation of, and claims priority to,

U.S. Non-Provisional application Ser. No. 15/227,192, filed on Aug. 3, 2016, and entitled "A MULTI-LAYER-MULTI-TURN STRUCTURE FOR HIGH EFFICIENCY WIRELESS COMMUNICATION," which in turn is a continuation-in-part of, and claims priority to, U.S. Non-Provisional application Ser. No. 14/059,100, filed on Oct. 21, 2013, issued as U.S. Pat. No. 9,444,213, and entitled "METHOD FOR MANUFACTURE OF MULTI-LAYER WIRE STRUCTURE FOR HIGH EFFICIENCY WIRELESS COMMUNICATION," which in turn is a continuation-in-part of, and claims priority to, U.S. Non-Provisional application Ser. No. 13/233,686, filed on Sep. 15, 2011, issued as U.S. Pat. No. 8,567,048, and entitled "METHOD OF MANUFACTURE OF MULTI-LAYER WIRE STRUCTURE," which in turn is a continuation-in-part of, and claims priority to, U.S. Non-Provisional application Ser. No. 13/255,659, filed on Sep. 9, 2011 and having a § 371c) date of Nov. 22, 2011, issued as U.S. Pat. No. 8,855,786, and entitled "System and Method for Wireless Power Transfer in Implantable Medical Devices," which in turn is a national stage entry of International Application No. PCT/US2010/000714, filed on Mar. 9, 2010, which in turn claims priority to U.S. Provisional Application No. 61/158,688, filed on Mar. 9, 2009, each of which is herein incorporated by reference in its entirety."

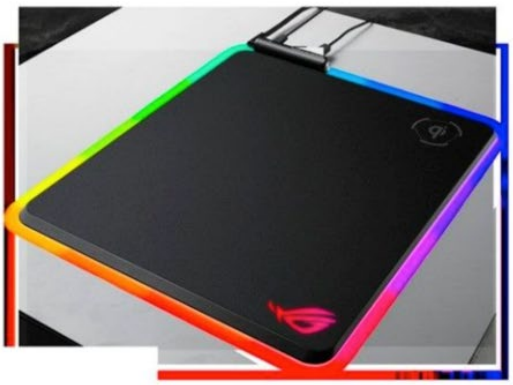
DEFENDANT'S INFRINGING PRODUCTS

18. ASUS has been, and now is, directly infringing claims of the Patents-in-Suit under 35 U.S.C. § 271(a) by performing the methods claimed in the Patents-in-Suit to operate the Accused Instrumentalities and by making, using, offering for sale, selling, and/or importing at least the below Accused Instrumentalities in this District and elsewhere in the United States that comprise the structures, systems, receiving antennas, and first antennas claimed in the Patents-in-Suit.

19. The Accused Instrumentalities include several devices that are listed on the Wireless Power Consortium ("WPC") database as being compliant with the WPC's Qi wireless charging specification ("Qi Specification"). Qi-compliant devices include transmitting devices (a "PTx device") that wirelessly transmit power to a receiving device (a "PRx device"). PTx and PRx devices are "issued a certified ID number" (e.g., a "Qi-ID" number) by the WPC and listed on the WPC's Product Database if they "have been certified to meet the Qi standard for safety and operability . . . ."

20. The Accused Instrumentalities include PTx devices, such as at least the product identified as the ASUS-ROG Balteus Qi Wireless Charger (ASUS Part Number WPC-W-A-TX-A11-021 and Qi-ID 4620). The below image shows that the ASUS-ROG Balteus Qi Wireless Charger was certified on October 26, 2018 as a Qi 1.2.4 Specification-compliant PTx device and delivers up to 5.0 W of power to a PRx device.

[QI-4620] ASUS - ROG BALTEUS Qi



QI-ID

QI-4620

LICENSED

YES

SPECIFICATION VERSION

1.2.4

BRAND

ASUS

PRODUCT NAME

ROG BALTEUS Qi

MANUFACTURER PART NUMBER

WPC-W-A-TX-A11-021

PRODUCT TYPE

PTx product

CERTIFICATION DATE

26 October 2018

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Additional Details:

POWER PROFILE	Basic Power Profile (BPP)
POTENTIAL LOAD POWER	5.0
TRANSMITTER DESIGN	A11

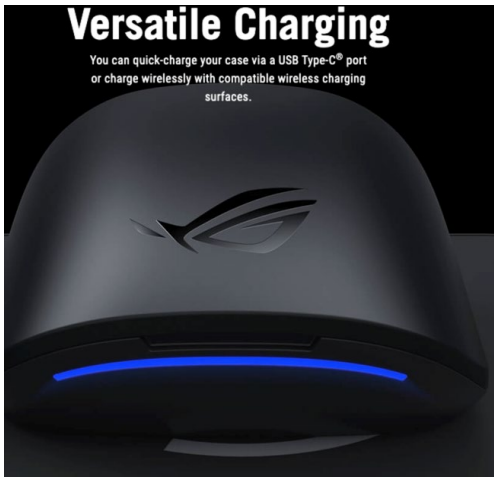
Source: https://wirelesspowerconsortium.atlassian.net/servicedesk/customer/portal/12/article/30808590

21. The Accused Instrumentalities include PRx devices, such as at least the products identified as the ASUS ROG Cetra True Wireless Earbuds and the ASUS Zenfone 10 (ASUS Part Number ASUS_AI2302 and QI-ID 14485).

22. The user manual for the ASUS ROG Cetra True Wireless Earbuds describes the device's battery as being capable of being wirelessly charged by a PTx device.

Source: https://dlcdnets.asus.com/pub/ASUS/Accessory/Headset/ROG_CETRA_TRUE_WIRELESS/Q19312_ROG_CETRA_TRUE_WIRELESS_QSG_PRINT.pdf?model=ROG%20CETRA%20TRUE%20WIRELESS

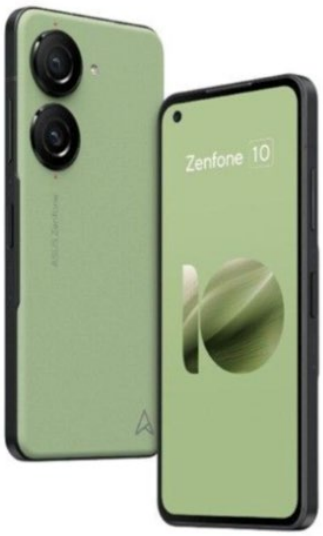
23. ASUS also advertises the ASUS ROG Cetra True Wireless Earbuds as being capable of having its battery wirelessly charged by a PTx device.



Source: https://rog.asus.com/us/headsets-audio/in-ear-headphone/rog-cetra-true-wireless-model/

24. The below image shows that the ASUS Zenfone 10 was certified on July 1, 2023 as a Qi 1.3.3-Specification-compliant PRx device and can receive up to 12.0 W of power from a PTx device.

[QI-14485] ASUS - ASUS Zenfone 10



QI-ID
QI-14485

LICENSED
YES

SPECIFICATION VERSION
1.3.3

BRAND
ASUS

PRODUCT NAME
ASUS Zenfone 10

MANUFACTURER PART NUMBER
ASUS_AI2302

PRODUCT TYPE
PRx product

CERTIFICATION DATE
01 July 2023

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Additional Details:

PRODUCT CONTAINS SUBSYSTEM	No
MAXIMUM LOAD POWER	12.0

Source: https://wirelesspowerconsortium.atlassian.net/servicedesk/customer/portal/12/article/26019389

25. The above identified Accused Instrumentalities are non-limiting examples of infringement. NuCurrent reserves the right to specifically identify additional Accused Instrumentalities.

COUNT I: PATENT INFRINGEMENT

26. NuCurrent reasserts and realleges all preceding paragraphs of this Complaint as though set forth fully here.

27. ASUS infringes at least the following seventy-three claims ("Infringed Claims") of the Patents-in-Suit under 35 U.S.C. § 271:

U.S. Patent Number	Infringed Claims
9,208,942	1, 3-5, 7, and 10-17
9,232,893	1-3, 5, 7, 8, and 11
11,336,003	1-5, 6-9, 12-18, 20, 21, 23, and 24
11,476,566	1, 2, 5, 9-19, and 22-24
11,916,400	1-16

28. Attached hereto as Exhibit 1 and incorporated into this complaint as alleged herein are claim charts setting forth, as non-limiting examples, where in each and every limitation of the Infringed Claims of the Patents-in-Suit found in the Accused Instrumentalities.

29. The claims charts within Exhibit 1 are illustrative examples of ASUS's infringement of the Infringed Claims of the Patents-in-Suit. NuCurrent reserves the right to identify additional infringed claims or infringing instrumentalities in accordance with the Court's local rules and applicable scheduling orders. NuCurrent further reserves the right to identify additional types of patent infringement committed by ASUS.

30. ASUS has made, makes, used, uses, imports, imported, sold, sells, offers to sell, and offered to sell the Accused Instrumentalities that meet each and every limitation of the Infringed Claims of the Patents-in-Suit.

31. As a direct and proximate result of ASUS's acts of patent infringement, NuCurrent has been and continues to be injured, and has sustained and will continue to sustain damages.

JURY DEMAND

NuCurrent demands a trial by jury on all issues that may be so tried.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff NuCurrent requests that this Court enter judgment in its favor and against ASUS as follows:

A. Adjudging, finding, and declaring that ASUS has infringed at least the above seventy-three Infringed Claims of the Patents-in-Suit under 35 U.S.C. § 271;

B. Awarding the past and future damages arising out of ASUS's infringement of the Patents-in-Suit to NuCurrent in an amount no less than a reasonable royalty, together with prejudgment and post-judgment interest, in an amount according to proof; and

C. Granting NuCurrent such other relief as is just and proper, or as the Court deems appropriate.

Dated: August 26, 2024

Respectfully submitted,

By: /s/ *Alison Aubry Richards*

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