

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

I. (a) PLAINTIFFS

TECHNOLOGY LICENSING CORPORATION

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

TEKTRONIX, INC.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED

(c) Attorney's (Firm Name, Address, and Telephone Number)

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Attorneys (If Known)

3 0 2 C V 2 4 5 4 D

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury—Med Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury—Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	PERSONAL PROPERTY	<input type="checkbox"/> 640 R.R. & Truck	<input checked="" type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act (Excl. Veterans)	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	LABOR	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 720 Labor/Mgmt Relations	<input type="checkbox"/> 863 DIWC DIWW (495(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
			<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
			<input type="checkbox"/> 790 Other Labor Litigation	FEDERAL TAX SUITS	<input type="checkbox"/> 894 Energy Allocation Act
			<input type="checkbox"/> 791 Empl Ret Inc Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
					<input type="checkbox"/> 950 Constitutionality of State Statutes
					<input type="checkbox"/> 890 Other Statutory Actions

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) _____ ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

PATENT INFRINGEMENT

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG JUDGE _____

JURISDICTION & VENUE

3. This is an action for infringement of United States patents. Accordingly, this action arises under the patent laws of the United States of America, 35 U.S.C. § 1 et seq and jurisdiction is properly based on Title 35 United States Code, particularly § 271, and title 28 United States Code, particularly § 1338(a).
4. Tektronix, upon information and belief, transacts business in this judicial district by manufacturing, selling, offering to sell or using products, methods and/or systems as described and claimed in United States Patent No. 4,829,257 (“the ‘257 patent”), United States Patent No. 4,868,428 (“the ‘428 patent”), and United States Patent No. RE 33,535 (“the ‘535 patent”), the patents at issue in this lawsuit, and/or by conducting other business in this judicial district. The ‘535 patent is a reissued patent of United States Patent No. 4,703,355 (“the ‘355 patent”).
5. Venue is proper in this court under Title 28 United States Code § 1391(b) and 1400(b)

PATENT INFRINGEMENT COUNT

6. On May 9, 1989, the ‘257 patent entitled “Method and Apparatus for Continuously Shifting Phase of an Electronic Signal” was duly and legally issued. A true and correct copy of the ‘257 patent is attached as Exhibit A. The ‘257 patent relates to, among other things, a device that achieves a desired output by combining one or more electric input signals having differing phases. The device has adjustment capability to achieve the desired output. The phase, frequency, and other characteristics of the output can be changed using the adjustment capability.

7. On September 19, 1989, the '428 patent entitled "Apparatus for Shifting the Frequency of Complex Signals" was duly and legally issued. A true and correct copy of the '428 patent is attached as Exhibit B. The '428 patent relates to, among other things, a device for generating a phase shifted version of an input signal. The device has an input signal and an offset generator. The offset generator accepts an input signal and produces phase shifted versions of the input signal. The device produces a desired output signal by combining portions of the phase shifted signals.
8. On October 27, 1987, the '355 patent entitled "Audio to Video Timing Equalizer Method and Apparatus" was duly and legally issued. A true and correct copy of the '355 patent is attached as Exhibit C. On February 12, 1991, the '535 patent entitled "Apparatus for Shifting the Frequency of Complex Signals" was duly and legally issued. This '535 patent is a reissue of the earlier '355 patent. A true and correct copy of the '535 patent is attached as Exhibit D. The '535 patent relates to, among other things, a method and apparatus for transmitting and resynchronizing audio and video signals. The apparatus overcomes timing problems associated with transmitting an audio signal over one path and a corresponding video signal over another path of different speed. The apparatus generates timing information that is combined and transmitted with the video signal and/or audio signal at the transmitting end. At the receiving end, the timing information is used in delaying the faster of the audio and video signals, so that proper resynchronization is achieved.
9. TLC, the assignee of the '257, '428, '355, and '535 patents, has been granted the exclusive right to sub-license the '257, '428, '355, and '535 patents and at all times relevant hereto has

had the sole right to sue and recover for infringement of the '257, '428, '355, and '535 patents.

10. Tektronix, on information and belief, manufactures, uses and sells products that can generate a phase shifted version of an input signal, including but not limited to the Tektronix DSA600. On information and belief, Tektronix has in the past and continues to infringe directly, by inducement, or by contributing to the infringement of one or more claims of the '257 patent, including but not limited to claims 1, 13, and 16 by manufacturing, using and selling such products. On information and belief, Tektronix has in the past and continues to infringe directly, by inducement, or by contributing to the infringement of one or more claims of the '428 patent, including but not limited to claims 1, 2, 3, and 4 by manufacturing, using and selling such products.
11. On information and belief, Tektronix manufactures, uses, and sells delay system products for video signals and associated audio signals, including but not limited to the Tektronix AVDC100. On information and belief, Tektronix has in the past and continues to infringe directly, by inducement, or by contributing to the infringement of one or more claims of the '535 reissue patent, including but not limited to claims 1, 8, 26 and 48 by manufacturing, using and selling such products.
12. On information and belief, Tektronix will continue to infringe the '257, '428, and '535 patents unless enjoined by this Court.
13. As a consequence of Tektronix's infringing conduct complained of herein, TLC has been irreparably damaged to an extent not yet determined and TLC will continue to be irreparably

damaged by such acts in the future unless Tektronix is enjoined by this Court from committing further acts of infringement.

14. The infringement of the '257, '428, '355, and '535 patents alleged above has injured TLC and thus, TLC is entitled to recover damages adequate to compensate for Tektronix's infringement, which in no event can be less than a reasonable royalty

DEMAND FOR JURY TRIAL

15. TLC demands a jury trial on all claims and issues triable of right by a jury

PRAYER FOR RELIEF

Wherefore, TLC prays for entry of judgment:

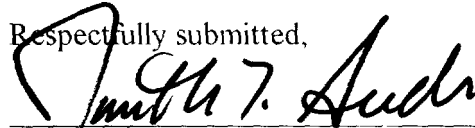
- A. that Tektronix has infringed one or more claims of the '257 patent, including but not limited to claims 1, 13, and 16;
- B. that Tektronix has infringed one or more claims of the '428 patent, including but not limited to claims 1, 2, 3, and 4,
- C. that Tektronix has infringed one or more claims of the '535 patent, including but not limited to claims 1, 8, 26 and 48;
- D. that Tektronix, its officers, agents, employees, representatives, successors, and assigns and those acting in privy or in concert with them be permanently enjoined from further infringement of the '257, '428, and '535 patents;
- E. that Tektronix account for and pay to TLC all damages caused by the infringement of the '257, '428, and '535 patents, which by statute can be no less than a reasonable royalty;
- F. that TLC be granted pre-judgment and post-judgment interest on the damages caused to them by reason of Tektronix's infringement of the '257, '428, and '535 patents.

- G. that TLC be granted its attorney's fees in this action,
- H. that costs be awarded to TLC; and,
- I. that TLC be granted such other and further relief as the Court may deem just and proper under the current circumstances.

Date: _____

11/8/02

Respectfully submitted,



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