

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

GUARDIAN MEDIA TECHNOLOGIES, LTD.,

Plaintiff,

v.

- (1) TCL CORPORATION;
- (2) TCL MULTIMEDIA HOLDINGS, LTD.;
- (3) TTE CORPORATION; AND
- (4) MANUFACTURAS AVANZADAS S.A. DE C.V.,

Defendants.

CIVIL ACTION NO. ___-CV-___

ORIGINAL COMPLAINT FOR
PATENT INFRINGEMENT

JURY TRIAL DEMANDED

Plaintiff Guardian Media Technologies, Ltd. (“Guardian”) files this original complaint against the above-named defendants, alleging, based on its own knowledge with respect to itself and its own actions and based on information and belief as to all other matters, as follows:

PARTIES

1. Guardian is a Texas limited partnership, with a principal place of business in Longview, TX.

2. Defendant TCL Corporation (“TCL Corp.”) is a corporation organized under the laws of The People’s Republic of China (PRC). According to the information provided by the Shenzhen Stock Exchange, where TCL Corporation is listed, its principal place of business is 广东省惠州市仲恺高新技术开发区十九号小区, postal code 516001, which translates as #19 Zhong Kai Hi-Tech Development Zone, Huizhou, Guangdong Province, China, PRC, 516001. A copy of the relevant page of the Shenzhen Stock Exchange is attached as **Exhibit C**. TCL Corp. can be served at the listed principal place of business.

3. Defendant TCL Multimedia Holdings, Ltd. (“TCL Multimedia”) is a limited liability company organized under the laws of the Cayman Islands with a principal place of business at 13/F TCL Tower, 8 Tai Chung Road, Tsuen Wan New Territories, Hong Kong SAR, China. TCL Multimedia can be served at this principal place of business. TCL Multimedia is a subsidiary of TCL Corp.

4. Defendant TTE Corporation (“TTE Corp.”) is a corporation organized under the laws of the British Virgin Islands with a principal place of business at 13/F TCL Tower, 8 Tai Chung Road, Tsuen Wan New Territories, Hong Kong SAR, China. According to TTE Corp.’s filings with the Hong Kong Integrated Companies Registry (“ICRIS”) (www.icris.cr.gov.hk), TTE Corp.’s “Authorized Representative” is 蔡漢強 (Simon Hon Keung Choi). A copy of the relevant ICRIS report is attached as **Exhibit D**. TTE Corp. can be served at this principal place of business. TTE Corp. is a wholly owned subsidiary of TCL Multimedia.

5. Defendant Manufacturas Avanzadas S.A. de C.V. (d/b/a TTE Manufacturas Avanzadas S.A. de C.V., TTE Masa, and TTE MASA LLC) (“TTE Masa”) is a corporation organized under the laws of Mexico. According to TTE Masa’s filings with the Sistema de Información Empresarial Mexicano (Mexican Enterprise Information System) (“SIEM”) (<http://www.siem.gob.mx>), its principal place of business is ANDADOR independencia 2151, BARRIO TORRES DEL PRI, 32574 Chihuahua, Juarez, Mexico. A copy of the relevant SIEM report is attached as **Exhibit E**. TTE Masa can be served at the listed principal place of business. TTE Masa is a wholly owned subsidiary of TCL Multimedia.

JURISDICTION AND VENUE

6. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. §1331 and §1338(a).

7. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, each defendant has transacted business in this district and has committed and/or induced acts of patent infringement in this district.

8. Upon information and belief, each defendant is subject to this Court’s specific and general personal jurisdiction under due process and/or the Texas Long Arm Statute, due at least to each defendant’s substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and/or (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 in this district.

JOINDER

9. Plaintiff’s rights to relief are asserted against all named defendants jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences relating to the making, using, importing into the United States, offering for sale, or selling of the same accused product or process; and questions of fact common to all defendants will arise in this action.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 4,930,160

10. On May 29, 1990, United States Patent No. 4,930,160 (“the ’160 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention

entitled “Automatic Censorship of Video Programs.” A true and correct copy of the ’160 patent is attached hereto as **Exhibit A**.

11. On April 7, 2009, the United States Patent and Trademark Office issued a Reexamination Certificate for the ’160 patent, which confirmed the patentability of Claims 3, 6, 7, 16, 19, and 20 of the ’160 patent. A true and correct copy of this Reexamination Certificate is attached hereto as **Exhibit B**.

12. Guardian is the owner of the ’160 patent with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the ’160 patent against infringers and to collect damages for all relevant times. The ’160 patent is expired.

13. As it pertains to this lawsuit, the ’160 patent generally relates to parental control features contained in televisions, digital video recorders (“DVRs”) and other set-top boxes, personal computers, hand-held electronic devices, and other items offered for sale by defendants that allow owners of such devices to restrict viewing of certain movies and other video content based on the particular program’s rating. *See* 47 C.F.R. 15.120.

14. Upon information and belief, prior to the expiration of the ’160 patent, TCL Corp., directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least televisions) that infringed or, when used, infringed one or more claims of the ’160 patent. In addition, TCL Corp. induced infringement and/or contributed to the infringement of one or more of the claims of the ’160 patent by its customers. TCL Corp.’s infringements were willful and with full knowledge of the ’160 patent and/or reckless indifference to its existence.

15. Upon information and belief, prior to the expiration of the ’160 patent, TCL Multimedia, directly or through intermediaries, made, had made, installed, used, imported,

provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least televisions) that infringed or, when used, infringed one or more claims of the '160 patent. In addition, TCL Multimedia induced infringement and/or contributed to the infringement of one or more of the claims of the '160 patent by its customers. TCL Multimedia's infringements were willful and with full knowledge of the '160 patent and/or reckless indifference to its existence.

16. Upon information and belief, prior to the expiration of the '160 patent, TTE Corp., directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least televisions) that infringed or, when used, infringed one or more claims of the '160 patent. In addition, TTE Corp. induced infringement and/or contributed to the infringement of one or more of the claims of the '160 patent by its customers. TTE Corp.'s infringements were willful and with full knowledge of the '160 patent and/or reckless indifference to its existence.

17. Upon information and belief, prior to the expiration of the '160 patent, TTE Masa, directly or through intermediaries, made, had made, installed, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least televisions) that infringed or, when used, infringed one or more claims of the '160 patent. In addition, TTE Masa induced infringement and/or contributed to the infringement of one or more of the claims of the '160 patent by its customers. TTE Masa's infringements were willful and with full knowledge of the '160 patent and/or reckless indifference to its existence.

18. Guardian has been damaged as a result of the infringing conduct by defendants alleged above and, thus, such defendants are liable to Guardian in an amount that adequately compensates it for their infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

Guardian hereby requests a trial by jury under Rule 38 of the Federal Rules of Civil Procedure of any issues so triable by right.

PRAYER FOR RELIEF

Guardian requests that the Court find in its favor and against defendants, and that the Court grant Guardian the following relief:

- a. Judgment that one or more claims of United States Patent No.4,930,160 have been infringed, either literally and/or under the doctrine of equivalents, by one or more defendants and/or by others to whose infringement defendants have contributed and/or by others whose infringement has been induced by defendants;
- b. Judgment that defendants account for and pay to Guardian all damages to and costs incurred by Guardian because of defendants' infringing activities and other conduct complained of herein;
- c. That defendants' infringements be found to be willful and that the Court award treble damages for the period of such willful infringement under 35 U.S.C. § 284;
- d. That Guardian be granted pre-judgment and post-judgment interest on the damages caused by defendants' infringing activities and other conduct complained of herein;
- d. That this Court declare this an exceptional case and award Guardian its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and
- e. That Guardian be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: July 12, 2012

Respectfully submitted,

/s/ S. Calvin Capshaw

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