

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

CANON, INC.,

Plaintiff,

vs.

TCL ELECTRONICS HOLDINGS LTD.,

Defendant.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Canon, Inc. (“Canon” or “Plaintiff”) brings this Complaint for Patent Infringement (“Complaint”) and for Jury Trial against TCL Electronics Holdings Ltd. formerly known as TCL Multimedia Technology Holdings, Ltd. (“TCL” or “Defendant”). Plaintiff alleges as follows:

THE PARTIES

1. Canon is a corporation organized and existing under the laws of Japan. Its principal place of business is located at 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan.

2. Defendant is a foreign corporation organized and existing under the laws of China. Its principal place of business is located at 7th Floor, Building 22E, 22 Science Park East Avenue, Hong Kong Science Park, Shatin, New Territories, Hong Kong.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has specific personal jurisdiction over Defendant at least in part because Defendant conducts business in this judicial District. Canon's causes of action arise, at least in part, from Defendant's contacts with and activities in the State of Texas and this judicial District. Upon information and belief, Defendant has committed acts of infringement within the State of Texas and this judicial District by, *inter alia*, directly and/or indirectly making, selling, offering for sale, importing, and/or using products that infringe one or more claims of Canon's patents asserted herein. Defendant, directly and/or through intermediaries, uses, sells, ships, distributes, offers for sale, and/or advertises or otherwise promotes the infringing products in the State of Texas and this judicial District. Defendant also has a number of subsidiaries that Defendant directs and controls that upon information and belief are involved in making, selling, offering for sale, and/or importing into the United States the infringing products.

5. Furthermore, upon information and belief, Defendant has purposefully and voluntarily placed one or more infringing products into the stream of commerce with the expectation that they will be purchased and/or used by residents of this judicial District, including by directly and indirectly working with distributors, and other entities located in the State of Texas, to ensure the accused products reach the State of Texas and this judicial District.

6. Defendant also maintains commercial websites accessible to residents of the State of Texas and this judicial District, through which Defendant promotes and facilitates sales of the infringing products. For example, Defendant's website <https://www.tclusa.com> directs consumers in the United States, including those in the State of Texas and this judicial District, to purchase Defendant's infringing television systems from online stores such as Amazon, as well as brick-and-mortar stores located in this judicial District, including Target and Walmart (see

Figure 1, below). Defendant's infringing television systems are also sold by Best Buy and Sam's Club, which have stores in this judicial District.

7. Defendant further availed itself to this District in a separate lawsuit, *American Patents LLC v. TCL Corp., et al.*, 4:18-cv-767 (E.D. Tex) filed on October 26, 2018, where Defendant waived the service of summons. Attached hereto as Exhibit 1 is a true and correct copy of the waiver. In so doing, Defendant used this Court's judicial resources and received protections from this District's rules and laws.

8. Similarly, Defendant further availed itself to this District in a separate lawsuit, *Nichia Corporation v. TCL Multimedia Technology Holdings, Ltd.*, 2:16-cv-1452-JRG (E.D. Tex.) filed on December 27, 2016. Upon information and belief, TCL Multimedia Technology Holdings, Ltd. is Defendant's former name. In so doing, Defendant used this Court's judicial resources and received protections from this District's rules and laws. Attached hereto as Exhibit 2 is a true and correct copy of the Court's order granting agreed stipulation of dismissal of the action between Nichia Corporation on one side and TCL Multimedia Technology Holdings, Ltd. and TTE Technology, Inc. on the other, evidencing that Defendant has availed itself to the protection of this District's rules and laws.

9. Similarly, Defendant availed itself to this District in a separate lawsuit, *Personalized Media Communications, LLC, v. TCL Corp. et al.*, 2:17-cv-433-JRG (E.D. Tex) filed on May 17, 2017, where Defendant filed a counterclaims against Personalized Media Communications, LLC. Attached hereto as Exhibit 3 is a true and correct copy of Defendant's Answer to and Counterclaims against Personalized Media Communications, LLC, filed on December 4, 2017, evidencing that Defendant has availed itself to the protection of this District's

rules and laws. Upon information and belief, TCL Multimedia Technology Holdings, Ltd. is Defendant's former name.

10. Thus, Defendant has established minimum contacts with the State of Texas and the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

11. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b), (c) and 1400(b) because (i) Defendant has done and continues to do business in this district; (ii) Defendant has committed and continue to commit acts of patent infringement in this district, including making, using, offering to sell, and/or selling accused products in this district, and/or importing accused products into this district, including by internet sales and sales via retail and wholesale stores, and/or inducing others to commit acts of patent infringement in this district; and (iii) Defendant is foreign entity. 28 U.S.C. § 1391(c)(3) provides that “a defendant not resident in the United States may be sued in any judicial district.”

THE CANON PATENTS

12. On June 29, 2010, the United States Patent & Trademark Office (USPTO) issued United States Patent No. 7,746,413 (“the ‘413 Patent”), titled “Operation Screen Controlling Method, Operation Screen Controlling Program, and Display Device” to Canon as assignee of the inventors, Keiichi Aoyama, Shigeki Mori, and Shuntaro Aratani. A true and correct copy of the ‘413 Patent is attached as Exhibit 4 to this Complaint and is incorporated by reference herein.

13. The ‘413 Patent is generally directed to a display controlling method or system for displaying operation screens that are suitable for various remote controls with various attributes. The ‘413 Patent discloses and specifically claims inventive and patentable subject matters that represent significant improvements over conventional display controlling

method/system that was available at the time of filing of the '413 Patent and are more than just generic apparatus or software components performing conventional activities.

14. On December 13, 2011, the USPTO issued United States Patent No. 8,078,767 (“the '767 Patent”), titled “Display Apparatus, Control Method Thereof, and Program” to Canon as assignee of the inventor, Junji Kotani. A true and correct copy of the '767 Patent is attached as Exhibit 5 to this Complaint and is incorporated by reference herein.

15. The '767 Patent is generally directed to a display method or system that displays an image from an external device for some period of time after being disconnected when the external device is of predetermined class. The '767 Patent discloses and specifically claims inventive and patentable subject matters that represent significant improvements over conventional display method/system that was available at the time of filing of the '767 Patent and are more than just generic apparatus or software components performing conventional activities.

16. On January 1, 2013, the USPTO issued United States Patent No. 8,346,986 (“the '986 Patent”), titled “Display Apparatus, Control Method Thereof, and Program” to Canon as assignee of the inventor, Junji Kotani. A true and correct copy of the '986 Patent is attached as Exhibit 6 to this Complaint and is incorporated by reference herein.

17. The '986 Patent is generally directed to a display method or system that displays an image from an external device for some period of time after being disconnected when the type of external device is of a class and/or when the disconnection was logical or physical. The '986 Patent discloses and specifically claims inventive and patentable subject matters that represent significant improvements over conventional display method/system that was available at the time

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