

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CANON, INC.

Plaintiff,

vs.

TCL ELECTRONICS HOLDINGS LTD.,
TCL CORPORATION,
SHENZEN TCL NEW TECHNOLOGIES CO.
LTD.,
TCL KING ELECTRICAL APPLIANCES
(HUIZHOU) CO., LTD.,
TCL KING ELECTRONICS (CHENGDU)
CO., LTD.,
TCL KING ELECTRICAL APPLIANCES
(NANCHANG) CO., LTD.,
TCL TONGLI ELECTRONICS (HUIZHOU)
CO., LTD.,
TONLY ELECTRONICS HOLDINGS LTD.

Defendants.

CIVIL ACTION NO. 2:18-cv-00546

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Canon, Inc. (“Canon” or “Plaintiff”) brings this First Amended Complaint for Patent Infringement (“Amended Complaint”) and for Jury Trial against Defendants TCL Electronics Holdings Ltd. (formerly known as TCL Multimedia Technology Holdings, Ltd.), TCL Corporation, Shenzhen TCL New Technologies Co. Ltd., TCL King Electrical Appliances (Huizhou) Co., Ltd., TCL King Electronics (Chengdu) Co., Ltd., TCL King Electrical Appliances (Nanchang) Co., Ltd., TCL Tongli Electronics (Huizhou) Co., Ltd. and Tonly Electronics Holdings Ltd. (collectively, “TCL” or “Defendants”). Canon 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. TCL Electronics Holdings Ltd. is a foreign corporation organized and existing under the laws of the Cayman Islands. On information and belief, 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.

3. TCL Corporation is a foreign corporation organized and existing under the laws of China. On information and belief, its principal place of business is located at No. 26, the Third Road, Zhongkai Avenue, Huizhou City, Guandong, China 516006.

4. Shenzen TCL New Technologies Co. Ltd. is a foreign corporation organized and existing under the laws of China. On information and belief, its principal place of business is located at TCL Base, No. 5 Nanhai Road, Nanshan District, Shenzen, China 508067.

5. TCL King Electrical Appliances (Huizhou) Co., Ltd. is a foreign corporation organized and existing under the laws of China. On information and belief, its principal place of business is located at No. 78 4th Huifeng Road, Zhongkai New & High-Tech Industries Development Zone, Huizhou, Guandong, China 516006.

6. TCL King Electronics (Chengdu) Co., Ltd. is a foreign corporation organized and existing under the laws of China. On information and belief, its principal place of business is located at No. 18, Kexin Road, West Area, High-Tech Industry Development Zone, Chengdu, Sichuan, China 611731.

7. TCL King Electrical Appliances (Nanchang) Co., Ltd. is a foreign corporation organized and existing under the laws of China. On information and belief, its principal place of business is located at No. 198, Huoju No. 3 Road, High-Tech Industry Development Zone, Nanchang, Jiangxi, China 330096.

8. TCL Tongli Electronics (Huizhou) Co., Ltd. is a foreign corporation organized and existing under the laws of China. On information and belief, its principal place of business is located at 3F, No.1 Building, District D, TCL International E City, No.1001 Zhongshanyuan Road, Nanshan District, Shenzhen, Guangdong, China 518052.

9. Tonly Electronics Holdings Ltd. is a foreign corporation organized and existing under the laws of China. On information and belief, its principal place of business is located at 8th Floor, Bldg 22E, 22 Science Park East Avenue, HK Science Park, Sha Tin, Hong Kong SAR.

JURISDICTION AND VENUE

10. 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).

11. This Court has personal jurisdiction over Defendants, which it may exercise using the Texas Long Arm Statute. Exercise of such personal jurisdiction is allowed under Due Process because this Court, among other reasons, has specific personal jurisdiction over Defendants.

12. In particular, this Court has specific personal jurisdiction over Defendants at least in part because Defendants conduct business in this judicial District. Canon's causes of action arise, at least in part, from Defendants' contacts with and activities in the State of Texas and this

judicial District. Upon information and belief, Defendants have 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. Defendants, directly and/or through intermediaries, use, sell, ship, distribute, offer for sale, and/or advertise or otherwise promote the infringing products in the State of Texas and this judicial District. Defendants also have a number of subsidiaries that Defendants direct and control that, upon information and belief, are involved in making, selling, offering for sale, and/or importing into the United States the infringing products.

13. Furthermore, upon information and belief, Defendants have 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.

14. Defendants, directly or through intermediaries, including its subsidiaries, maintain control over websites accessible to residents of the State of Texas and this judicial District, through which Defendants promote and facilitate sales of the infringing products. For example, website <https://www.tclusa.com> directs consumers in the United States, including those in the State of Texas and this judicial District, to purchase Defendants' infringing television systems from online stores, such as Amazon, and brick-and-mortar stores located in this judicial District, including Target, Walmart, Best Buy, and Sam's Club. *See, e.g.*, Ex. 10.

15. Defendants, moreover, have availed themselves to this District in separate lawsuits. For example, in *American Patents LLC v. TCL Corp., et al.*, 4:18-cv-767 (E.D. Tex)

filed on October 26, 2018, TCL King Electrical Appliances (Huizhou) Co. Ltd. filed counterclaims against American Patents LLC. In so doing, Defendants – through TCL King Electrical Appliances (Huizhou) Co. Ltd. – purposefully availed themselves to the protections, powers, and resources of this judicial District. Attached hereto as Exhibit 1 is a true and correct copy of TCL King Electrical Appliances (Huizhou) Co. Ltd.’s Answer to and Counterclaims against American Patents LLC, filed on March 7, 2019.

16. Defendants also availed themselves to this District in *Nichia Corporation v. TCL Multimedia Technology Holdings, Ltd.*, 2:16-cv-1452-JRG (E.D. Tex.) filed on December 27, 2016, where TCL Electronics Holding Ltd. (using its former name, TCL Multimedia Technology Holdings, Ltd.) was dismissed, with prejudice, through an Order of this Court granting an agreed stipulation of dismissal. In so filing an agreed stipulation of dismissal and thereafter obtaining the order of dismissal with prejudice, Defendants – through TCL Electronics Holding Ltd. – purposefully availed themselves to the protections, powers, and resources of this judicial District. Attached hereto as Exhibit 2 is a true and correct copy of an Order Granting Agreed Stipulation of Dismissal, filed on February 16, 2018.

17. Defendants also availed themselves to this District in *Personalized Media Communications, LLC, v. TCL Corp. et al.*, 2:17-cv-433-JRG (E.D. Tex) filed on May 17, 2017, where TCL Corporation and TCL Electronics Holding Ltd. (using its former name, TCL Multimedia Technology Holdings, Ltd.) filed counterclaims against Personalized Media Communications, LLC. In so doing, Defendants – through TCL Corporation and TCL Electronics Holding Ltd. – purposefully availed themselves to the protections, powers, and resources of this judicial District. Attached hereto as Exhibit 3 is a true and correct copy of

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.