

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

KT IMAGING USA, LLC,

Plaintiff

-against-

DYNABOOK, INC.

Defendant

Civil Action No.: 4:20-cv-333

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff KT Imaging USA, LLC (“KTI” or “Plaintiff”), by way of this Complaint against Defendant Dynabook, Inc. (“Dynabook” or “Defendant”), alleges as follows:

PARTIES

1. Plaintiff KT Imaging USA, LLC is a limited liability company organized and existing under the laws of the State of Texas, having its principal place of business at 106 E 6th Street, Suite 900, Austin, TX 78701.
2. On information and belief, Defendant Dynabook, Inc. is a corporation organized and existing under the laws of Japan, with its principal place of business at NBF Toyosu Garden Front Bldg., Toyosu 5-6-15, Koto-ku, Tokyo, Japan.

JURISDICTION AND VENUE

3. This is an action under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.*, for infringement by Dynabook of claims of U.S. Patent No. 6,876,544; U.S. Patent No. 7,196,322; U.S. Patent No. 8,004,602; and U.S. Patent No. 8,314,481 (collectively “the Patents-in-Suit”).
4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Dynabook is subject to personal jurisdiction of this Court because, *inter alia*, on information and belief, (i) Dynabook has committed and continues to commit acts of patent infringement in the State of Texas, including by making, using, offering to sell, selling, and/or importing the accused products into Texas; (ii) Dynabook purposefully supplies and directs the accused products for storage, warehousing, and sales by distributors and resellers in the State of Texas; and (iii) Dynabook delivers its products into the stream of commerce with the expectation that they will be purchased by consumers in the State of Texas. In addition, or in the alternative, this Court has personal jurisdiction over Dynabook pursuant to Fed. R. Civ. P. 4(k)(2).

6. Venue is proper as to Dynabook in this District under 28 U.S.C. § 1391(c) because, *inter alia*, Dynabook is a foreign corporation.

BACKGROUND

7. On April 5, 2005, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 6,876,544 (“the ’544 Patent”), entitled “Image Sensor Module and Method for Manufacturing the Same.”

8. On March 27, 2007, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,196,322 (“the ’322 Patent”), entitled “Image Sensor Package.”

9. On August 23, 2011, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 8,004,602 (“the ’602 Patent”), entitled “Image Sensor Structure And Integrated Lens Module Thereof.”

10. On November 20, 2012, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 8,314,481 (“the ’481 Patent”), entitled “Substrate Structure for an Image Sensor Package and Method for Manufacturing the Same.”

11. KTI is the assignee and owner of the right, title, and interest in and to the Patents-in-Suit,

including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

12. By letter dated June 20, 2019, KTI notified Dynabook of the existence of U.S. Patent No. 6,876,544; U.S. Patent No. 7,196,322; and U.S. Patent No. 8,004,602, and of infringement thereof by Dynabook. KTI's June 20, 2019 letter invited Dynabook to hold a licensing discussion with KTI.

13. As of the date of this Complaint, KTI has not received any response from Dynabook to its letter.

14. Dynabook has had notice of the '481 Patent at least as of the time of filing of this Complaint.

15. Dynabook has infringed and continues to infringe the Patents-in-Suit by making, using, selling, or offering for sale in the United States, or importing into the United States, tablets and laptops with front and/or rear image sensor technology claimed in the Patents-in-suit. Attachment A to this Complaint provides a non-exhaustive listing of Accused Products. Attachment B to this Complaint provides a listing of Exhibits comprising exemplary teardown images for certain Accused Products.

COUNT I: INFRINGEMENT OF THE '544 PATENT BY DYNABOOK

16. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

17. On information and belief, Dynabook has infringed the '544 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, offering to sell, selling in the United States or importing into the United States the Accused Products and all other products with substantially similar imaging sensors.

18. For example, on information and belief, Dynabook has infringed and continues to infringe at least claim 1 of the '544 Patent by including an image sensor module to be mounted to a printed

circuit board in the Encore 2 model. *See* Ex. 1 (Toshiba Encore 2 rear facing image sensor). The front facing image sensor module in the Accused Products comprises a substrate having an upper surface formed with a plurality of first connection points and a lower surface formed with a plurality of second connection points, which is electrically connected to the printed circuit board. *See* Exs. 2-3 (Toshiba Encore 2 rear facing image sensor). The image sensor module further comprises a photosensitive chip mounted to the upper surface of the substrate. *See* Ex. 2 (Toshiba Encore 2 rear facing image sensor). The image sensor module further comprises a plurality of wires for electrically connecting the photosensitive chip to the first connection points on the upper surface of the substrate. *See* Ex. 3 (Toshiba Encore 2 rear facing image sensor). The image sensor module further comprises a frame layer mounted to the upper surface of the substrate to surround the photosensitive chip, an inner edge of the frame layer being formed with an internal thread from top to bottom, and a transparent layer being fixed by the frame layer such that the photosensitive chip may receive optical signals passing through the transparent layer. *See* Exs. 1 and 4 (Toshiba Encore 2 rear facing image sensor). The image sensor module further comprises a lens barrel formed with a chamber at a center thereof and an external thread at an outer edge thereof, the external thread being screwed to the internal thread of the frame layer, wherein the lens barrel has a through hole and an aspheric lens from top to bottom. *See* Ex. 1 (Toshiba Encore 2 rear facing image sensor).

19. On information and belief, Dynabook has induced infringement of the '544 Patent pursuant to 35 U.S.C. § 271(b), by actively and knowingly inducing, directing, causing, and encouraging others, including, but not limited to, its partners, resellers, distributors, customers, and end users, to make, use, sell, and/or offer to sell in the United States, and/or import into the United States, the Accused Products by, among other things, providing the accused products and incorporated

image sensor technology, specifications, instructions, manuals, advertisements, marketing materials, and technical assistance relating to the installation, set up, use, operation, and maintenance of said products.

20. On information and belief, Dynabook has committed the foregoing infringing activities without a license.

21. On information and belief, Dynabook knew the '544 Patent existed and knew of exemplary infringing Dynabook products while committing the foregoing infringing acts thereby willfully, wantonly and deliberately infringing the '544 Patent.

COUNT II: INFRINGEMENT OF THE '322 PATENT BY DYNABOOK

22. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

23. On information and belief, Dynabook has infringed the '322 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, offering to sell, selling in the United States or importing into the United States the Accused Products and all other products with substantially similar imaging sensors.

24. For example, on information and belief, Dynabook has infringed and continues to infringe at least claim 1 of the '322 Patent by including an image sensor module in the Excite 7.7 product. *See Ex. 7* (Toshiba Excite 7.7 Android 4.0 image sensor). The image sensor module in the Accused Products comprises a substrate having an upper surface, and a lower surface on which second electrodes are formed, and a frame layer arranged on the upper surface of the substrate, a cavity formed between the frame layer and substrate, and a plurality of first electrodes are formed on the frame layer. *See Exs. 8-9* (Toshiba Excite 7.7 Android 4.0 image sensor). The image sensor module in the Accused Products further comprises a photosensitive chip mounted on the upper surface of the substrate and located within the cavity, and electrically connected to the first electrodes of the frame layer. *See Exs. 7, 9-10* (Toshiba Excite 7.7 Android 4.0 image sensor).

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