

**In the United States District Court
For the Eastern District of Texas
Texarkana Division**

MONUMENT PEAK VENTURES, LLC,

Plaintiff

v.

TCL ELECTRONICS HOLDINGS LTD.,
TCL TECHNOLOGY GROUP
CORPORATION, TCL INDUSTRIES
HOLDINGS CO., LTD., TCL
COMMUNICATION TECHNOLOGY
HOLDINGS LIMITED, TCT MOBILE
WORLDWIDE LTD., TCT MOBILE
INTERNATIONAL LTD., HUIZHOU TCL
MOBILE COMMUNICATION CO. LTD.,
AND TCL COMMUNICATION LTD.

Defendants

Case No. _____

Plaintiff's Original Complaint

Plaintiff Monument Peak Ventures, LLC, by and for its Complaint against Defendants TCL Electronics Holdings Ltd.; TCL Technology Group Corporation; TCL Industries Holdings Co., Ltd.; TCL Communication Technology Holdings Limited; TCT Mobile Worldwide Ltd.; TCT Mobile International Ltd.; Huizhou TCL Mobile Communication Co. Ltd.; and TCL Communication Ltd. (the "TCL Defendants") alleges to the Court as follows:

PARTIES

1. Monument Peak Ventures, LLC ("MPV") is a Texas limited liability company, with its principal place of business in Allen, Texas.
2. The TCL Defendants in this action (collectively referred to as "TCL") are foreign-based corporations who, along with their own subsidiaries and associates, operate as agents of

one another and work in concert together as a business group to make, use, offer to sell, or sell any patented invention within the United States, or import into the United States infringing products, including smartphones, in the United States, including in Texas and this judicial district.

3. On information and belief, Defendant TCL Electronics Holdings Ltd. (f/k/a TCL Multimedia Technology Holdings, Ltd.) is a corporation organized and existing under the laws of the Cayman Islands, with its principal place of business at 7th Floor, Building 22E, 22 Science Park East Avenue, Hong Kong Science Park, Shatin, New Territories, Hong Kong. TCL Electronics Holdings Ltd. operates in agency as part of the TCL Group (discussed below).

4. On information and belief, Defendant TCL Technology Group Corporation is a China-based global electronics company and has a regular and established place of business at No. 17, Huifeng Third Road, Zhongkai High-tech Zone, Huizhou, Guangdong, 516001, China. TCL Technology Group Corporation operates in agency as part of the TCL Group.

5. On information and belief, Defendant TCL Industries Holdings Co., Ltd. is a corporation organized and existing under the laws of China with its principal place of business at 22nd Floor, TCL Technical Tower, Huifeng 3 Road, Zhongkai Development Zone Huizhou, China. TCL Industries Holdings Co., Ltd. operates in agency as part of the TCL Group.

6. On information and belief, Defendant TCL Communication Technology Holdings Limited, is a company organized and existing under the laws of the Cayman Islands or China with its principal place of business at Block F4, TCL Communication Technology Building, TCL International E City, Zhong Shan Yuan Road, Nanshan District, Shenzhen, Guangdong, P.R. China, 518052. TCL Communication Technology Holdings Limited operates in agency as part of the TCL Group.

7. On information and belief, TCT Mobile Worldwide Ltd. is a corporation organized under the laws of Hong Kong with a principal place of business at 5/F HK Science Park Bldg., Shatin, NT, Hong Kong. TCT Mobile Worldwide Ltd. regularly imports and inserts into the stream of commerce mobile phones and components of mobile phones, such that infringing mobile phones will be offered for sale and sold in this District. TCT Mobile Worldwide Ltd. operates in agency as part of the TCL Group.

8. On information and belief, TCT Mobile International Ltd. is a corporation organized and existing under the laws of Hong Kong, with a principal place of business located at 1910-12A Tower 3, China Hong Kong City, 33 Canton Road, Tsim Sha Tsui, 31802888 Hong Kong. TCT Mobile International Ltd. regularly imports and inserts into the stream of commerce mobile phones and components of mobile phones, such that infringing mobile phones will be offered for sale and sold in this District. TCT Mobile International Ltd. operates in agency as part of the TCL Group.

9. On information and belief, Defendant Huizhou TCL Mobile Communication Co. Ltd. is a company organized and existing under the laws of China with a principal place of business at No. 86 Hechang Qi Lu Xi, Zhongkai Gaoxin District, Huizhou City, Guandong Province, P.R. China. Huizhou TCL Mobile Communication Co. Ltd. regularly imports and inserts into the stream of commerce mobile phones and related goods, such that infringing mobile phones will be offered for sale and sold in this District. Huizhou TCL Mobile Communication Co. Ltd. operates in agency as part of the TCL Group.

10. On information and belief, Defendant TCL Communication Ltd. is a company organized and existing under the laws of China with its principal place of business at 7/F, Block F4,

TCL International E City Zhong Shan Yuan Road, Nanshan District, Shenzhen, P.R. China. TCL Communication Ltd. operates in agency as part of the TCL Group.

11. On information and belief, the TCL Defendants are part of a related TCL Group of companies under the umbrella of TCL Electronics Holdings Limited., which includes the various TCL subsidiaries, including those wholly owned subsidiaries listed above as defendants in this action. Using its network of subsidiaries, associates, intermediaries, and distributors, TCL brands itself as the world's leading consumer electronics company that is engaged in the research and development, manufacturing, and sale of consumer electronics products, which are sold all over the world.

12. On information and belief, TCL manufactures, imports into the United States, sells for importation, markets, offers for sale, sells, and distributes products within the United States after importation, including TCL's smartphones, that directly infringe, literally and/or under the doctrine of equivalents, one or more claims of the Asserted Patents in violation of 35 U.S.C. § 271(a).

13. TCL produces smartphones (e.g., the TCL 20 Pro 5G) that perform methods for processing digital images that enhance digital features in those images according to particularly programmed algorithms (e.g., a "beauty" mode) included with the smartphones. TCL additionally produces smartphones (e.g., the TCL 20 Pro 5G) that perform methods for processing digital images with different angles of view and that use imaging stages for outputting an image and a distance map of a scene from a captured image signal. The TCL smartphones with similar functionality are collectively referred to as the "Accused Products."

14. TCL has agents, for example authorized sellers and sales representatives, that

offer and sell products pertinent to this Complaint through the State of Texas, including in this Judicial District, and to consumers throughout this Judicial District, such as Amazon.com; Sam's Club, 3310 N. 4th St., Longview, Texas 75605; and Sam's Club, 2025 S. S.W. Loop 323, Tyler, Texas 75701.

JURISDICTION

15. This action arises under the patent laws of the United States Patent Act, namely 35 U.S.C. §§ 271, 281, and 284–85, among others.

16. This Court has federal subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because the action arises under the patent laws of the United States, 35 U.S.C. §§ 271 *et seq.*

17. This Court has general and specific personal jurisdiction over TCL under the Texas Long Arm Statute because, among other things, (i) TCL has done and continues to do business in Texas and (ii) TCL has, directly and through intermediaries, committed and continues to commit acts of patent infringement in the State of Texas, including making, using, offering to sell, and/or selling accused products in Texas, and/or importing accused products into Texas, including by Internet sales and sales via retail and wholesale stores, inducing others to commit regular acts of patent infringement in Texas, and/or committing at least a portion of any other infringements alleged.

18. TCL has placed, and is continuing to place, infringing products into the stream of commerce, via an established distribution channel, with the knowledge and/or understanding that such products are sold in Texas, including in this District. TCL has derived substantial revenues from its infringing acts occurring within Texas and within this District. TCL has substantial

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