

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**VIRTUAL IMMERSION  
TECHNOLOGIES LLC,**

**Plaintiff,**

**v.**

**BAE SYSTEMS PLC and BAE SYSTEMS,  
INC.**

**Defendants.**

**Civ. No. 6:20-cv-608**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Virtual Immersion Technologies LLC (“VIT” or “Plaintiff”), by and through its attorneys, hereby alleges for its Complaint on personal knowledge as to its own activities and on information and belief as to all other matters, as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

**THE PARTIES**

2. Plaintiff Virtual Immersion Technologies LLC is a limited liability company organized under the laws of the State of Texas.

3. VIT is the current assignee of United States Patent No. 6,409,599 (“the ’599 patent” or “the patent-in-suit.”) On June 25, 2002, the United States Patent and Trademark Office duly and legally issued the ’599 patent. The ’599 patent is titled “Interactive Virtual Reality Performance Theater Entertainment System.” The application leading to the ’599 patent

was filed on July 19, 1999. A true and correct copy of the '599 patent is attached hereto as Exhibit A.

4. On or around February 24, 2016, VIT acquired 100% ownership of all right, title and interest in the patent-in-suit, including the right to bring patent enforcement actions for damages accruing prior to February 24, 2016. The assignment to VIT of ownership of the patent-in-suit was recorded with the United States Patent & Trademark Office (“PTO”) on or around August 26, 2016.

5. Defendant BAE Systems Plc (“BAE Plc”) is a foreign corporation having its principal place of business at 6 Carlton Gardens, London, SW1Y 5AD, United Kingdom. BAE Plc makes use of virtual and augmented reality technologies worldwide, including in the United States.

6. Defendant BAE Systems Inc. (“BAE USA”) is a Delaware corporation, organized and existing under the laws of the State of Delaware, with its principal place of business at 1101 Wilson Boulevard, Suite 2000, Arlington, Virginia, 22209. Upon information and belief, BAE USA is a wholly owned subsidiary of BAE Plc. As explained in more detail below, BAE USA has a regular and established place of business in this District and has committed and continues to commit acts of infringement within this District.

7. BAE USA is a subsidiary of BAE Plc. Both defendants, BAE USA and BAE Plc (collectively referred to as “BAE” or “Defendants”) act in concert regarding the allegations set forth in this Complaint and, therefore, the conducts described herein are fairly attributable to either or both entities.

### **JURISDICTION AND VENUE**

8. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code. Jurisdiction as to these claims is conferred on this Court by 35 U.S.C. §§ 1331 and 1338(a).

9. Venue with respect to Defendant BAE Plc is proper in this District under 28 U.S.C. § 1391(c)(3) because Defendant BAE Plc is not a resident of the United States, and also under 28 U.S.C. § 1391(b)(2) because BAE Plc, imports, sells and offers to sell products and services throughout the United States, including in this District, and introduces products and services into the stream of commerce and effectuates these sales knowing that the products and services would be sold in this District and elsewhere in the United States.

10. This Court has personal jurisdiction over BAE Plc. BAE Plc is amenable to service of summons for this action. Defendant BAE Plc has sought protection and benefit from the laws of the State of Texas by maintaining one or more of its United States affiliates (Defendant BAE USA) in this District and/or by placing infringing products and services into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

11. BAE Plc – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products and services in the United States and this District. BAE Plc has purposefully and voluntarily placed one or more of its infringing products into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. BAE Plc knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be

purchased by consumers in this District. Upon information and belief, through those activities, BAE Plc has committed the tort of patent infringement in this District.

12. On information and belief, Defendant BAE Plc is subject to this Court's general and specific personal jurisdiction because BAE Plc has sufficient minimum contacts within Texas and this District, because Defendant BAE Plc purposefully availed itself of the privileges of conducting business in Texas and in this District, because Defendant BAE Plc regularly conducts and solicits business within Texas and within this District, and because Plaintiff's causes of action arise directly from Defendant BAE Plc's business contacts and other activities in Texas and this District. Having purposefully availed itself of the privilege of conducting business within this District, Defendant BAE Plc should reasonably and fairly anticipate being brought into court here.

13. Regarding Defendant BAE USA, venue is proper within this District under 28 U.S.C. § 1400(b) because, on information and belief, BAE USA maintains a regular and established place of business in this District and has committed infringing acts in this District.

14. Upon information and belief, BAE USA is subject to this Court's general and specific personal jurisdiction because it has sufficient minimum contacts within the State of Texas and this District, pursuant to due process and/or the Texas Long-Arm Statute, because Defendant BAE USA purposefully availed itself of the privileges of conducting business in the State of Texas and in this District, because BAE USA regularly conducts and solicits business within the State of Texas and within this District, and because Plaintiff's causes of action arise directly from BAE USA's business contacts and other activities in the State of Texas and this District. Having purposefully availed itself of the privilege of conducting business within this District, BAE USA should reasonably and fairly anticipate being brought into court here.

15. Upon information and belief, Defendant BAE USA maintains at least one regular and established place of business in this District: at least part or all of a research and development hub in Austin (the “Austin Facility”) that includes its FAST LABS R&D Group (See sources: <https://www.baesystems.com/en-us/our-company/our-locations>; <https://www.baesystems.com/en-us/multimedia/fast-labs---locations>; and [https://www.baesystems.com/en-us/productfamily/fast-labs--advanced-technology-and-defense-r-d?siteAjax=US&searchLayout=grid&searchPageNo=2&parentId=1434629148731&parentType=BAEProductFamily\\_C&parentField=product\\_family\\_id&searchQuery=\\*](https://www.baesystems.com/en-us/productfamily/fast-labs--advanced-technology-and-defense-r-d?siteAjax=US&searchLayout=grid&searchPageNo=2&parentId=1434629148731&parentType=BAEProductFamily_C&parentField=product_family_id&searchQuery=*); last accessed and downloaded July 6, 2020.) The Austin Facility is located at 6500 Tracor Lane Austin, Texas 78725, within Travis County in this District and contains at least 600 employees and continues to expand. (See source: <https://www.baesystems.com/en-us/article/bae-systems-spurs-growth-and-innovation-in-texas>.)

16. Currently, the Austin Facility is publicly associated with BAE. (Source: <https://www.baesystems.com/en-us/our-company/our-locations>; <https://www.baesystems.com/en-us/multimedia/fast-labs---locations>; and <https://www.baesystems.com/en-us/article/bae-systems-spurs-growth-and-innovation-in-texas>, last accessed and downloaded July 6, 2020.) Based at least on these facts, the Austin Facility in Austin, Texas is believed to be a regular and established place of business that is associated directly with BAE.

17. BAE has committed and continues to commit acts of infringement within the state of Texas, as alleged herein. As stated previously, the Austin Facility has many employees and continues to expand the number of employees. (Source: See <https://jobs.baesystems.com/global/en/job/61877BR/Mechanical-Engineer-EO-IR-Systemsand>

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