

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

FLEXIWORLD TECHNOLOGIES, INC.,

Plaintiff,

v.

CANON, INC. and
CANON SOLUTIONS AMERICA, INC.,

Defendants.

CASE NO. 6:21-cv-0143

PATENT CASE

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Flexiworld Technologies, Inc., files this Original Complaint for patent infringement against Canon, Inc., and Canon Solutions America, Inc. alleging as follows:

NATURE OF THE SUIT

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

THE PARTIES

2. Plaintiff **Flexiworld Technologies, Inc.** (“**Plaintiff**” or “**Flexiworld**”) is a Washington corporation with its principal place of business at 2716 SE 169th Ave Q147, Vancouver, WA.

3. Defendant **Canon, Inc.** (“**CI**”) is a Japanese corporation with a principal place of business located at 30-2, Shimomarkuko 3-chome, Ohta-ku, Tokyo 146-8501, Japan.

4. Defendant **Canon Solutions America, Inc.** (“**CSAI**”) is a New York corporation with a regular and established place of business located at 12515 Research Blvd., Building 7, Suite 110, Austin, Texas, 78759. CSAI is registered to do business in Texas and can be served

via its registered agent, Corporation Service Company dba CSC – Lawyers Incorporating Service Company at 211 East 7th Street, Suite 620, Austin, Texas 78701-3218.

5. Defendants CI and CSAI are each individually liable and are jointly and severally liable for infringement of the Patents-in-Suit. Under theories of alter ego, single business enterprise liability, and agency, the conduct of each can be attributed to and considered the conduct of the others for purposes of infringement of the Patents-in-Suit. CI and CSAI have in the past and continue to hold themselves out as a single entity – “Canon” – acting in concert, with knowledge of each other’s actions and control over each other.

6. Defendants CI and CSAI are hereinafter collectively referred to as “**Defendant**” or “**Canon.**”

JURISDICTION AND VENUE

7. This action arises under the patent laws of the United States, 35 U.S.C. § 101, *et seq.* This Court’s jurisdiction over this action is proper under the above statutes, including 35 U.S.C. § 271, *et seq.*, 28 U.S.C. § 1331 (federal question jurisdiction), and § 1338 (jurisdiction over patent actions).

8. Canon is subject to personal jurisdiction in this Court. In particular, this Court has personal jurisdiction over Canon because Canon, directly and through its subsidiaries, divisions, groups, or distributors, has sufficient minimum contacts with this forum as a result of business conducted within the State of Texas and/or pursuant to Fed. R. Civ. P. 4(k)(2). Furthermore, on information and belief, Canon has engaged in continuous, systematic, and substantial activities within this State, including substantial marketing and sales of products within this State and this District. Furthermore, on information and belief, this Court has personal jurisdiction over Canon because Canon has committed acts giving rise to Flexiworld’s claims for patent infringement within and directed to this District.

9. Furthermore, on information and belief, Canon 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, including in the Waco Division.

10. Canon also maintains commercial websites accessible to residents of the State of Texas and this judicial District, through which Canon promotes and facilitates sales of the accused products. For example, Canon's websites <https://global.canon/en/index.html> and <https://csa.canon.com/internet/portal/us/csa> are accessible to consumers in the United States, including those in the State of Texas and this judicial District, where Canon supplies information about products that can be in this judicial District, including the accused products identified herein.

11. Canon has further availed itself of this District in other lawsuits, such as *Canon Inc. v. Optimum Imaging Technologies LLC*, No. 1:20-cv-01238 (W.D. Tex.), *Canon Inc. v. Roku, Inc.*, No. 6:19-cv-00245 (W.D. Tex.), and *Canon Inc. v. Acecom, Inc.*, No. 1:18-cv-00181 (W.D. Tex.), where Canon filed suit as a plaintiff in a patent infringement lawsuit. In so doing, Canon used this Court's judicial resources and received protections from this District's rules and laws.

12. This Court has general jurisdiction over Canon due to Canon's continuous and systematic contacts with the State of Texas and this jurisdiction. Further, Canon is subject to this Court's jurisdiction because it has committed patent infringement in the State of Texas and this jurisdiction. Thus, Canon 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.

13. On information and belief, Canon has committed acts of infringement in this District and has one or more regular and established places of business within this District under the language of 28 U.S.C. § 1400(b). Canon maintains a permanent physical presence within the Western District of Texas, conducting business from at least its location at 12515 Research Blvd., Building 7, Suite 110, Austin, Texas 78759. Thus, venue is proper in this District with respect to Canon under 28 U.S.C. § 1400(b).

14. In addition, on information and belief, venue is proper in this judicial district under 28 U.S.C. § 1391(b), (c) and 1400(b) because Canon has conducted and does conduct substantial business in this forum, directly and/or through subsidiaries, agents, representatives, or intermediaries, such substantial business including but not limited to: (i) at least a portion of the infringements alleged herein; (ii) purposefully and voluntarily placing one or more infringing products into the stream of commerce with the expectation that they will be purchased by consumers in this forum; or (iii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to individuals in Texas and in this judicial district. In addition, CI is a 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.”

15. Venue is therefore proper in the Western District of Texas pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 1400(b).

FLEXIWORLD AND THE PATENTS-IN-SUIT

16. Flexiworld is a pioneer and leading innovator in the field of pervasive wireless technologies.

17. Flexiworld was founded by American scientist and inventor William Ho Chang and is an innovator engaged in research and development of technologies for wireless applications and embedded solutions in short-range wireless (*e.g.*, Bluetooth, WiFi) and mobile device markets.

18. Flexiworld has significantly contributed to the innovation of wireless devices such as mobile phones, notebooks, PDAs, digital cameras, wireless television, wireless printers, wireless audio devices, etc.

19. Flexiworld was voted the best early-stage company in the Pacific Northwest in 2002 and Flexiworld's business plan was also voted, consecutively, as the top 2 among the "Ten Best" in 2002 and in 2003 by the Business Journal in Silicon Valley, USA.

20. Flexiworld's innovative work and results have been widely recognized in the industry. The company's patents have been repeatedly forward cited by major technology companies worldwide, including by Canon.

21. Flexiworld has developed wireless applications and embedded solutions for the short-range wireless and mobile device market.

22. William H. Chang, one of the named co-inventors on the Patents-in-Suit, is the founder and President of Flexiworld. Mr. Chang has been granted over 77 United States patents and over 91 patents worldwide on his inventions.

23. Christina Ying Liu, one of the named co-inventors on the Patents-in-suit, is a Flexiworld shareholder. Ms. Liu has been granted over 60 United States patents and over 70 patents worldwide on her inventions.

24. This cause of action asserts infringement of United States Patent Nos. 9,036,181 ("the '181 Patent"), 10,140,071 ("the '071 Patent"), United States Patent Nos. 10,481,846 ("the

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