

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

SUMMIT 6 LLC,

Plaintiff,

v.

**HTC CORPORATION,
HTC AMERICA, INC.,
LG ELECTRONICS, INC.,
LG ELECTRONICS USA, INC.,
LG ELECTRONICS MOBILECOMM
USA, INC.,
MOTOROLA MOBILITY LLC,
APPLE INC., and
TWITTER INC.,**

Defendants.

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CIVIL ACTION NO. 7:14-cv-00014

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Summit 6 LLC (“Summit 6”) files this Original Complaint for Patent Infringement against Defendants HTC Corporation (“HTC Corp.”), HTC America, Inc. (“HTC America”), LG Electronics, Inc. (“LGE Inc.”), LG Electronics USA, Inc. (“LGE USA”), LG Electronics Mobilecomm USA, Inc. (“LGE MobileComm”), Motorola Mobility LLC (“Motorola”), Apple Inc. (“Apple”), and Twitter Inc. (“Twitter”) (HTC Corp., HTC America, LGE Inc., LGE USA, LGE MobileComm, Motorola, Apple, and Twitter, collectively “Defendants”) and allege as follows:

BACKGROUND

1. For approximately two decades, Summit 6 and its predecessor companies PictureWorks and AdMission have pioneered the development of numerous digital content technologies, resulting in several patents. When the first digital cameras came to the U.S. market in the early 1990s, the inventors, while working at a company called PictureWorks, developed

image-transfer software that allowed users to transfer pictures from their cameras to their computers. Through its partnerships with Kodak, Casio, Epson, Fuji and others, PictureWorks was able to bundle its software with the leading digital imagery hardware of the day, reaching users all across America.

2. Although their camera-to-computer software was successful, the inventors recognized the next hurdle users would face: sharing images with others over a network. Noticing the difficulties the digital imaging industry encountered on this front, the inventors devoted their expertise to developing a simple solution to this problem. This solution culminated in the ideas patented in U.S. Patent Nos. 6,895,557 (“the ’557 Patent”), 7,765,482 (“the ’482 Patent”), and 8,612,515 (“the ’515 Patent”) (collectively “the Patents-in-Suit”).

3. Summit 6’s patented ideas help countless users and companies easily and efficiently transfer digital content such as digital photos. Websites and smartphone manufacturers such as eBay, Facebook, The Dallas Morning News, Cars.com, Yellowpages.com, The New York Times, Photobucket, and Blackberry (formerly Research in Motion) have all recognized the value associated with Summit 6’s technology and have taken licenses to the Patents-in-Suit. And in April 2013, a jury validated Summit 6’s innovation by finding that the multimedia messaging service (“MMS”) on Samsung’s phones infringed Summit 6’s ’482 Patent.

PARTIES

4. Plaintiff Summit 6 is a Delaware limited liability company with its principal place of business at 14850 Quorum Drive, Suite 325, Dallas, Texas 75254.

5. Defendant HTC Corp. is a Taiwanese corporation with its principal place of business at No. 88, Section 3, Zhongxing Road, Xindian District, New Taipei City, 231, Taiwan. HTC Corp. designs, manufactures, uses, imports into the United States, sells, and/or offers for

sale in the United States cell phones, tablets, and other computing devices that obtain digital content, pre-process it, and transmit it to another device, server, or location via multimedia messages (“MMS messages”), applications, Application Programming Interfaces (“APIs”), and/or functionality added to the native content sharing options (collectively “upload services and/or devices”). HTC Corp.’s upload services and/or devices are marketed, offered for sale, and/or sold throughout the United States, including within this District. HTC Corp. can be served with process by way of letters rogatory, in accordance with Fed. R. Civ. P. 4(f).

6. Defendant HTC America is a Washington corporation with its principal place of business at 13920 SE Eastgate Way, Suite 400, Bellevue, Washington 98005. HTC America designs, manufactures, uses, imports into the United States, sells, and/or offers for sale in the United States cell phones, tablets, and other computing devices that obtain digital content, pre-process it, and transmit it to another device, server, or location via multimedia messages (“MMS messages”), applications, Application Programming Interfaces (“APIs”), and/or functionality added to the native content sharing options (collectively “upload services and/or devices”). HTC America’s upload services and/or devices are marketed, offered for sale, and/or sold throughout the United States, including within this District. HTC America can be served with process by serving National Registered Agents, Inc., 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

7. Defendant LGE Inc. is a Korean corporation with its principal place of business at LG Twin Tower 128, Yeoui-daero, Yengdeungpo-gu, Seoul 150-721, Korea. LGE Inc. designs, manufactures, uses, imports into the United States, sells, and/or offers for sale in the United States cell phones, tablets, and other computing devices that obtain digital content, pre-process it, and transmit it to another device, server, or location via multimedia messages (“MMS messages”), applications, Application Programming Interfaces (“APIs”), and/or functionality added to the native content sharing options (collectively “upload services and/or devices”). LGE

Inc.'s upload services and/or devices are marketed, offered for sale, and/or sold throughout the United States, including within this District. LGE Inc. can be served with process, by serving in accordance with the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents, in accordance with Fed. R. Civ. P. 4(f).

8. Defendant LGE USA is a Delaware corporation with its principal place of business at 920 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. LGE USA designs, manufactures, uses, imports into the United States, sells, and/or offers for sale in the United States cell phones, tablets, and other computing devices that obtain digital content, pre-process it, and transmit it to another device, server, or location via multimedia messages ("MMS messages"), applications, Application Programming Interfaces ("APIs"), and/or functionality added to the native content sharing options (collectively "upload services and/or devices"). LGE USA's upload services and/or devices are marketed, offered for sale, and/or sold throughout the United States, including within this District. LGE USA can be served with process by serving United States Corporation Company, 211 E. 7th Street Suite 620, Austin, Texas 78701.

9. Defendant LGE MobileComm is a California corporation with its principal place of business at 10101 Old Grove Road, San Diego, CA 92131. LGE MobileComm designs, manufactures, uses, imports into the United States, sells, and/or offers for sale in the United States cell phones, tablets, and other computing devices that obtain digital content, pre-process it, and transmit it to another device, server, or location via multimedia messages ("MMS messages"), applications, Application Programming Interfaces ("APIs"), and/or functionality added to the native content sharing options (collectively "upload services and/or devices"). LGE MobileComm's upload services and/or devices are marketed, offered for sale, and/or sold throughout the United States, including within this District. LGE MobileComm can be served

with process by serving National Registered Agents, Inc., 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

10. Defendant Motorola is a Delaware corporation with its principal place of business at 600 North U.S. Highway 45, Libertyville, Illinois 60048. Motorola designs, manufactures, uses, imports into the United States, sells, and/or offers for sale in the United States cell phones, tablets, and other computing devices that obtain digital content, pre-process it, and transmit it to another device, server, or location via multimedia messages (“MMS messages”), applications, Application Programming Interfaces (“APIs”), and/or functionality added to the native content sharing options (collectively “upload services and/or devices”). Motorola’s upload services and/or devices are marketed, offered for sale, and/or sold throughout the United States, including within this District. Motorola can be served with process by serving CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

11. Defendant Apple is a California corporation, with its principal place of business at 1 Infinite Loop, M/S 38-3TX, Cupertino, California 95014. Apple designs, manufactures, uses, imports into the United States, sells, and/or offers for sale in the United States cell phones, tablets, and other computing devices that obtain digital content, pre-process it, and transmit it to another device, server, or location via multimedia messages (“MMS messages”), iMessages, applications, Application Programming Interfaces (“APIs”), and/or functionality added to the native content sharing options (collectively “upload services and/or devices”). Apple’s upload services and/or devices are marketed, offered for sale, and/or sold throughout the United States, including within this District. Apple can be served with process by serving CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

12. Defendant Twitter is a Delaware corporation, with its principal place of business at 1355 Market Street, Suite 900, San Francisco, California 94103. Twitter designs,

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