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9 **IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

10 CYWEE GROUP LTD.,
11 *Plaintiff,*
12 LG ELECTRONICS, INC.,
13 LG ELECTRONICS U.S.A., INC.,
14 AND LG ELECTRONICS
15 MOBILECOMM U.S.A., INC.,
16 *Defendants.*

CASE NO. 3:17-cv-01102

CYWEE'S FIRST AMENDED
COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

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1 1. Plaintiff CyWee Group Ltd. (“Plaintiff” or “CyWee”) by and through its
2 undersigned counsel, files this Amended Complaint against Defendants LG
3 Electronics, Inc., LG Electronics U.S.A., Inc. and LG Electronics MobileComm
4 U.S.A., Inc. (“Defendants” or “LG”) as follows:

5 **THE PARTIES**

6 2. CyWee is a corporation existing under the laws of the British Virgin
7 Islands with a principal place of business at 3F, No.28, Lane 128, Jing Ye 1st Road,
8 Taipei, Taiwan 10462.

9 3. CyWee is a world-leading technology company that focuses on building
10 products and providing services for consumers and businesses. CyWee has one of the
11 most significant patent portfolios in the industry, and is a market leader in its core
12 development areas of motion processing, wireless high definition video delivery, and
13 facial tracking technology.

14 4. On information and belief, Defendant LG Electronics, Inc. (“LGE”) is a
15 company incorporated in South Korea located at LG Twin Tower, 128 Yeoui-daero,
16 Yeongdeungpo-gu, Seoul, 150-721, South Korea.

17 5. On information and belief, Defendant LG Electronics U.S.A., Inc.
18 (“LGEUSA”) is a Delaware corporation with its principal place of business at 920
19 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. LGEUSA is a wholly owned
20 subsidiary of LGE. Dkt. No. 37. On information and belief, LGEUSA may be served
21 via its registered agent for service of process: Lawyers Incorporating Service, 2710
22 Gateway Oaks Drive, Suite 150N, Sacramento CA 95833.

23 6. On information and belief, Defendant LG Electronics MobileComm
24 U.S.A., Inc. (“LGEMU”) is a California corporation with its principal place of
25 business at 10101 Old Grove Road, San Diego, California 92131. LGEMU is a
26 wholly-owned subsidiary of LGEUSA. Dkt. No. 37. On information and belief,
27 LGEMU may be served via its registered agent for service of process: CSC – Lawyers

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1 Incorporating Service, 2710 Gateway Oaks Drive, Suite 150N, Sacramento, CA
2 95833.

3 7. Defendants LGE, LGEUSA, and LGEMU are collectively referred to as
4 “Defendants” or “LG.” LG is doing business in the United States and, more
5 particularly, in the State of California and the Southern District of California, by
6 designing, marketing, making, using, selling, importing, and/or offering for sale
7 products that infringe the patent claims involved in this action or by transacting other
8 business in this District.

9 **JURISDICTION AND VENUE**

10 8. This action arises under the patent laws of the United States, 35 U.S.C. §
11 1 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and
12 1338(a).

13 9. This Court has personal jurisdiction over each Defendant. Each
14 Defendant has conducted and does conduct business within the State of California.
15 Each Defendant has purposefully and voluntarily availed itself of the privileges of
16 conducting business in the United States, State of California, and in the Southern
17 District of California by continuously and systematically placing goods into the stream
18 of commerce through an established distribution channel with the expectation that
19 they will be purchased by consumers in the Southern District of California. Plaintiff’s
20 cause of action arises directly from Defendants’ business contacts and other activities
21 in the State of California and the Southern District of California.

22 10. Upon information and belief, each Defendant has committed acts of
23 infringement in this District giving rise to this action and does business in this District,
24 including making sales and/or providing service and support for their respective
25 customers in this District. Defendants purposefully and voluntarily sold one or more
26 of their infringing products with the expectation that they will be purchased by
27 consumers in this District. These infringing products have been and continue to be

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1 purchased by consumers in this District. Defendants have committed acts of patent
2 infringement within the United States and, state of California, and the Southern
3 District of California.

4 11. Venue is proper as to LGEMU under 28 U.S.C. § 1400(b) in that
5 LGEMU is incorporated in California and, therefore, resides in this District. *TC*
6 *Heartland LLC v. Kraft Foods Grp. Brands LLC*, 137 S. Ct. 1514, 1521 (2017).

7 12. Upon information and belief, LGEMU is an agent of LGEUSA and is
8 held out to the public as such. *See* <http://www.lg.com/us/careers> (last visited May 30,
9 2017) (referring to “LG MobileComm USA” as a “LG Mobile Unit division”). Upon
10 information and belief, LGEMU does not have its own website but is listed as the
11 “Media Contact” for “Mobile Phones” on the LG.com United States website. *See*
12 <http://www.lg.com/us/press-media/media-contacts> (last visited May 30, 2017).

13 13. Further, upon information and belief, LGEMU operates under the “LG”
14 trademark; offers, sells, services, and/or distributes only LG products; and coordinates
15 its policies and operations with those of LGEUSA to benefit and primarily serve the
16 interests of LGEUSA and LGEUSA’s parent corporation.

17 14. Further, upon information and belief, support materials and
18 documentation provided to consumers with the mobile products offered by
19 Defendants do not delineate between LGE, LGEUSA, and LGEMU. By way of
20 example, the User Guide for the LG G6 refers generally to “LG” without any
21 distinction as to LGE, LGEUSA, or LGEMU, including in the limited warranty
22 provided therein. Upon information and belief, for consumers of the products accused
23 in this Complaint, there is no substantive distinction between LGEMU and either
24 LGEUSA or LGE.

25 15. Based on the foregoing, venue is proper as to LGEUSA under 28 U.S.C.
26 § 1400(b) in that, upon information and belief, LGEUSA has a regular and established
27 place of business in this District—namely, the place of business of its

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1 subsidiary/agent, LGEMU—and has committed acts of infringement herein. *See*
2 *Appleton v. Ronson Serv. of Ill., Inc.*, 297 F.Supp. 868, 869 (N.D. Ill. 1968) (“formal
3 corporate separateness can be disregarded for the purpose of establishing venue . . .
4 where a number of factors . . . in the aggregate reveal a mere cloak for the relationship
5 of agency.” (citing *Leach Co. v. Gen. Sani-Can Mfg. Corp.*, 393 F.2d 183 (7th Cir.
6 1968)); *see also Stanley Works v. Globemaster, Inc.*, 400 F.Supp. 1325, 1331-32 (D.
7 Mass. 1975).

8 16. Venue is proper as to LGE under 28 U.S.C. § 1391(c)(3) in that it is not
9 a resident of the United States and may, therefore, be sued in any judicial district.
10 *Brunette Mach. Works, Ltd. v. Kockum Indus., Inc.*, 406 U.S. 706, 714 (1972). Venue
11 is further proper as to LGE under 28 U.S.C. § 1400(b) in that, upon information and
12 belief, LGE has a regular and established place of business in this District—namely,
13 the place of business of its subsidiaries/agents, LGEUSA and LGEMU—and has
14 committed acts of infringement herein.

15 **WILLFUL INFRINGEMENT**

16 17. LG’s infringement of the patents-in-suit has been and continues to be
17 willful. LG has had knowledge of and notice of both patents-in-suit and its
18 infringement of those patents as a result of confidential pre-suit licensing discussions.
19 LG also has knowledge and notice of its infringement of the patents-in-suit as a result
20 of the complaints filed in this case, which include two claim charts illustrating LG’s
21 infringement of the patents-in-suit. LG's infringement of the patents-in-suit has been
22 and continues to be willful and deliberate.

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