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

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10 CYWEE GROUP LTD.,
Plaintiff,

11 v.

12 ZTE CORPORATION, ZTE (USA),
INC., and ZTE (TX) INC.,
13 *Defendants.*

CASE NO. '17CV2130 GPC JMA

CYWEE GROUP LTD'S ORIGINAL
COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

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1 270, San Diego, California 92121. ZTE (USA), Inc. may be served through its agent
2 for service of process, Incorp Services, Inc., at 5716 Corsa Ave., Ste. 110, Westlake
3 Village, California 91362.

4 6. On information and belief, Defendant ZTE (TX), Inc. (“ZTETX”) is a
5 wholly-owned subsidiary of ZTE Corporation. ZTETX is a corporation organized and
6 existing under the laws of the State of Texas with its principal place of business in
7 California at 1900 McCarthy Boulevard, #420, Milpitas, California 95035 and may be
8 served through its agent for service of process, Incorp Services, Inc., at 5716 Corsa
9 Ave., Ste. 110, Westlake Village, California 91362.

10 JURISDICTION AND VENUE

11 7. This action arises under the patent laws of the United States, 35 U.S.C. §
12 1 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and
13 1338(a).

14 8. This Court has personal jurisdiction over each Defendant. Each
15 Defendant has conducted and does conduct business within the State of California.
16 Each Defendant has purposefully and voluntarily availed itself of the privileges of
17 conducting business in the United States, in the State of California, and in the Southern
18 District of California by continuously and systematically placing goods into the stream
19 of commerce through an established distribution channel with the expectation that
20 they will be purchased by consumers in the Southern District of California. ZTEUSA
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1 has a principal place of business in San Diego, California, and ZTETX has one of its
2 five main offices in San Diego, California. Both ZTETX and ZTEUSA are registered
3 to do business in California and maintain agents for service of process there, as well
4 as having authorized retailers for the accused products in this judicial district.
5 Plaintiff's cause of action arises directly from Defendants' business contacts and other
6 activities in the State of California and the Southern District of California.

7 9. Venue is proper as to ZTE Corp. under 28 U.S.C. § 1391(c)(3) in that it
8 is not a resident of the United States and may, therefore, be sued in any judicial district.
9 *Brunette Mach. Works, Ltd. v. Kockum Indus., Inc.*, 406 U.S. 706, 714 (1972).

10 10. Venue is proper as to ZTEUSA under 28 U.S.C. § 1400(b) because
11 ZTEUSA has committed acts of infringement in this District and has a regular and
12 established place of business within this District. *TC Heartland LLC v. Kraft Foods*
13 *Grp. Brands LLC*, 137 S. Ct. 1514, 1521 (2017). Specifically, ZTEUSA attested that
14 as part of its 2016 Statement of Information for its registration to do business in
15 California that its principle place of business in California is located at 6170
16 Cornerstone Court East, Ste. 270, San Diego, California 92121, which is within this
17 District.

18 11. Venue is proper as to ZTETX under 28 U.S.C. § 1400(b) because ZTETX
19 has committed acts of infringement in this District and has a regular and established
20 place of business within this District. *Id.* Specifically, on both the contact page and
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1 locations page of its website, ZTETX list an office at 6170 Cornerstone Court East,
2 Ste. 270, San Diego, California 92121, which is within this District, as one of its five
3 offices in the U.S. See www.ztetx.com/about/zte_us_ltd/ (last visited Sept. 26, 2017);
4 www.ztetx.com/others/contact/ (last visited Sept. 26, 2017).

5 12. Upon information and belief, each Defendant has committed acts of
6 infringement in this District giving rise to this action and does business in this District,
7 including making sales and/or providing service and support for their respective
8 customers in this District. Defendants purposefully and voluntarily sold one or more
9 of their infringing products with the expectation that they would be purchased by
10 consumers in this District. These infringing products have been and continue to be
11 purchased by consumers in this District. Defendants have committed acts of patent
12 infringement within the United States, the State of California, and the Southern
13 District of California.

14 **BACKGROUND**

15 **Patentee And The Asserted Patents.**

16 13. The Industrial Technology Research Institute (“ITRI”) is a Taiwanese
17 government- and industry-funded research and development center. In 2007, CyWee,
18 which was started at ITRI, was formed. Its goal was to provide innovative motion-
19 sensing technologies, such as those claimed in the patents-in-suit. Dr. Shun-Nan Liu
20 and Chin-Lung Li, two of the inventors of the patents-in-suit, came to CyWee from
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