

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

PARKERVISION, INC.,

Plaintiff,

v.

TCL INDUSTRIES HOLDINGS CO.,
LTD., TCL ELECTRONICS HOLDINGS
LTD., SHENZHEN TCL NEW
TECHNOLOGY CO., LTD., TCL KING
ELECTRICAL APPLIANCES
(HUIZHOU) CO., LTD., TCL MOKA
INT'L LTD., and TCL MOKA
MANUFACTURING S.A. DE C.V.,

Defendants.

Case No. 6:20-cv-00945

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff ParkerVision, Inc. ("ParkerVision"), by and through its undersigned counsel, files this Complaint against Defendants TCL Industries Holdings Co., Ltd., TCL Electronics Holding Ltd. (f/k/a TCL Multimedia Technology Holdings Ltd.), Shenzhen TCL New Technology Co., Ltd., TCL King Electrical Appliances (Huizhou) Co., Ltd., TCL Moka Int'l Ltd., and TCL Moka Manufacturing S.A. de C.V. (collectively, "TCL" or "Defendants") for patent infringement of United States Patent Nos. 6,049,706; 6,266,518; 6,580,902; 7,110,444; 7,292,835; 8,588,725; 8,660,513; 9,118,528; 9,246,736 and 9,444,673 (the "patents-in-suit") and alleges 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.*

PARTIES

2. Plaintiff ParkerVision is a Florida corporation with its principal place of business at 9446 Philips Highway, Jacksonville, Florida 32256.

3. Defendant TCL Industries Holdings Co., Ltd. (“TCL Industries”) is a Chinese corporation with a principal place of business located at 22/F, TCL Technology Building, 17 Huifeng 3rd Road, Huizhou, Guangdong, 516000 P.R. China.

4. Defendant TCL Electronics Holdings Ltd. (f/k/a TCL Multimedia Technology Holdings Ltd.) (“TCL Electronics”) is a limited liability company incorporated in the Cayman Islands with a registered address at P.O. Box 309, Umland House, Grand Cayman, KY1-1104, Cayman Islands. TCL Electronics has a principal place of business at 7/F, Building 22E, 22 Science Park East Avenue, Hong Kong Science Park, Sha Tin, New Territories, Hong Kong.

5. Defendant Shenzhen TCL New Technology Co., Ltd. (“TCL New Technology”) is a foreign corporation duly organized under the laws of the People’s Republic of China with a principal place of business located at 9/F, Building D4, TCL International E City, No. 1001, Zhongshan Park Road, Nanshan District, Shenzhen, Guangdong, 518067 P.R. China.

6. Defendant TCL King Electrical Appliances (Huizhou) Co., Ltd. (“TCL King”) is a foreign corporation duly organized under the laws of the People’s Republic

of China with a principal place of business located at No. 78 Zhongkai Development Zone, Huizhou, 516006 P.R. China.

7. Defendant TCL Moka Int'l Ltd. ("TCL Moka") is a foreign corporation duly organized under the laws of Hong Kong with a principal place of business located at 7/F, Building 22E, 22 Science Park East Avenue, Hong Kong Science Park, Sha Tin, New Territories, Hong Kong.

8. Defendant TCL Moka Manufacturing, S.A. de C.V. ("TCL Moka Manufacturing") is a Mexican corporation with a principal place of business located at Camino Vecinal 2472, colonia, Canon del Padre, Tijuana Baja California.

9. On information and belief, TCL Industries is a holding company and the ultimate corporate parent of Defendants TCL Electronics, TCL New Technology, TCL King, TCL Moka, and TCL Moka Manufacturing. *See* TCL Electronics Holding Limited Annual Report 2019 (available at <https://doc.irasia.com/listco/hk/tclelectronics/annual/2019/ar2019.pdf>) (Exhibit 1).

1. CORPORATE AND GROUP INFORMATION

TCL Electronics Holdings Limited (the "Company") is a limited liability company incorporated in the Cayman Islands. The registered address of the Company is P.O. Box 309, Ugland House, Grand Cayman, KY1-1104, Cayman Islands. The principal place of business of the Company is located at 7th Floor, Building 22E, 22 Science Park East Avenue, Hong Kong Science Park, Shatin, New Territories, Hong Kong.

During the year, the Group and its subsidiaries (collectively referred to as the "Group") were mainly involved in the manufacture and sale of colour television ("TV") sets, smart audio-visual ("Smart AV") and smart home products and providing Internet platform operating services.

In the opinion of the directors, T.C.L. Industries Holdings (H.K.) Limited ("T.C.L. Industries (H.K.)"), a company incorporated in Hong Kong, is the immediate holding company of the Company. In the first quarter of 2019, a restructuring occurred whereby TCL Technology Group Corporation ("TCL Technology", formerly known as TCL Corporation) spun off, among others, all its equity interests in T.C.L. Industries (H.K.) transferred to TCL Industries Holdings Co., Limited ("TCL Holdings"), a limited liability company registered in the People's Republic of China (the "PRC"). Accordingly, the ultimate holding company of the Company has changed to TCL Holdings following completion of such restructuring. As the major shareholders of TCL Holdings are the key management of TCL Technology, TCL Technology remained a related party of the Group.

Ex. 1 at p. 134

10. On information and belief, TCL Electronics is a parent of TCL's television business group, comprising subsidiaries that manufacture, market, offer for sale, and sell television products, including the accused infringing products, in the United States, the State of Texas, and this judicial district. *See, e.g.*, <http://electronics.tcl.com/en/about/overview.php> ("[TCL Electronics] is one of the leading players in the global TV industry, and is engaged in the research and development, manufacturing and distribution of consumer electronic products."). TCL New Technology is a "principal subsidiary" of TCL Electronics with "principal activities" of "[m]anufacture and sale of TV products." *See* Ex. 1 at p. 135. TCL King is a

“principal subsidiary” of TCL Electronics with “principal activities” of “[m]anufacture and sale of TV products and trading of components.” *See id.* at p. 136. TCL Moka Manufacturing is a “principal subsidiary” of TCL Electronics with “principal activities” of “manufacture and sale of TV products.” *See id.* at p. 137. TCL Moka is a “principal subsidiary” of TCL Electronics and, on information and belief, is similarly involved in the manufacture, sale, and trading of TCL television products and components. *See id.* at p. 138.

11. On information and belief, Defendants comprise a “vertically integrated industrial chain,” and thus act in concert to design, manufacture, sell, offer for sale, import, distribute, advertise, and/or otherwise promote the accused infringing products in the United States, the State of Texas, and this judicial district. *See, e.g.*, Ex. 1; TCL Electronics Holding Limited Interim Report 2020 (available at <https://doc.irasia.com/listco/hk/tclelectronics/interim/2020/intrep.pdf>) (Exhibit 2) (“Benefitting from its leading positions in integrated supply chain, global channels, production capacity layout, hardware, software and content, TCL Electronics, as the brand driving force of the entire TCL display industry chain and a user-centric company, managed to expand its market share amid negative trend...”).

12. In 2019, TCL Electronics also entered into a number of “connected transactions” with TCL Industries in furtherance of its mutual business interests and goals, including, but not limited to, (i) a Master Rental (2019-2021) Agreement; (ii) a Master Sale and Purchase (2019-2021) Agreement; and (iii) a Master Services (2019-2021) Agreement. *See* Ex. 1 at p. 109-110.

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