

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

LOGANTREE LP

Plaintiff,

v.

LG ELECTRONICS, INC., and
LG ELECTRONICS USA, INC.,

Defendants.

CIVIL ACTION NO.

JURY DEMAND

PLAINTIFF'S ORIGINAL COMPLAINT

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35 U.S.C. § 271 1, 7, 11

35 U.S.C. § 284 11

Rules

Fed. R. Civ. P. 38 12

1. Plaintiff LoganTree LP (“LoganTree”) files this, its Original Complaint for patent infringement. Plaintiff asserts claims for patent infringement of U.S. Patent No. 6,059,576 (“the ‘576 Patent”), as reexamined, against Defendants LG Electronics, Inc. (“LG Korea”), and LG Electronics USA, Inc. (“LG USA” and collectively with LG Korea, “LG”), under 35 U.S.C. § 271, *et seq.* In support thereof, LoganTree would respectfully show the Court the following:

I. PARTIES

2. Plaintiff LoganTree LP (“Plaintiff” or LoganTree”) is a partnership organized under the laws of the state of Nevada. LoganTree’s sole general partner is Gulfstream Ventures, LLC (“Gulfstream”), a limited liability company organized under the laws of the state of Nevada. Theodore and Anne Brann are the owners and sole managing members of Gulfstream, and their address is P.O. Box 2345, Boerne, Texas 78006.

3. Defendant LG Electronics USA, Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 111 Sylvan Ave., Englewood Cliffs, New Jersey 07632. LG USA is a wholly owned subsidiary of LG Korea. LG USA may be served through its registered agent, United States Corporation Co., at 211 E. 7th Street, Suite 620, Austin, TX 78701.

4. Defendant LG Electronics, Inc. is a corporation organized under the laws of the Republic of South Korea, and has its principal place of business located at 128 Yeouin Street, Yeongdeungpo-gu Seoul, 073-36, Republic of Korea where it can be served with process.

5. LG sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services into the stream of commerce

that incorporate infringing technology knowing that they would be sold in this judicial district and elsewhere in the United States.

II. JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has general and specific personal jurisdiction over LG because LG is present within and/or has sufficient minimum contacts with the State of Texas and the Eastern District of Texas pursuant to the Due Process Clause of the United States Constitution and the law of Texas. LG has purposefully availed itself of the privileges of conducting business in the State of Texas and in the Eastern District of Texas by entering into contracts with Texas businesses and by developing and producing the infringing products in and through Texas businesses. LG has sought protection and benefit from the laws of the State of Texas. Moreover, LG has purposefully and voluntarily placed infringing products in the stream of commerce with the expectation that its products will be purchased by end users in the State of Texas and in the Eastern District of Texas. LG has committed the tort of patent infringement within the State of Texas and within the Eastern District of Texas. Finally, Plaintiff's causes of action arise directly from LG's business contacts and other activities in the State of Texas and in the Eastern District of Texas.

8. More specifically, LG directly and/or through intermediaries (including distributors, retailers, and others) ships, distributes, offers for sale, sells, and/or advertises its products in the United States, the State of Texas, and the Eastern District of Texas, including but not limited to the Accused Products identified below. LG solicits customers in the State of Texas and in the Eastern District of Texas. LG has customers who are residents of the State of Texas and

the Eastern District of Texas and who use LG's products and services, including the Accused Products, in the State of Texas and in the Eastern District of Texas. LG derives substantial revenue from goods and service provided to individuals in Texas and in the Eastern District of Texas.

9. Venue is proper in the Eastern District of Texas under 28 U.S.C. §§ 1391 and 1400(b). Defendants LG Korea and LG USA both committed acts of patent infringement in the State of Texas and in the Eastern District of Texas and has a regular and established place of business in the State of Texas and the Eastern District of Texas. *See TC Heartland LLC v. Kraft Foods Grp. Brands LLC*, 137 S. Ct. 1514 (2017). Moreover, LG has transacted business in this district, and has directly and/or indirectly committed and/or induced acts of patent infringement in this district. Because LG Korea is not a resident of the United States, it may be sued in any judicial district. 28 U.S.C. § 1391(c)(3); *see In re HTC Corp.*, 889 F.3d 1349, 1357 (Fed. Cir. 2018).

III. THE PATENT-IN-SUIT

10. On May 9, 2000, the United States Patent and Trademark Office ("PTO") duly and lawfully issued the '576 Patent, entitled "Training and Safety Device, System and Method to Aid in Proper Movement During Physical Activity," after a full and fair examination. A true and correct copy of the '576 Patent is attached hereto as Exhibit A.

11. On March 17, 2015, following a reexamination requested by LoganTree, the PTO issued a reexamination certificate for the '576 Patent, bearing U.S. Patent No. 6,059,576 C1 ("the '576 Reexamination Certificate"). A true and correct copy of the '576 Reexamination Certificate is attached hereto as Exhibit B. The '576 Patent as reexamined is referred to as the "Reexamined '576 Patent."

12. The named inventor of the '576 Patent is Theodore L. Brann.

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