

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LITL LLC,

Plaintiff,

v.

ASUSTEK COMPUTER INC., ASUS
GLOBAL PTE. LTD., and ASUS
TECHNOLOGY PTE. LIMITED,

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff LiTL LLC (“Plaintiff” or “LiTL”) brings this action for patent infringement against Defendants ASUSTeK Computer Inc., Asus Global Pte. Ltd. and Asus Technology Pte. Limited (collectively, “Defendants” or “ASUS”).

INTRODUCTION

1. This is a civil action for patent infringement under the laws of the United States, 35 U.S.C. § 1, et seq.

2. Defendants have infringed and continue to infringe one or more claims of U.S. Patent Nos. 8,289,688 (“the ’688 patent”); 8,624,844 (“the ’844 patent”); 9,563,229 (“the ’229 patent”); 10,289,154 (“the ’154 patent”); 9,003,315 (“the ’315 patent”); 9,880,715 (“the ’715 patent”); 10,564,818 (“the ’818 patent”); and 8,612,888 (“the ’888 patent”) (collectively, the “Asserted Patents”) at least by making, using, selling, offering for sale, and importing into the United States computing devices that infringe one or more claims of each of the Asserted Patents.

3. LiTL is the legal owner by assignment of the entire right, title, and interest in and to the Asserted Patents, which were duly and legally issued by the United States Patent and Trademark Office (“USPTO”). LiTL seeks monetary damages and injunctive relief to address past and ongoing infringement of its valuable patent portfolio.

THE PARTIES

4. Plaintiff LiTL LLC is a Delaware company, having its principal place of business at 501 Boylston Street, Boston, Massachusetts 02116.

5. On information and belief, Defendant ASUSTek Computer Inc. (“ASUSTeK”) is a company organized under the laws of Taiwan, having its principal place of business at No. 15, Li-Te Road, Beitou District, Taipei 112, Taiwan.

6. On information and belief, Defendant Asus Global Pte. Ltd. (“ASGL”) is a company organized under the laws of Singapore, having an address at 15A Changi Business Park Central 1, #05-01 Eigthrium, Singapore 486035, Singapore. According to ASUSTeK’s 2021 annual report, Asus Global is a wholly-owned, direct subsidiary of ASUSTeK.

https://www.asus.com/EVENT/Investor/Content/attachment_en/2021_ir_report_en.pdf, p. 163.

7. On information and belief, Defendant Asus Technology Pte. Limited (“ASTP”) is a company organized under the laws of Singapore, having an address at 9 Changi Business Park Vista, #07-03/04 Das Spektrum, Singapore 486041, Singapore. According to ASUSTeK’s 2021 annual report, Asus Technology is a wholly-owned, indirect subsidiary of ASUSTeK.

https://www.asus.com/EVENT/Investor/Content/attachment_en/2021_ir_report_en.pdf, p. 164.

JURISDICTION AND VENUE

8. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9. Defendants are subject to specific jurisdiction in this District under Federal Rule of Civil Procedure 4(k)(1) and the Del. Code. Ann. Tit. 20, § 3104 (the “Delaware Long Arm Statute”) due to at least Defendants’ substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in this District.

10. Alternatively, Defendants are subject to specific jurisdiction in this District under Federal Rule of Civil Procedure 4(k)(2) at least because Defendants purposefully directed their infringing activities to the United States and Delaware through an established distribution channel.

11. On information and belief, ASUSTeK “is a manufacturer and seller of consumer electronic equipment such as laptop computers.” *Photonic Imaging Solutions, Inc. v. ASUSTek Computer Inc.*, No. 1:18-cv-00488, D.I. 13 (Answer), ¶ 2 (D. Del. Jan. 4, 2019).

12. On information and belief, ASUSTeK was involved in researching and developing the Accused Products (defined below).

13. On information and belief, ASUSTeK has sold products to ASTP. *See Graphics Properties Holdings Inc. v. Asus Computer International Inc.*, No. 1:12-cv-00210, D.I. 14, Declaration of Yvette Wang, ¶ 9 (D. Del. May 14, 2012).

14. On information and belief, ASUSTeK sells products to ASGL. According to ASUS’s 2021 annual report, ASUSTeK made over 92% of its sales in 2021 to ASGL. https://www.asus.com/EVENT/Investor/Content/attachment_en/2021_ir_report_en.pdf, p. 279.

15. On information and belief, ASTP provides financing to ASGL. https://www.asus.com/EVENT/Investor/Content/attachment_en/2021_ir_report_en.pdf, p. 275.

16. On information and belief, ASGL sells products to ASUS Computer International (“ACI”), a California corporation located in California. According to ASUS’s 2021 annual report, ASGL made over 21% of its sales in 2021 to ACI.

https://www.asus.com/EVENT/Investor/Content/attachment_en/2021_ir_report_en.pdf, p. 279.

On information and belief, in 2022 ASGL shipped ACI over 400 containers containing over 1 million notebook computers. On information and belief, these shipments included the Accused Products.

17. On information and belief, ASTP has sold and shipped products to ACI. *See Graphics Properties Holdings Inc. v. Asus Computer International Inc.*, No. 1:12-cv-00210, D.I. 16, Declaration of Godwin Yan, ¶ 9 (D. Del. May 14, 2012).

18. On information and belief, ASUSTeK has sold and continues to sell the Accused Products to ASGL.

19. On information and belief, ASGL’s purchases of the Accused Products have been financed and continue to be financed, at least in part, by ASTP.

20. On information and belief ASGL has sold and continues to sell the Accused Products to ACI in the United States.

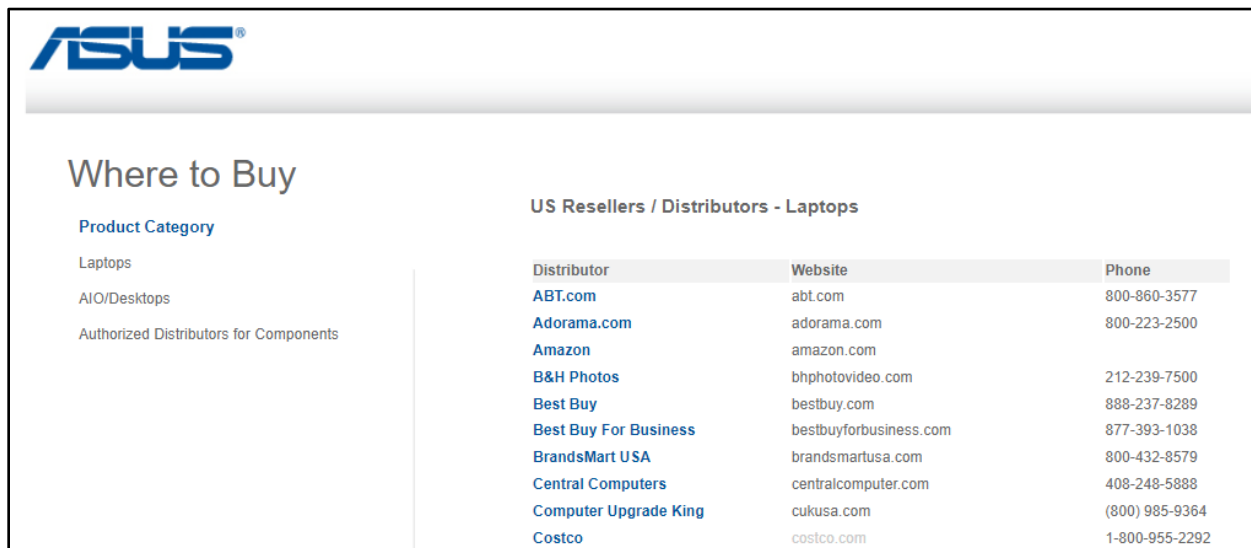
21. According to ASUSTeK’s 2021 annual report, revenues from the United States accounted for about 19% (i.e., 101,713,640 / 535,237,735) of ASUSTeK’s global revenues in 2021 and about 20% (i.e., 83,838,466 / 412,780,439) in 2020.

https://www.asus.com/EVENT/Investor/Content/attachment_en/2021_ir_report_en.pdf, p. 274.

22. The Accused Products are offered for sale and sold to residents of Delaware from ASUSTeK’s website. For example, on January 23, 2023, a VivoBook Go 14 Flip was

purchased from ASUSTeK's website (<https://www.asus.com/us/laptops/for-home/vivobook/vivobook-go-14-flip-j1400/>) by a resident of Delaware.

23. On information and belief, Best Buy and Costco are part of Defendants' established distribution channel. For example:



Product Category		US Resellers / Distributors - Laptops		
Product Category		Distributor	Website	Phone
Laptops		ABT.com	abt.com	800-860-3577
AIO/Desktops		Adorama.com	adorama.com	800-223-2500
Authorized Distributors for Components		Amazon	amazon.com	
		B&H Photos	bhphotovideo.com	212-239-7500
		Best Buy	bestbuy.com	888-237-8289
		Best Buy For Business	bestbuyforbusiness.com	877-393-1038
		BrandsMart USA	brandsmartusa.com	800-432-8579
		Central Computers	centralcomputer.com	408-248-5888
		Computer Upgrade King	cukusa.com	(800) 985-9364
		Costco	costco.com	1-800-955-2292

https://promos.asus.com/US/where_to_buy/index.htm

24. On information and belief, the Accused Products are offered for sale and sold to residents of Delaware by Best Buy for pickup at Best Buy stores located in Delaware. For example, on January 23, 2023, a VivoBook Flip 14 was purchased by a resident of Delaware from Best Buy's website (<https://www.bestbuy.com/site/asus-vivobook-flip-14-j401ma-14-laptop-intel-pentium-silver-4-gb-memory-128-gb-emmc/6507132.p?skuId=6507132>) for pickup at a Best Buy store located at 4807 Concord Pike, Wilmington, Delaware.

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