

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**INNOVATIVE DISPLAY TECHNOLOGIES
LLC,**

Plaintiff,

v.

**MITAC DIGITAL CORPORATION D/B/A
MAGELLAN AND MITAC INTERNATIONAL
CORPORATION,**

Defendants.

Case No. 2:14-cv-144

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT

Plaintiff Innovative Display Technologies LLC, by and through its undersigned counsel, files this Complaint against Defendants MiTAC Digital Corporation d/b/a Magellan and MiTAC International Corporation (hereinafter referred to collectively as "Defendants").

THE PARTIES

1. Innovative Display Technologies LLC is a Texas limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, TX 75093.
2. MiTAC Digital Corporation is a California corporation with its corporate headquarters located at 471 El Camino Real, Suite 101, Santa Clara, CA 95050-4300. MiTAC Digital Corporation may be served with process by serving its registered agent, Peggy Fong, at 471 El Camino Real, Suite 101, Santa Clara, CA 95050.
3. MiTAC International Corporation is a Taiwanese corporation with its principal place of business located at No. 1, Yen-Fa 2nd Rd., Hsin-Chu Science Based Industrial Park, Hsinchu County, Taiwan, R.O.C. MiTAC International Corporation can be served with process

at its principal place of business at No. 1, Yen-Fa 2nd Rd., Hsin-Chu Science Based Industrial Park, Hsinchu County, Taiwan, R.O.C.

4. Defendants have conducted and regularly conduct business within this District, have purposefully availed themselves of the privileges of conducting business in this District, and have sought protection and benefit from the laws of the State of Texas.

JURISDICTION AND VENUE

5. This action arises under the Patent Law of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. As further detailed herein, this Court has personal jurisdiction over Defendants. Defendants are amenable to service of summons for this action. Furthermore, personal jurisdiction over Defendants in this action comports with due process. Defendants have conducted and regularly conduct business within the United States and this District. Defendants have purposefully availed themselves of the privileges of conducting business in the United States, and more specifically in Texas and this District. Defendants have sought protection and benefit from the laws of the State of Texas by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

7. Defendants directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ship, distribute, offer for sale, and/or sell their products in the United States and this District. Defendants have purposefully and voluntarily placed one or more of their infringing products, as described below, into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this

District. Defendants knowingly and purposefully ship infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Through those activities, Defendants have committed the tort of patent infringement in this District. Plaintiff's cause of action for patent infringement arises directly from Defendants' activities in this District.

8. Venue is proper in this Court according to the venue provisions set forth by 28 U.S.C. §§ 1391(b)-(d) and 1400 (b). Defendants are subject to personal jurisdiction in this District, and therefore are deemed to reside in this District for purposes of venue. Defendants have committed acts within this judicial District giving rise to this action and do business in this District, including but not limited to making sales in this District, providing service and support to their respective customers in this District, and/or operating an interactive website, available to persons in this District that advertises, markets, and/or offers for sale infringing products.

BACKGROUND

A. The Patents-In-Suit

9. U.S. Patent No. 7,537,370 titled "Light Emitting Panel Assemblies" ("the '370 patent") was duly and legally issued by the U.S. Patent and Trademark Office on May 26, 2009, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '370 patent. The '370 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '370 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '370 patent is attached as **Exhibit A** and made a part hereof.

10. U.S. Patent No. 7,300,194 titled "Light Emitting Panel Assemblies" ("the '194 patent") was duly and legally issued by the U.S. Patent and Trademark Office on November 27,

2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '194 patent. The '194 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '194 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '194 patent is attached as **Exhibit B** and made a part hereof.

11. U.S. Patent No. 7,384,177 titled "Light Emitting Panel Assemblies" ("the '177 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 10, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '177 patent. The '177 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '177 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '177 patent is attached as **Exhibit C** and made a part hereof.

12. U.S. Patent No. 7,404,660 titled "Light Emitting Panel Assemblies" ("the '660 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 29, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '660 patent. The '660 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '660 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '660 patent is attached as **Exhibit D** and made a part hereof.

13. U.S. Patent No. 7,434,974 titled "Light Emitting Panel Assemblies" ("the '974 patent") was duly and legally issued by the U.S. Patent and Trademark Office on October 14, 2008, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '974 patent. The '974 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and

interest in the '974 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '974 patent is attached as **Exhibit E** and made a part hereof.

14. U.S. Patent No. 8,215,816 titled "Light Emitting Panel Assemblies" ("the '816 patent") was duly and legally issued by the U.S. Patent and Trademark Office on July 10, 2012, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '816 patent. The '816 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '816 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '816 patent is attached as **Exhibit F** and made a part hereof.

15. U.S. Patent No. 7,160,015 titled "Light Emitting Panel Assemblies" ("the '015 patent") was duly and legally issued by the U.S. Patent and Trademark Office on January 9, 2007, after full and fair examination. Jeffery R. Parker is the sole inventor listed on the '015 patent. The '015 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '015 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the '015 patent is attached as **Exhibit G** and made a part hereof.

16. U.S. Patent No. 6,079,838 titled "Light Emitting Panel Assemblies" ("the '838 patent") was duly and legally issued by the U.S. Patent and Trademark Office on June 27, 2000, after full and fair examination. Jeffery R. Parker, Mark D. Miller, and Daniel N. Kelsch are the named inventors listed on the '838 patent. The '838 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the '838 patent, including the right to collect and

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