

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

FUNDAMENTAL INNOVATION
SYSTEMS INTERNATIONAL LLC,

Plaintiff,

vs.

AUKEY TECHNOLOGY CO., LTD.,

Defendant.

Civil Action No. 2:20-cv-00116

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT
AND JURY DEMAND**

Plaintiff Fundamental Innovation Systems International LLC (“Plaintiff” or “Fundamental”), by and through its undersigned counsel, brings this action against Defendant Aukey Technology Co., Ltd. (“Defendant” or “Aukey”) to prevent Defendant’s continued infringement of Plaintiff’s patents without authorization and to recover damages resulting from such infringement.

PARTIES

1. Plaintiff is a Delaware limited liability company with a place of business located at 2990 Long Prairie Road, Suite B, Flower Mound, Texas 75022.

2. Plaintiff is the owner by assignment of all right, title, and interest in U.S. Patent Nos. 6,936,936 (the “’936 Patent”), 7,239,111 (the “’111 Patent”), 8,624,550 (the “’550 Patent”), and 8,330,422 (the “’422 Patent”) (collectively, the “Patents-in-Suit”).

3. On information and belief, Defendant Aukey Technology Co, Ltd. is a company organized and existing under the laws of China, with a principal place of business at Room 102, Building P09, Huanan City, Elec-trading Center, Longgang District, Shenzhen, China 518000.

4. On information and belief, Defendant directly and/or indirectly imports, develops, designs, manufactures, uses, distributes, markets, offers to sell and/or sells products and services in the United States, including in this district, and otherwise purposefully direct activities to the same.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the patent laws of the United States of America, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. § 271. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendant because it has solicited business in the State of Texas, transacted business within the State of Texas and attempted to derive financial benefit from residents of the State of Texas, including benefits directly related to the instant patent infringement cause of action set forth herein.

7. On information and belief, Defendant has made, used, sold, offered for sale, and/or imported products that are alleged herein to infringe one or more of the patents set forth herein, and/or have placed such devices into the stream of commerce, which devices have been made, offered for sale, sold, and/or used in the State of Texas and within this judicial district.

8. On information and belief, Defendant has availed itself of the privilege of conducting and soliciting business within this State, including engaging in at least some of the infringing activities in this State, as well as by others acting as Defendant's agents and/or representatives, such that it would be reasonable for this Court to exercise jurisdiction consistent with principles underlying the U.S. Constitution, and the exercise of jurisdiction by this Court would not offend traditional notions of fair play and substantial justice.

9. On information and belief, Defendant regularly transacts and does business within this district, including advertising, promoting and selling products over the internet, through intermediaries, representatives and/or agents located within this judicial district, that infringe Fundamental's patents, which products are then sold and/or shipped directly to citizens residing

within this State and in this judicial district. Upon further information and belief, Defendant has purposefully directed activities at citizens of this State including those located within this judicial district.

10. On information and belief, Defendant has substantial, systematic, and continuous contacts with this judicial district. On information and belief, Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and regularly conducts business in the State of Texas and in this judicial district. On information and belief, Defendant has sold and offered to sell infringing products in this State and judicial district and has committed acts of patent infringement and/or contributed to or induced acts of patent infringement by others in this judicial district and elsewhere in Texas. Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas.

11. Alternatively, the Court has personal jurisdiction over Defendant under Federal Rule of Civil Procedure 4(k)(2). This cause of action arises under federal law, Defendant is not subject to general jurisdiction in any one state, and the exercise of jurisdiction is consistent with the United States Constitution.

12. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 because Defendant is not a resident in the United States, and thus may be sued in any judicial district, including this one.

13. In December 2016, Plaintiff filed case no. 16-cv-01425 in this district against LG Electronics, Inc., LG Electronics U.S.A., Inc., LG Electronics MobileComm U.S.A. Inc., LG Electronics Mobile Research U.S.A. LLC, and LG Electronics Alabama, Inc., asserting infringement of, *inter alia*, the '111, '550, '586 and '766 Patents ("the LG Case").

14. In December 2016, Plaintiff filed case no. 16-cv-01424 in this district against Huawei Investment & Holding Co., Ltd., Huawei Technologies Co., Ltd., Huawei Device USA, Inc., and Futurewei Technologies, Inc., asserting infringement of, *inter alia*, the '111, '550, '586 and '766 Patents ("the Huawei Case").

15. In February 2016, Plaintiff filed case no. 17-cv-00145 in this district against

Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc., asserting infringement of, *inter alia*, the '111, '550, '586, '766 and '936 Patents (“the Samsung Case”).

16. On January 31, 2018, this court issued an order in the Samsung Case construing claim terms in the '111, '550, '586, '766 and '936 Patents.

17. On April 2, 2018, this court issued an order in the LG Case and Huawei Case construing claim terms in the '111, '550, '586, and '766 Patents.

18. In view of the LG Case, Huawei Case and Samsung Case, this Court has substantial knowledge regarding the asserted patents, and principles of judicial economy further support venue in this District.

FACTUAL ALLEGATIONS

The Patents-in-Suit

19. The Patents-in-Suit relate to, among other things, novel techniques for using Universal Serial Bus (“USB”) in connection with mobile devices to both facilitate data communication and allow for the charging of certain classes of devices. This technology represented a fundamental break from previous techniques for mobile device charging and has provided for faster charging times, longer battery life, improved user experiences and a dramatic increase in performance and features.

20. The Patents-in-Suit resulted from a large scale research and development program at Research In Motion Limited (“RIM”), later reorganized as BlackBerry Limited (“BlackBerry”). At the time of the inventions, RIM was a global leader and pioneer in the field of wireless mobile communications. The company was founded in 1984 and revolutionized the mobile industry when it launched the BlackBerry® 850 in 1999. Fundamental is responsible for protecting and licensing seminal BlackBerry innovations in the field of USB charging.

21. The value of the inventions claimed by the Patents-in-Suit has been widely recognized. Over thirty companies have taken licenses to the Patents-in-Suit, including many of Aukey’s competitors.

Aukey's Accused Products and Infringement

22. On information and belief, Aukey makes, uses, sells, offers for sale and/or imports infringing charging adapters for use with mobile devices ("Accused Products") in the United States, including but not limited to **Wall Charging Adapters** (e.g., "Aukey USB C Charger 30W Power Delivery 3.0 Fast Charger with Dynamic Detect, USB C Wall Charger Dual Port," "USB C Charger Aukey Fast Charger 65W PD 3.0 with Dynamic Detect [GaN Power Tech] PD Charger, USB C Wall Charger Dual Port," "Aukey USB Wall Charger, Ultra Compact Dual Port 2.4A Output & Foldable Plug," "Aukey USB Charger 4 Ports with Foldable Plug, USB Wall Charger," and "27-Watt USB-C model (PA-Y19)"), **Car Charging Adapters** (e.g., "Aukey USB Car Charger, Flush Fit Dual Port USB Car Charger with 24W/4.8A Output," "USB C Car Charger, Aukey 36W Fast Car Charger, 30W Power Delivery 18W Quick Charge 3.0 USB Cell Phone Car Adapter," "Car Charger, Aukey USB C PD Fast Car Charger with Power Delivery & Quick Charge 3.0," and "Fast Car Charger, Aukey 36W Dual Port Quick Charge 3.0 USB Cell Phone Car Adapter") and **Power Banks** (e.g., "Aukey USB C Power Bank, 20000mAh Portable Charger USB C, Slimline Type C Battery Pack with 3 Input & 4 Output (PB-Y14)," "Aukey PD Power Bank 10000mAh, USB C Power Bank Slimline with 18W PD & Quick Charge 3.0 (PB-Y13)," "Aukey Wireless Power Bank with 18W Power Delivery, Wireless Charger Portable 8000mAh (PB-Y25)," "Sprint Ultra 30000mAh Power Bank with 30W Power Delivery & Quick Charge 3.0(PB-Y7)," and "Sprint Ultra 30000mAh Power Bank with 30W Power Delivery & Quick Charge 3.0 (PB-Y23)), and other models that include similar functionality.

23. The Accused Products are USB charging adapters that are designed to provide power to a mobile device. The charging adapters include a Vbus line and a USB communication path. The charging adapters are configured to generate an identification signal, such as a voltage on a D+ line and on a D- line, that indicates to the mobile device that it is receiving power from a source that is not a USB host or hub. The charging adapters are able to supply current to a mobile device without regard to at least one associated condition specified in a USB

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