

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

MAXELL, LTD.,

Plaintiff,

v.

LG ELECTRONICS INC., and LG
ELECTRONICS U.S.A., INC.,

Defendants.

Case No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Maxell, Ltd. (“Maxell”), by and through its undersigned counsel, files this complaint under 35 U.S.C. § 271 against Defendants LG Electronics Inc. (“LGE”) and LG Electronics U.S.A., Inc. (“LGEUS”) (collectively, “LG” or “Defendants”), and allege as follows, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to all other matters.

OVERVIEW

1. This is an action for patent infringement by Maxell. Founded in 1961 as Maxell Electric Industrial Co., Ltd., Maxell is a leading global manufacturer of information storage media products, including magnetic tapes, optical discs, and battery products such as lithium ion rechargeable micro batteries and alkaline dry batteries. The company has over 50 years of experience producing industry-leading recordable media and energy products for both the consumer and the professional markets. Maxell is also a leading manufacturer of projectors and lenses and additionally sells various other devices, such as Bluetooth headsets, wireless charging solutions, etc.

2. Maxell has built an international reputation for excellence and reliability for pioneering the power supplies and digital recording for today's mobile and multi-media devices, and leading the electronics industry in the fields of storage media and batteries.

3. Since being one of the first companies to develop alkaline batteries and Blu-ray camcorder discs, Maxell has always assured its customers of industry-leading product innovation and is one of the world's foremost suppliers of memory, power, audio, and visual goods. Maxell's well-recognized logo and iconic "blown away" image exemplify the reputation Maxell carefully developed in these markets.



4. As more fully described below, in 2009 Hitachi, Ltd. assigned much of its intellectual property to Hitachi Consumer Electronics Co., Ltd., along with a significant portion of its Consumer Business Group, including manufacturing and research and development capabilities. Then, in 2013, Hitachi Consumer Electronics Co., Ltd. assigned the intellectual property, including many of the patents in this case, along with the related manufacturing and research and development capabilities, to Hitachi Maxell, Ltd., which later assigned the patents to Maxell as a result of a reorganization and name change. This was an effort to align its intellectual property with the licensing, business development, research and development, and manufacturing efforts of

Maxell, including in the mobile and mobile-media device market. Maxell continues to sell products in the mobile device market including wireless charging solutions, wireless flash drives, multimedia players, storage devices, and headphones. Maxell also maintains intellectual property related to televisions, computer products, tablets, digital cameras, and mobile phones. As a mobile technology developer and industry leader, and due to its historical and continuous investment in research and development, including in this District, Maxell owns a portfolio of patents related to such technologies and actively enforces its patents through licensing and/or litigation. Maxell is forced to bring this action against LG as a result of LG's knowing and ongoing infringement of Maxell's patents as further described herein.

5. Since at least July 19, 2021, LG has been aware of Maxell's patents, and has had numerous communications with Maxell regarding its infringement of these patents. These communications included Maxell providing to LG detailed information regarding Maxell's patents and allegations, the developed technology, and LG's ongoing use of this patented technology. Through this process, Maxell believed the parties could reach a mutually beneficial solution. LG elected, however, not to enter into an agreement and did not license Maxell's patents. Instead, LG continued, and continues today, to make, use, sell, and offer for sale Maxell's patented technology without license.

6. Since 2014, Maxell has had regular and continuous business in the Eastern District of Texas. As a result of such business dealings and hopes to expand those and other business dealings, a Maxell affiliate, Maxell Research and Development America, LLC ("MRDA"), was founded in Marshall, Texas. Maxell has and continues to regularly meet and work with MRDA to expand its business and investments are being made by Maxell, MRDA, and others in this District to further the goals of these companies.

NATURE OF THE ACTION

7. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 271, *et seq.*

THE PARTIES

8. Plaintiff Maxell, Ltd. is a Japanese corporation with a registered place of business at 1 Koizumi, Oyamazaki, Oyamazaki-cho, Otokuni-gun, Kyoto, Japan.

9. Defendant LG Electronics Inc. is a company under the laws of the Republic of Korea with its principal place of business at LG Twin Towers 20 Yoido-dong, Youngdungpo-gu, Seoul, South Korea.

10. Defendant LG Electronics U.S.A., Inc., is a Delaware corporation with a principal place of business at 111 Sylvan Avenue, North Building, Englewood Cliffs, New Jersey 07632. LGEUS is a wholly-owned subsidiary of LGE, and has regular and established places of business within this District at 2153-2155 Eagle Pkwy, Fort Worth, TX 76177 and 14901 Beach St, Fort Worth, TX 76177. LGEUS may be served with process through its Texas registered agent, United States Corporation Co., 211 East 7th Street, Suite 620, Austin, Texas 78701.

11. Upon information and belief, Defendants are part of the same corporate structure and distribution chain with respect to the design, manufacture, use, importation, offer to sell, and/or sale of LG-branded products.

JURISDICTION AND VENUE

12. This Court has subject matter jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because the action arises under the patent laws of the United States, 35 U.S.C. § 271, *et seq.*

13. This Court has personal jurisdiction over Defendants pursuant to due process and/or the Texas Long Arm Statute because, *inter alia*, (i) Defendants have done and continue to do

business in the United States, including in the State of Texas; (ii) Defendants have committed and continue to commit acts of patent infringement in the United States, including in the State of Texas, including making, using, offering to sell, and/or selling accused products in the United States and Texas, and/or importing accused products into the United States and Texas, including by Internet sales and sales via retail and wholesale stores, inducing others to commit acts of patent infringement in the United States and Texas, and/or committing a least a portion of any other infringements alleged herein. LGEUS has maintained regular and established places of business within this District at 2153-2155 Eagle Pkwy, Fort Worth, TX 76177 and 14901 Beach St, Fort Worth, TX 76177. The address at 14901 Beach St, Fort Worth, TX 76177 is a distribution center. Defendants design, manufacture, distribute, import, offer for sale, and/or sell in the State of Texas and the Eastern District of Texas smartphones, laptops, and tablets that infringe the patents asserted in this matter. Further, Defendants have consented to jurisdiction for patent infringement actions wherein substantially the same accused devices are at issue, for example in *Spacetime3D, Inc. v. LG Electronics Inc. et al.*, No 2:22-cv-00049-RWS.

14. In addition, or in the alternative, this Court has personal jurisdiction over the Defendants pursuant to Fed. R. Civ. P. 4(k)(2).

15. Venue is proper in this district as to Defendants. LGEUS has maintained regular and established places of business within this District at 2153-2155 Eagle Pkwy, Fort Worth, TX 76177 and 14901 Beach St, Fort Worth, TX 76177. LGE is organized under the laws of South Korea. 28 U.S.C. § 1391(c)(3) provides that “a defendant not resident in the United States may be sued in any judicial district, and the joinder of such a defendant shall be disregarded in determining where the action may be brought with respect to other defendants.”

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