

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

PARKERVISION, INC.,

Plaintiff,

v.

TCL INDUSTRIES HOLDINGS CO.,
LTD., TCL ELECTRONICS HOLDINGS
LTD., SHENZHEN TCL NEW
TECHNOLOGY CO., LTD., TCL KING
ELECTRICAL APPLIANCES
(HUIZHOU) CO., LTD., TCL MOKA
INT'L LTD., and TCL MOKA
MANUFACTURING S.A. DE C.V.,

Defendants.

Case No. 6:20-cv-00945-ADA

JURY TRIAL DEMANDED

**PLAINTIFF'S MOTION FOR LEAVE TO
EFFECT ALTERNATIVE SERVICE ON DEFENDANTS**

Plaintiff ParkerVision, Inc. ("Plaintiff") files this Motion and respectfully seeks leave to serve the summons and complaint on Defendants TCL Industries Holdings Co., Ltd., TCL Electronics Holdings Ltd. (f/k/a TCL Multimedia Technology Holdings Ltd.), Shenzhen TCL New Technology Co., Ltd., TCL King Electrical Appliances (Huizhou) Co., Ltd., TCL Moka Int'l Ltd., and TCL Moka Manufacturing S.A. De C.V. ("Defendants") through their U.S. Counsel and/or on their U.S. subsidiary as follows:

I. Background.

Plaintiff is a Florida corporation with its principal place of business at 9446 Philips Highway, Jacksonville, Florida 32256. D.I. 1 at 2. Defendant TCL Industries

Holdings Co., Ltd. (“TCL Industries”) is a Chinese corporation with a principal place of business located at 22/F, TCL Technology Bldg., 17 Huifeng 3rd Rd., Huizhou, Guangdong, 516006 P.R. China. *Id.* at 3. Defendant TCL Electronics Holdings Ltd. (f/k/a TCL Multimedia Technology Holdings Ltd.) (“TCL Electronics”) is a limited liability company incorporated in the Cayman Islands with a registered address at P.O. Box 309, Ugland House, Grand Cayman, KY1-1104, Cayman Islands. TCL Electronics has a principal place of business at 7/F, Building 22E, 22 Science Park East Avenue, Hong Kong Science Park, Sha Tin, New Territories, Hong Kong. *Id.* at 4.

Defendant Shenzhen TCL New Technology Co., Ltd. (“TCL New Technology”) is a foreign corporation duly organized under the laws of the People’s Republic of China with a principal place of business located at 9/F, Building D4, TCL International E City, No. 1001, Zhongshan Park Road, Nanshan District, Shenzhen, Guangdong, 518067 P.R. China. *Id.* at 5. Defendant TCL King Electrical Appliances (Huizhou) Co., Ltd. (“TCL King”) is a foreign corporation duly organized under the laws of the People’s Republic of China with a principal place of business located at No. 78 Zhongkai Development Zone, Huizhou, 516006 P.R. China. *Id.* at 6. Defendant TCL Moka Int’l Ltd. (“TCL Moka”) is a foreign corporation duly organized under the laws of Hong Kong with a principal place of business located at 7/F, Building 22E, 22 Science Park East Avenue, Hong Kong Science Park, Sha Tin, New Territories, Hong Kong. *Id.* at 7. Defendant TCL Moka Manufacturing, S.A. de C.V. (“TCL Moka Manufacturing”) is a Mexican corporation with a principal place of business located at Camino Vecinal 2472, colonia, Canon del Padre, Tijuana Baja California. *Id.* at 8.

TCL Industries is a holding company and the ultimate corporate parent of Defendants TCL Electronics, TCL New Technology, TCL King, TCL Moka, and TCL Moka Manufacturing. *Id.* at 9. TCL Electronics is a parent of TCL's television business group, comprising subsidiaries that manufacture, market, offer for sale, and sell television products, including the accused infringing products, in the United States, the State of Texas, and this judicial district. *Id.* at 10. TCL New Technology is a "principal subsidiary" of TCL Electronics with "principal activities" of "[m]anufacture and sale of TV products." *See* Ex. 1 to Complaint (D.I. 1-1) at p. 135. TCL King is a "principal subsidiary" of TCL Electronics with "principal activities" of "[m]anufacture and sale of TV products and trading of components." *See id.* at p. 136. TCL Moka Manufacturing is a "principal subsidiary" of TCL Electronics with "principal activities" of "manufacture and sale of TV products." *See id.* at p. 137. TCL Moka is a "principal subsidiary" of TCL Electronics and, on information and belief, is similarly involved in the manufacture, sale, and trading of TCL television products and components. *Id.*

On October 12, 2020, Plaintiff filed a complaint in this Court alleging claims for patent infringement against Defendants. *Id.* Plaintiff respectfully requests leave to effect service upon Defendants through the alternative means of emailing U.S. counsel for Defendants: Mr. John P. Schnurer, JSchnurer@perkinscoie.com; Mr. Kevin Patariu, KPatariu@perkscoie.com; and Ms. Yun (Louise) Lu, LLu@perkinscoie.com. Mr. Schnurer, Mr. Patariu, and Ms. Lu represent Defendants in the United States. *See* Exhibit A, Answer executed on September 17, 2020 in 2:20-cv-01406 CJC-MRW, Central District of California. Plaintiff also respectfully requests, as an additional method, or in

the alternative, leave to effect service upon Defendants through TCL's U.S. subsidiary TCL North America, 1860 Compton Ave., Irvine, CA 92881.

II. Evidence.

Plaintiff attaches as Exhibit A an Answer executed on September 17, 2020, by Mr. Schnurer, Mr. Patariu, and Ms. Lu, attorneys with Perkins Coie LLP, in *Koninklijke Philips N.V. and Philips North America LLC v. TTE Technology Inc., TCL Industries Holdings Co., Ltd., TCL Electronics Holdings Ltd., TCL King Electrical Appliances (Huizhou) Co. Ltd., TCL Moka Int'l Ltd., Shenzhen TCL New Technology Co., Ltd., TCL Smart Device (Vietnam) Co., Ltd., and TCL Moka Manufacturing, S.A., DE C.V.*, Case No. 2:20-cv-01406 CJC-MRW (WD. TX.).

Exhibit B contains website pages showing TCL's U.S. subsidiary and its location in California. See Exh. B (<https://www.tcl.com/us/en/terms-privacy>).

III. Legal Standard.

Rule 4(h) of the Federal Rules of Civil Procedure governs service of process on corporations, partnerships, or associations. Fed. R. Civ. P. 4(h). Pursuant to Rule 4(h)(2), serving a domestic or foreign corporation, or a partnership or other unincorporated incorporation "at a place not within any judicial district of the United States" must be done "in any manner prescribed by Rule 4(f) for serving an individual, except personal delivery under (f)(2)(C)(i)." Fed. R. Civ. P. 4(h)(2). Rule 4(f)(3) provides that the Court may authorize service on a foreign individual "by other means not prohibited by international agreement." Fed. R. Civ. P. 4(f)(3). "Thus, so long as the method of service is not prohibited by international agreement the Court has considerable discretion to

authorize an alternative means of service.” *Order Granting Plaintiff’s Motion for Leave to Effect Alternative Service on Defendant Taiwan Semiconductor Manufacturing Company Limited at 1, STC.UNM v. Taiwan Semiconductor Mfg. Co. Ltd.*, No. 6:19-cv-00261-ADA (W.D. Tex. May 29, 2019), ECF No. 13 (citing *Rio Properties Inc. v. Rio Int’l Interlink*, 284 F.3d 1007, 1014 (9th Cir. 2002)). A plaintiff does not have to attempt to effect service under Rule 4(f)(1) or Rule 4(f)(2) before requesting authorization of an alternative method of service under Rule 4(f)(3). *Id.* at 2 (citing *Rio Properties, Inc.*, 284 F.3d at 1015 (“[E]xamining the language and structure of Rule 4(f) and the accompanying advisory committee notes, we are left with the inevitable conclusion that service of process under Rule 4(f)(3) is neither a ‘last resort’ nor ‘extraordinary relief.’ It is merely one means among several which enables service of process on an international defendant.”)). In the end, the Court may authorize any alternative method of service that is “reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford an opportunity to present their objections.” *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). Additionally, district courts have routinely allowed alternative service upon foreign corporations to be accomplished by serving a United States subsidiary or affiliate of a foreign entity.¹

¹ See, e.g., *Nuance Commc’ns, Inc. v. Abbyy Software House*, 626 F.3d 1222, 1239 (Fed. Cir. 2010) (collecting cases allowing service of foreign entities through domestic subsidiaries and counsel); *Lisson v. Stream SICAV v. Wang*, 989 F. Supp. 2d 264, 280 (S.D.N.Y. 2013) (service of Chinese corporate executive allowed via corporation’s registered agent in U.S.); *In re GLG Life Tech Corp. Sec. Litig.*, 287 F.R.D. 262, 266 (S.D.N.Y. 2012) (authorizing service on CEO living in China via service to his company’s registered domestic agent and counsel); *In re LDK Solar Secs. Litig.*, No. C07-05182 WHA, 2008 WL 2415186, at *4

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.