

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

CYWEE GROUP LTD.,

Plaintiff,

v.

HTC CORPORATION; and HTC AMERICA,  
INC.,

Defendants.

Civil Action No. 17-cv-932

COMPLAINT FOR PATENT  
INFRINGEMENT

JURY DEMAND

Plaintiff CyWee Group Ltd. (“Plaintiff” or “CyWee”), by and through its undersigned counsel, files this Complaint against Defendants HTC Corporation and HTC America, Inc. as follows:

**THE PARTIES**

1. CyWee is a corporation existing under the laws of the British Virgin Islands with a principal place of business at 3F, No. 28, Lane 128, Jing Ye 1st Road, Taipei, Taiwan 10462.

2. CyWee is a world-leading technology company that focuses on building products and providing services for consumers and businesses. CyWee has one of the most significant patent portfolios in the industry, and is a market leader in its core development areas of motion processing, wireless high definition video delivery, and facial tracking technology.

LOWE GRAHAM JONES PLLC



1 availing themselves of this court's authority and filing suit in this district. *See HTC Corp. and HTC*  
2 *Am., Inc. v. Telefonaktiebolaget LM Ericsson and Ericsson Inc.*, No. 2:17-cv-00534 (W.D. Wash.  
3 Apr. 6, 2017). Plaintiff's causes of action arise directly from Defendants' business contacts and  
4 other activities in the State of Washington and the Western District of Washington. Additionally,  
5 HTC America is incorporated in Washington. Accordingly, this Court has personal jurisdiction  
6 over HTC America in that it resides in this District.

7  
8 8. Upon information and belief, each Defendant has committed acts of infringement  
9 in this District giving rise to this action and does business in this District, including making sales  
10 and/or providing service and support for their respective customers in this District. Defendants  
11 purposefully and voluntarily sold one or more of their infringing products with the expectation that  
12 they would be purchased by consumers in this District. These infringing products have been and  
13 continue to be purchased by consumers in this District. Defendants have committed acts of patent  
14 infringement within the United States, the State of Washington, and the Western District of  
15 Washington.

16 9. Venue is proper as to HTC America under 28 U.S.C. § 1400(b) in that HTC  
17 America is incorporated in Washington and, therefore, resides in this District. *TC Heartland LLC*  
18 *v. Kraft Food Grps. Brands LLC*, 581 U.S. \_\_\_, 2017 WL 2216934, at \*8 (2017).

19 10. Venue is proper as to HTC Corp. under 28 U.S.C. § 1391(c)(3) in that it is not a  
20 resident of the United States and may, therefore, be sued in any judicial district. *Brunette Mach.*  
21 *Works, Ltd. v. Kockum Indus., Inc.*, 406 U.S. 706, 714 (1972).

22 11. Upon information and belief, HTC America is an agent of HTC Corp. and is held  
23 out to the public as such. *See, e.g.*, <http://www.htc.com/us/terms/copyright/> (last visited June 9,  
24 2017) (naming HTC America as HTC Corp.'s "Copyright Agent");  
25 <https://www.theverge.com/2013/9/13/4728670/layoffs-hit-htc-america-as-the-company->  
26

1 [struggles-to-turn-itself-around](#) (last visited June 9, 2017) (describing layoff at HTC’s America  
2 division with statement from HTC Corp. regarding its decision as to the layoff).

3 12. Further, upon information and belief, HTC America operates under the “HTC”  
4 trademark; offers, sells, services, and/or distributes only HTC products; and coordinates its policies  
5 and operations with those of HTC Corp. to benefit and primarily serve the interests of HTC Corp.  
6 Upon information and belief, for consumers of the products accused in this Complaint, there is no  
7 substantive difference between HTC America and HTC Corp.

8 13. Accordingly, venue is further proper as to HTC Corp. under 28 U.S.C. § 1400(b)  
9 in that, upon information and belief, HTC Corp. has a regular and established place of business in  
10 this District—namely, the place of business of its subsidiary/agent, HTC America—and has  
11 committed acts of infringement herein.

### 12 **BACKGROUND**

13 14. The Industrial Technology Research Institute (“ITRI”) is a Taiwanese government-  
14 and industry-funded research and development center. In 2007, CyWee, which was started at ITRI,  
15 was formed. Its goal was to provide innovative motion-sensing technologies, such as those claimed  
16 in the patents-in-suit. Dr. Shun-Nan Liu and Chin-Lung Li, two of the inventors of the patents-in-  
17 suit, came to CyWee from ITRI. The third inventor, Zhou “Joe” Ye joined CyWee from private  
18 industry as its President and served as CEO from 2006 to 2016.

19 15. The inventors, Zhou Ye, Chin-Lung Li, and Shun-Nan Liou, conceived of the  
20 claims of the patents-in-suit—U.S. Patent No. 8,441,438 (the “’438 Patent”) and U.S. Patent  
21 No. 8,552,978 (the “’978 Patent”)—at CyWee Group Ltd., located at 3F, No. 28, Lane 128, Jing  
22 Ye Road, Taipei.

23 16. Several claims of the patents-in-suit are entitled to a priority date of at least  
24 January 6, 2010 based on U.S. Provisional Application Serial No. 61/292,558, filed January 6,  
25 2010 (“Provisional Application”).  
26

1           17. Before May 22, 2009, CyWee began working on the “JIL Game Phone Project” or  
2 “JIL Phone.” Before July 29, 2009, CyWee developed a solution for the JIL Phone that practiced  
3 several claims of the ’438 Patent. Those claims were diligently and constructively reduced to  
4 practice thereafter through the filing of the Provisional Application and were diligently and  
5 actually reduced to practice as discussed below. Accordingly, CyWee is entitled to a priority date  
6 of at least July 29, 2009 for several claims of the ’438 Patent.

7           18. The JIL Phone was reduced to practice by at least September 25, 2009. The JIL  
8 Phone practiced several claims of both patents-in-suit. Accordingly, CyWee is entitled to a priority  
9 date of at least September 25, 2009 for several claims of the patents-in-suit.

10                           **PATENT INFRINGEMENT OF U.S. PATENT NO. 8,441,438**

11           19. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-18 as  
12 though fully set forth herein.

13           20. The ’438 Patent, titled “3D Pointing Device and Method for Compensating  
14 Movement Thereof,” was duly and legally issued by the United States Patent and Trademark  
15 Office on May 14, 2013 to CyWee Group Limited, as assignee of named inventors Zhou Ye, Chin-  
16 Lung Li, and Shun-Nan Liou.

17           21. CyWee is the owner of all right, title, and interest in and to the ’438 Patent with full  
18 right to bring suit to enforce the patent, including the right to recover for past infringement  
19 damages.

20           22. The ’438 Patent claims, *inter alia*, a machine capable of detecting, measuring, and  
21 calculating the movements and rotations of the machine—utilizing, *inter alia*, a six-axis motion  
22 sensor module, a data transmitting unit, and a computing processor in one or more claimed  
23 configurations—and methods for measuring and calculating the movements and rotations of a  
24 device within a spatial reference frame.

# 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.