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DECLARATION EXHIBIT A

[FILED UNDER SEAL]

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CYWEE GROUP LTD.,

Plaintiffs,

v.

HTC CORPORATION, and HTC AMERICA,
INC.,

Defendants.

HTC CORPORATION, and HTC AMERICA,
INC.,

Third-Party Plaintiffs,

v.

STMicroelectronics N.V., STMicroelectronics
Asia Pacific Pte. Ltd., and CyWee Motion Group
Ltd.

Third-Party Defendants.

CASE NO.: 2:17-cv-00932-JLR

[FILED UNDER SEAL]

**FIRST AMENDED THIRD-PARTY
COMPLAINT OF HTC
CORPORATION AND HTC
AMERICA, INC. FOR**

- (1) INDEMNITY;**
- (2) BREACH OF WARRANTY;**
- (3) CONTRIBUTION; AND**
- (4) VIOLATION OF UNFAIR
BUSINESS PRACTICES-
CONSUMER PROTECTION ACT**

JURY TRIAL DEMANDED

HTC Corporation and HTC America, Inc. (together, “HTC” or “Third-Party Plaintiffs”),
by and through their undersigned counsel, bring this Third-Party Complaint against
STMicroelectronics N.V. and STMicroelectronics Asia Pacific Pte. Ltd. (together, “STM”), and
CyWee Motion Group Ltd. (“CyWee Motion”) (collectively, “Third-Party Defendants”) pursuant to Rule 14(a) of the Federal Rules of Civil Procedure and allege as follows:

PARTIES

1
2 1. On information and belief, Plaintiff CyWee Group Ltd. (“CyWee” or “Plaintiff”) is a
3 corporation organized and existing under the laws of the British Virgin Islands, with its principal
4 place of business at 3F, No. 28, Lane 128, Jing Ye 1st Road, Taipei, Taiwan 10462.

5 2. Defendant and Third-Party Plaintiff HTC Corporation is a corporation organized and
6 existing under the laws of Taiwan, with its principal place of business located at No. 88, Section
7 3, Zhongxing Road, Xindian District, New Taipei City 231, Taiwan 231.

8 3. Defendant and Third-Party Plaintiff HTC America, Inc., is a Washington corporation,
9 with its principal place of business located at 308 Occidental Avenue South, Floor 3, Seattle,
10 Washington, 98104.

11 4. On information and belief, Third-Party Defendant STMicroelectronics N.V. is a
12 corporation organized and existing under the laws of the Netherlands, with its principal place of
13 business located at WTC Schiphol Airport, Schiphol Boulevard 265, 1118 BH Schiphol, The
14 Netherlands, where it can be served with process.

15 5. On information and belief, Third-Party Defendant STMicroelectronics N.V. is a
16 major semi-conductor company that does business, directly or through its subsidiary or
17 intermediaries, in the State of Washington and in this District and elsewhere in the United States,
18 including, without limitation, using, promoting, offering to sell, importing, and/or selling
19 integrated circuit devices and enabling end-user purchasers to use such devices in this District.
20 ST Microelectronics N.V.’s shares are traded, among other places, on the New York Stock
21 Exchange.

22 6. On information and belief, Third-Party Defendant STMicroelectronics Asia Pacific
23 Pte. Ltd. is a corporation organized and existing under the law of Singapore, with its principal
24 place of business located at 5A Serangoon North Avenue 5, 554574 Singapore. On information
25 and belief, STMicroelectronics Asia Pacific Pte. Ltd., is a wholly-owned subsidiary of
26 STMicroelectronics N.V.

27

1 7. On information and belief, Third-Party Defendant CyWee Motion is a corporation
2 organized and existing under the laws of Taiwan, with its principal place of business located at
3 114-45 Wenhui Street, Neihu District, Taipei City 11445, 5th Floor, 12-2, Taiwan, where it can
4 be served with process.

5 8. On information and belief, CyWee Motion is affiliated with CyWee. On information
6 and belief, CyWee Motion and CyWee have common and overlapping shareholders.

7 **JURISDICTION AND VENUE**

8 9. This Court has subject matter jurisdiction over this impleader action pursuant to Rule
9 14 of the Federal Rules of Civil Procedure. This Court further has supplemental subject matter
10 jurisdiction over this impleader action under 28 U.S.C. § 1367(a) because this action is so related
11 to the claims brought by Plaintiff that it forms part of the same case and controversy.

12 10. This Court further has subject matter jurisdiction over this dispute pursuant to 28
13 U.S.C. § 1332 because this is an action between citizens of different states and because the value
14 of declaratory and injunctive relief sought, the value of HTC's rights that this action will protect
15 and enforce, and the extent of the injury to be prevented exceed the amount of \$75,000,
16 exclusive of interest and costs.

17 11. On information and belief, STMicroelectronics N.V. is the parent company of
18 STMicroelectronics, Inc. and STMicroelectronics Asia Pacific Pte. Ltd., and thus does business,
19 directly or through its subsidiary or intermediaries, in the State of Washington, in this District,
20 and elsewhere in the United States, including, without limitation, using, promoting, offering to
21 sell, importing, and/or selling integrated circuit devices and enabling end-user purchasers to use
22 such devices in this District.

23 12. Third-Party Defendants are also subject to specific personal jurisdiction in the State
24 of Washington. Third-Party Defendants designed, implemented, manufactured, sold and
25 provided products and technology to be incorporated into products sold by HTC Corporation and
26 HTC America, Inc. Third-Party Defendants knew that these products were sold in the United
27 States, including in this District and the State of Washington.

1 13. On information and belief, in a 2015 press release issued in San Jose, California, and
2 Taipei, Taiwan, CyWee Motion identified HTC as one of its “[c]ustomers that have licensed our
3 Sensor Fusion Hub solution”.¹

4 14. Because Third-Party Defendants engaged in conduct purposefully directed to the
5 State of Washington, they are subject to the jurisdiction of this Court.

6 15. Venue for this Third-Party Complaint is proper under 28 U.S.C. §§ 1391(b)-(c)
7 and/or 28 U.S.C. § 1400(b) in that the acts underlying this Third-Party Complaint were
8 performed in full or in part in this District and because Third-Party Defendants are subject to
9 personal jurisdiction in this District.

10 **FACTUAL BACKGROUND**

11 16. Founded in 1997, HTC pioneered the smartphone market, credited with many
12 industry firsts and technology breakthroughs over the past twenty years—a history defined by
13 innovation, design and engineering excellence, and the building of strategic partnerships to
14 facilitate the development of an industry ecosystem. HTC invested heavily in research and
15 development, which accounts for about a third of HTC’s employees.

16 17. In its First Amended Complaint, CyWee alleges that HTC infringes United States
17 Patent No. 8,441,438 (“the ’438 Patent”) and United States Patent No. 8,552,978 (“the ’978
18 Patent”) (together, “Patents-in-Suit”) by making, using, selling, offering to sell, and/or importing
19 into the United States products that embody or practice the apparatus and/or method covered by
20 one or more of the claims of the Patents-in-Suit, including the HTC One M9, HTC One A9, HTC
21 10, HTC Bolt, and HTC U Ultra (collectively, “Accused Products”).

22 18. HTC does not infringe any valid and enforceable claim of the ’438 Patent or the ’978
23 Patent.

24
25
26 ¹ CyweeMotion’s Sensor Fusion Hub Software Now Available on Cadence Tensilica Fusion DSP, PR
27 Newswire (Dec. 15, 2015), <https://www.prnewswire.com/news-releases/cyweemotions-sensor-fusion-hub-software-now-available-on-cadence-tensilica-fusion-dsp-300192855.html> (last visited January 11, 2018) (emphasis added).

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