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18
19 UNITED STATES DISTRICT COURT
20 CENTRAL DISTRICT OF CALIFORNIA

21
22 Nichia Corporation,
23 Plaintiff,
24 v.
25 VIZIO, Inc.,
26 Defendant.

Case No. 8:16-CV-00545

**COMPLAINT FOR
PATENT INFRINGEMENT
DEMAND FOR JURY TRIAL**

1 Plaintiff Nichia Corporation (“Nichia”) brings this action for patent
2 infringement against Defendant VIZIO, Inc. (“VIZIO”), and alleges as follows:

3 **Jurisdiction**

4 1. This action arises under the patent laws of the United States, 35 U.S.C.
5 § 1 et seq. This Court has subject matter jurisdiction over this action for patent
6 infringement under 28 U.S.C. §§ 1331 and 1338(a).

7 **The Parties**

8 2. Nichia is a corporation organized and existing under the laws of Japan,
9 and has a principal place of business at 491 Oka, Kaminaka-Cho, Anan-Shi,
10 Tokushima, Japan 774-8601.

11 3. Upon information and belief, VIZIO is a corporation organized and
12 existing under the laws of the State of California, and has an office at 39 Tesla,
13 Irvine, California 92618. Upon information and belief, VIZIO may be served with
14 process by serving its registered agent, Registered Agent Solutions, Inc., 1220
15 S Street, Suite 50, Sacramento, California 95811.

16 **Venue**

17 4. This Court has personal jurisdiction over VIZIO because, on
18 information and belief, VIZIO’s principal place of business is located in this
19 judicial district and VIZIO has committed acts within this judicial district giving
20 rise to this action.

21 5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and
22 1400(b).

23 **Count I — Infringement of U.S. Patent No. 7,901,959**

24 6. Nichia re-alleges and incorporates the allegations of all prior
25 paragraphs of this Complaint as if set forth in their entirety herein.

26 7. Nichia is the assignee and owner of all rights, title, and interest in and
27 to U.S. Patent No. 7,901,959 (“the ’959 patent”), entitled “Liquid Crystal Display
28 and Back Light Having a Light Emitting Diode,” which was duly and legally issued

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1 by the United States Patent and Trademark Office on March 8, 2011. A true and
2 correct copy of the '959 patent is attached hereto as Exhibit A and is incorporated
3 herein by reference.

4 8. Upon information and belief, VIZIO has infringed and has continued
5 to infringe at least claims 1 and 9 of the '959 patent under 35 U.S.C. § 271(a), (b),
6 and/or (c). The infringing activities include, but are not limited to, the manufacture,
7 use, sale, importation, and/or offer for sale, without authority, of televisions that fall
8 within the scope of the claims of the '959 patent, including, but not limited to,
9 VIZIO's D-Series 28" Class Full-Array LED Television (D28hn-D1) and VIZIO's
10 E-Series 60" Class Full Array LED Smart Television (E60-C3).

11 9. Upon information and belief, VIZIO's D-Series 28" Class Full-Array
12 LED Television (D28hn-D1) and VIZIO's E-Series 60" Class Full Array LED
13 Smart Television (E60-C3) incorporate light emitting diodes ("LEDs") in a liquid
14 crystal display in a manner that satisfies the limitations of at least claims 1 and 9 of
15 the '959 patent.

16 10. Nichia has no adequate remedy at law for VIZIO's acts of
17 infringement.

18 11. As a direct and proximate result of VIZIO's acts of infringement,
19 Nichia has suffered and continues to suffer damages and irreparable harm. Unless
20 VIZIO's acts of infringement are enjoined by this Court, Nichia will continue to be
21 damaged and irreparably harmed.

22 **Count II — Infringement of U.S. Patent No. 7,915,631**

23 12. Nichia re-alleges and incorporates the allegations of all prior
24 paragraphs of this Complaint as if set forth in their entirety herein.

25 13. Nichia is the assignee and owner of all rights, title, and interest in and
26 to U.S. Patent No. 7,915,631 ("the '631 patent"), entitled "Light Emitting Device
27 and Display," which was duly and legally issued by the United States Patent and
28

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1 Trademark Office on March 29, 2011. A true and correct copy of the '631 patent is
2 attached hereto as Exhibit B and is incorporated herein by reference.

3 14. Upon information and belief, VIZIO has infringed and has continued
4 to infringe at least claims 1 and 4 of the '631 patent under 35 U.S.C. § 271(a), (b),
5 and/or (c). The infringing activities include, but are not limited to, the manufacture,
6 use, sale, importation, and/or offer for sale, without authority, of televisions that fall
7 within the scope of the claims of the '631 patent, including, but not limited to,
8 VIZIO's D-Series 28" Class Full-Array LED Television (D28hn-D1) and VIZIO's
9 E-Series 60" Class Full Array LED Smart Television (E60-C3).

10 15. Upon information and belief, VIZIO's D-Series 28" Class Full-Array
11 LED Television (D28hn-D1) and VIZIO's E-Series 60" Class Full Array LED
12 Smart Television (E60-C3) incorporate LEDs that satisfy limitations of at least
13 claims 1 and 4 of the '631 patent.

14 16. Nichia has no adequate remedy at law for VIZIO's acts of
15 infringement.

16 17. As a direct and proximate result of VIZIO's acts of infringement,
17 Nichia has suffered and continues to suffer damages and irreparable harm. Unless
18 VIZIO's acts of infringement are enjoined by this Court, Nichia will continue to be
19 damaged and irreparably harmed.

20 **Count III — Infringement of U.S. Patent No. 8,309,375**

21 18. Nichia re-alleges and incorporates the allegations of all prior
22 paragraphs of this Complaint as if set forth in their entirety herein.

23 19. Nichia is the assignee and owner of all rights, title, and interest in and
24 to U.S. Patent No. 8,309,375 ("the '375 patent"), entitled "Light Emitting Device
25 and Display," which was duly and legally issued by the United States Patent and
26 Trademark Office on November 13, 2012. A true and correct copy of the '375
27 patent is attached hereto as Exhibit C and is incorporated herein by reference.
28

1 20. Upon information and belief, VIZIO has infringed and has continued
2 to infringe at least claim 4 of the '375 patent under 35 U.S.C. § 271(g). The
3 infringing activities include, but are not limited to, the use, sale, importation, and/or
4 offer for sale, without authority, of televisions, which include products made by a
5 process that falls within the scope of the claims of the '375 patent, including, but
6 not limited to, VIZIO's D-Series 28" Class Full-Array LED Television (D28hn-D1)
7 and VIZIO's E-Series 60" Class Full Array LED Smart Television (E60-C3).

8 21. Upon information and belief, VIZIO's D-Series 28" Class Full-Array
9 LED Television (D28hn-D1) and VIZIO's E-Series 60" Class Full Array LED
10 Smart Television (E60-C3) incorporate LEDs that are manufactured according to
11 the method recited in at least claim 4 of the '375 patent.

12 22. Nichia has no adequate remedy at law for VIZIO's acts of
13 infringement on account of VIZIO's importation, use, sale, and/or offers to sell the
14 above-referenced televisions.

15 23. As a direct and proximate result of VIZIO's acts of infringement,
16 Nichia has suffered and continues to suffer damages and irreparable harm. Unless
17 VIZIO's acts of infringement are enjoined by this Court, Nichia will continue to be
18 damaged and irreparably harmed.

19 **Count IV — Infringement of U.S. Patent No. 7,855,092**

20 24. Nichia re-alleges and incorporates the allegations of all prior
21 paragraphs of this Complaint as if set forth in their entirety herein.

22 25. Nichia is the assignee and owner of all rights, title, and interest in and
23 to U.S. Patent No. 7,855,092 ("the '092 patent"), entitled "Device or Emitting
24 White-Color Light," which was duly and legally issued by the United States Patent
25 and Trademark Office on December 21, 2010. A true and correct copy of the '092
26 patent is attached hereto as Exhibit D and is incorporated herein by reference.

27 26. Upon information and belief, VIZIO has infringed and has continued
28 to infringe at least claim 1 of the '092 patent under 35 U.S.C. § 271(a), (b), and/or

1 (c). The infringing activities include, but are not limited to, the use, sale,
2 importation, and/or offer for sale, without authority, of televisions that fall within
3 the scope of the claims of the '092 patent, including, but not limited to, VIZIO's D-
4 Series 28" Class Full-Array LED Television (D28hn-D1) and VIZIO's E-Series 60"
5 Class Full Array LED Smart Television (E60-C3).

6 27. Upon information and belief, VIZIO's D-Series 28" Class Full-Array
7 LED Television (D28hn-D1) and VIZIO's E-Series 60" Class Full Array LED
8 Smart Television (E60-C3) incorporate LEDs, control units, and drivers in a manner
9 that infringes at least claim 1 of the '092 patent.

10 28. Nichia has no adequate remedy at law for VIZIO's acts of
11 infringement.

12 29. As a direct and proximate result of VIZIO's acts of infringement,
13 Nichia has suffered and continues to suffer damages and irreparable harm. Unless
14 VIZIO's acts of infringement are enjoined by this Court, Nichia will continue to be
15 damaged and irreparably harmed.

16 **Prayer for Relief**

17 WHEREFORE, Nichia prays that the Court:

- 18 a. Enter judgment that VIZIO has infringed one or more claims of the '959,
19 '631, '375, and '092 patents;
- 20 b. Award Nichia damages to compensate it for VIZIO's infringement of the
21 '959, '631, '375, and '092 patents, together with pre- and post-judgment
22 interest;
- 23 c. Award Nichia increased damages pursuant to 35 U.S.C. § 284, together with
24 pre- and post-judgment interest and costs;
- 25 d. Enjoin VIZIO and its officers, agents, servants, employees, and
26 representatives, and all others in active concert or participation with them,
27 from further infringing the '959, '631, '375, and '092 patents;
- 28

- e. Declare this case to be an exceptional case and award Nichia its attorneys' fees pursuant to 35 U.S.C. § 285;
- f. Award Nichia attorneys' fees, costs, and expenses incurred by Nichia in bringing this action, together with pre- and post-judgment interest; and
- g. Award such other and further relief as the Court deems just and proper.

Demand for Jury Trial

Pursuant to Federal Rules of Civil Procedure 38 and 39, Nichia demands a trial by jury on all issues so triable.

Dated: March 23, 2016

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By: /s/ Deborah S. Mallgrave
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