

THE PARTIES

3. Plaintiff Nichia Corporation is a corporation organized and existing under the laws of Japan, with its principal place of business at 491 Oka, Kaminaka-Cho, Anan-Shi, Tokushima 774-8601, Japan.

4. Defendant TCL is a Cayman Islands corporation with its principal place of business at 13/F, TCL Tower, 8 Tai Chung Road, Tsuen Wan, New Territories, Hong Kong. TCL and its subsidiaries, including TTE, are part of one of the largest television manufacturing and distribution groups in the world. TCL televisions, including the Accused LED Televisions, are sold throughout the United States and in this judicial district.

5. Defendant TTE is a Delaware corporation with its place of business at 2455 Anselmo Drive, Corona, California 92879. TTE is a wholly-owned subsidiary of TCL. TTE sells television products, including the Accused LED Televisions, throughout the United States and in this judicial district.

6. The TCL Group engages in research, development, manufacture, and distribution of consumer electronic products, including the Accused LED Televisions. The TCL Group has sold over one million televisions in the United States, and has experienced explosive growth in the United States market. TCL Group products, including the Accused LED Televisions, are sold through major retailers throughout the United States, including Costco, Walmart, Sam's Club, and Amazon.com. The TCL Group participates in trade shows in the United States, including a March 2015 trade show in Texas.

7. The TCL Group maintains a North American Business Center headquartered in Corona, California. From its Corona, California facility, the TCL Group provides sales, marketing, technical/regulatory, supply-chain, and aftersales support to retailers and consumers.

8. The TCL Group has offered, and continues to offer, LED televisions for sale through their website www.tclusa.com (directing purchasers to specific retailers, including retailers in this district). The televisions that the TCL Group offers through its website include, for example, the TCL 43FP110 LED TV, the TCL 40FD2700 LED TV, the TCL 28D2700 LED TV, the TCL 48FD2700 LED TV, the 50FS3800 LED TV, the 28S3750 LED TV, and the 55FS3700 LED TV. The Accused LED Televisions also can be purchased in this district online, for example, through Amazon.com and Walmart.com.

JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10. TTE and TCL are subject to personal jurisdiction in this judicial district because TTE and TCL are present within, have minimum contacts with, and regularly conduct business in the State of Texas and the Eastern District of Texas.

11. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

12. Among other things, the TCL Group has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; has solicited business in, transacted business within, and has attempted to derive financial benefit from residents of the State of Texas and this judicial district. Nichia's cause of action arises directly from the TCL Group's business contacts and other activities in the State of Texas and in this judicial district.

13. In addition, the TCL Group, directly and/or through its agents and intermediaries, have placed the Accused LED Televisions into the stream of commerce throughout the United

States through established distribution channels, with the expectation and/or knowledge that they will be offered for sale, sold, and/or used in the State of Texas and in this judicial district.

THE PATENT-IN-SUIT

14. U.S. Patent No. 9,490,411, entitled “Light Emitting Device, Resin Package, Resin-Molded Body, and Methods for Manufacturing Light-Emitting Device, Resin Package and Resin-Molded Body,” was duly and lawfully issued by the U.S. Patent and Trademark Office on November 8, 2016. A true and correct copy of the ’411 Patent is attached as Exhibit A. The ’411 Patent is a continuation of Application No. 13/969,182, filed on August 16, 2013, which is a continuation of Application No. 12/737,940, filed as Application No. PCT/JP2009/004170 on August 27, 2009, now Patent No. 8,530,250 (the “’250 Patent”).

15. The ’411 Patent lists Hirofumi Ichikawa, Masaki Hayashi, Shimpei Sasaoka, and Tomohide Miki as inventors.

16. Nichia is the owner of the ’411 Patent by valid assignment from the inventors. Nichia owns all rights, title, and interest in the ’411 Patent, including the right to sue for and recover all past, present, and future damages for infringement of the ’411 Patent.

17. The Abstract of the ’411 Patent provides as follows:

A method of manufacturing a light emitting device having a resin package which provides an optical reflectivity equal to or more than 70% at a wavelength between 350 nm and 800 nm after thermal curing, and in which a resin part and a lead are formed in a substantially same plane in an outer side surface, includes a step of sandwiching a lead frame provided with a notch part, by means of an upper mold and a lower mold, a step of transfer-molding a thermosetting resin containing a light reflecting material in a mold sandwiched by the upper mold and the lower mold to form a resin-molded body in the lead frame and a step of cutting the resin-molded body and the lead frame along the notch part.

THE TCL GROUP'S INFRINGING CONDUCT

18. The TCL Group imports into the United States, and manufactures, sells, and/or offers for sale in the United States, TCL LED televisions that incorporate LED devices that infringe at least claim 1 of the '411 Patent, which reads:

1. A light emitting device comprising:

a resin package comprising a resin part and a metal part including at least two metal plates, said resin package having four outer lateral surfaces and having a concave portion having a bottom surface; and

a light emitting element mounted on the bottom surface of the concave portion and electrically connected to the metal part,

wherein at least a portion of an outer lateral surface of the resin part and at least a portion of an outer lateral surface of the metal part are coplanar at an outer lateral surface of the resin package,

wherein both a part of the metal part and a part of the resin part are disposed in a region below an upper surface of the metal part, on four outer lateral surfaces of the resin package, and

wherein a notch is formed in the metal part at each of the four outer lateral surfaces of the resin package.

19. The LED devices in the Accused LED Televisions are light emitting devices that include a resin package comprising a resin part and a metal part including at least two metal plates. In addition, in the LED devices found in the Accused LED Televisions, the resin package has four outer lateral surfaces, a concave portion having a bottom surface, and a light emitting element mounted on the bottom surface of the concave portion and electrically connected to the metal part. In these LED devices, at least a portion of an outer lateral surface of the resin part and at least a portion of an outer lateral surface of the metal part are coplanar at an outer lateral surface of the resin package. Moreover, both a part of the metal part and a part of the resin part are disposed in a region below an upper surface of the metal part, on four outer lateral surfaces of

the resin package. In addition, in these LED devices, a notch is formed in the metal part at each of the four outer lateral surfaces of the resin package. Further, the LED devices in the Accused LED Televisions also include the additional elements of at least one of claims 2, 4-8, 10, 12, 13, and 15-20 of the '411 patent.

20. The TCL Group, directly and/or through intermediaries and agents, imports into the United States, and manufactures, uses, sells, and/or offers for sale in the United States, including in this judicial district, televisions, such as the Accused LED Televisions, that incorporate the infringing LED devices.

COUNT I
(Infringement of U.S. Patent No. 9,490,411)
(35 U.S.C. § 271(a))

21. Nichia repeats and re-alleges each and every allegation of paragraphs 1-20 as if fully set forth herein.

22. The '411 Patent is valid and enforceable.

23. By their importation into the United States, and manufacture, use, sale and/or offer for sale in the United States, of televisions that incorporate infringing LED devices, including but not limited to, for example, the TCL 43FP110 LED TV, the TCL 40FD2700 LED TV, the TCL 28D2700 LED TV, the TCL 48FD2700 LED TV, the 50FS3800 LED TV, the 28S3750 LED TV, and the 55FS3700 LED TV, and other Accused LED Televisions, TTE and TCL have been and are now infringing, literally or under the doctrine of equivalents, at least one of claims 1, 2, 4-8, 10, 12, 13, and 15-20 of the '411 Patent, in the State of Texas, in this judicial district, and elsewhere, in violation of 35 U.S.C. § 271(a).

24. TTE and TCL's actions are without the consent of Nichia.

25. Nichia has been and will continue to be damaged by TTE and TCL's infringement of the '411 Patent.

26. Nichia and has been and will continue to be irreparably harmed unless TTE and TCL's infringement of the '411 Patent is enjoined.

JURY DEMAND

27. Nichia hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Nichia Corporation prays that the Court enter judgment against Defendants TTE and TCL and in favor of Nichia, as follows:

A. Finding that the '411 Patent was duly and lawfully issued, and is valid and enforceable.

B. Finding that TTE and TCL have infringed one or more of the claims of the '411 Patent;

C. Awarding damages to Nichia in accordance with 35 U.S.C. § 284 and 35 U.S.C. § 154(d), including pre-judgment and post-judgment interest, to compensate Nichia for TTE and TCL's infringement of the '411 Patent;

D. Ordering preliminary and permanent injunctive relief restraining and enjoining TTE and TCL and their officers, agents, attorneys, employees, and those acting in privity or active concert with TTE and TCL, from infringement of the '411 Patent for the full term thereof;

E. Finding that this case is exceptional pursuant to 35 U.S.C. § 285;

F. Awarding Nichia its costs and attorneys' fees; and

G. Awarding Nichia such other and further relief as this Court deems just and proper.

DATED: December 27, 2016

Respectfully submitted,

By: /s/ Otis Carroll

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*Applications for admission *pro hac vice* to be filed in due course.