

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

<p>2BCOM, LLC,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>TCL TECHNOLOGY GROUP CORP.; TCL COMMUNICATION TECHNOLOGY HOLDINGS, LTD.; TCT MOBILE WORLDWIDE, LTD.; TCT MOBILE INTERNATIONAL, LTD.; TCL ELECTRONICS HOLDINGS LTD.; and TCL COMMUNICATION LTD.,</p> <p style="text-align: center;">Defendants.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 22-6903</p> <p>COMPLAINT FOR PATENT INFRINGEMENT</p> <p>DEMAND FOR JURY TRIAL</p>
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**PLAINTIFF 2BCOM, LLC'S
COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL**

Plaintiff 2BCom, LLC (“Plaintiff” or “2BCom”) files this Complaint against Defendants TCL Technology Group Corp.; TCL Communication Technology Holdings, Ltd.; TCT Mobile Worldwide, Ltd.; TCT Mobile International, Ltd.; TCL Electronics Holdings Ltd.; and TCL Communication Ltd., (collectively, “TCL” or “Defendants”) for patent infringement and by and through its undersigned attorneys, hereby prays to this honorable Court for relief and remedy based on the following:

NATURE OF THE CASE

1. This is an action for patent infringement arising under the patent laws of the United States, 2BCom holds the rights in U.S. Patent Nos. 6,885,643 (“the ‘643 patent”), 6,928,166 (“the ‘166 patent”), 6,982,970 (“the ‘970 patent”), 7,251,237 (“the ‘237 patent”), 7,876,736 (“the ‘736 patent”), 6,831,444 (“the ‘444 patent”), and 7,460,477 (“the ‘477 patent”) (collectively, the

“Asserted Patents”). The United States patent laws grant the holder of a patent the right to exclude infringers from making, using, selling or importing the invention claimed in a patent, and to recover damages for the infringer’s violations of these rights, and to recover treble damages where the infringer willingly infringed the patent. Under 35 U.S.C. § 282(a), the ‘643 patent, the ‘166 patent, the ‘970 patent, the ‘237 patent, the ‘736 patent, the ‘444 patent and the ‘477 patent are entitled to a presumption of validity. 2BCom is suing Defendants for infringing its patents and doing so willfully. 2BCom seeks to recover damages from Defendants, including treble damages for willful infringement, as well as injunctive relief.

2. 2BCom sells and offers for sale the LED Wi-Fi RGB Color Light Bulb and the LED Wi-Fi RGB Color Strip Lights (collectively, “2BCom’s Products”). 2BCom’s Products are offered for sale on Amazon.com. 2BCom’s Products each practice at least the ‘643 and ‘166 patents. 2BCom identifies many of its patents, including patents that read upon the 2BCom Products, on its website, at www.2bcomllc.com/patents. 2BCom’s Products themselves also provide a link to the webpage identifying 2BCom’s patents as well as the patents covered by 2BCom’s Products. 2BCom is in compliance with any applicable marking and/or notice provisions of 35 U.S.C. § 287 with respect to the Patents-in-Suit.

THE PARTIES

3. 2BCom, LLC is a company, organized and existing under the laws of Delaware, having a place of business at 1603 Orrington Ave, Suite 600, Evanston, Illinois 60201.

4. Upon information and belief, Defendant TCL Technology Group Corp. (“TCL Technology Group”), formerly known as TCL Corporation, is a corporation organized under the laws of China with its principal place of business at TCL Technology Building, No. 17, the Huifeng Third Road, Zhongkai Avenue, Huizhou City, Guangdong, P.R. China 516006. On

information and belief, TCL Technology Group does business itself, or through its subsidiaries, affiliates, and agents, in the State of New York and the Eastern District of New York.

5. Defendant TCL Communication Technology Holdings, Ltd. (“TCL Communication Technology”) is a corporation organized under the laws of the Cayman Islands with its principal place of business at 5/F, Building 22E, 22 Science Park East Avenue, Hong Kong Science Park, Shatin, New Territories, Hong Kong. On information and belief, TCL Communication Technology does business itself, or through its subsidiaries, affiliates, and agents, in the State of New York and in the Eastern District of New York.

6. Defendant TCT Mobile Worldwide, Ltd. (“TCT Mobile Worldwide”) is a corporation organized under the laws of Hong Kong with its principal place of business at 5/F, Building 22E, 22 Science Park East Avenue, Hong Kong Science Park, Shatin, New Territories, Hong Kong. TCT Mobile Worldwide operates as part of TCL. On information and belief, TCT Mobile Worldwide does business itself, or through its subsidiaries, affiliates, and agents, in the State of New York and in the Eastern District of New York.

7. Defendant TCT Mobile International, Ltd. (“TCT Mobile International”) is a corporation organized and existing under the laws of Hong Kong with its principal place of business at 5/F, Building 22E, 22 Science Park East Avenue, Hong Kong Science Park, Shatin, New Territories, Hong Kong. TCT Mobile International operates as part of TCL. On information and belief, TCT Mobile International does business itself, or through its subsidiaries, affiliates, and agents, in the State of New York and in the Eastern District of New York.

8. Defendant TCL Electronics Holdings Ltd. (“TCL Electronics”) is a foreign entity incorporated in the Cayman Islands with limited liability with its principal place of business at 7/F, TCL Building, 22 Science Park East Avenue, 22E Hong Kong Science Park, Hong Kong. On

information and belief, TCL Electronics does business itself, or through its subsidiaries, affiliates, and agents, in the State of New York and the Eastern District of New York.

9. Defendant TCL Communication Ltd. (“TCL Communication”) is, on information and belief, a corporation organized and existing under the laws of Hong Kong, with its principal place of business located at 5/F, TCL Building, 22 Science Park East Avenue, 22E Hong Kong Science Park, Hong Kong. On information and belief, TCL Communication does business itself, or through its subsidiaries, affiliates, and agents, in the State of New York and the Eastern District of New York.

10. TCL Technology Group Corp. is the head of an interrelated group of companies which together comprise one of the leading makers and sellers of smartphones and related devices. The Defendants (and their subsidiaries and affiliates) are part of the same corporate structure and distribution chain for the making, importing, offering to sell, selling, and using of the accused devices in the United States, including in the State of New York generally and this District in particular. On information and belief, the Defendants (and their subsidiaries and affiliates) share the same management, common ownership, advertising platforms, facilities, distribution chains and platforms, and accused product lines and products involving related technologies. Thus, the Defendants (and their affiliates and subsidiaries) operate as a unitary business and are jointly and severally liable for the acts of patent infringement alleged herein.

11. TCL induces its subsidiaries, affiliates, retail partners, and customers in the making, using, selling, offering for sale, and/or importing throughout the United States, including within this District, infringing products, and placing such devices into the stream of commerce via established distribution channels knowing or understanding that such products would be sold and used in the United States, including in the Eastern District of New York. Defendants, between and

amongst themselves, purposefully direct the Accused Products into established distribution channels within this District and the U.S. nationally.

12. On information and belief, the Defendants maintain a corporate presence in the United States via at least their U.S.-based sales subsidiaries and affiliates, including TTE Technology, Inc. (“TTE Technology”) and TCT Mobile (US) Inc. (“TCT Mobile U.S.”). TTE Technology is a Delaware Corporation with a principal place of business at 1860 Compton Avenue, Corona, California 92881. TTE Technology provides sales, distribution, research, and development support in North America as part of the TCL Group at the direction and control of and for its parents, including TCL Technology Group Corp. TTE Technology is an agent of Defendants. TCT Mobile U.S. is a Delaware corporation with a principal place of business at 25 Edelman, Suite 200, Irvine, California 92618. TCT Mobile U.S. provides sales, distribution, research, and development support in North America as part of the TCL Group at the direction and control of and for its parents, including TCL Technology Group Corp. TCT Mobile U.S. is an agent of Defendants. At the direction and control of Defendants, U.S.-based sales subsidiaries including, TTE Technology and TCT Mobile U.S., import infringing mobile devices into the United States and this District.

13. On information and belief, TCL and its U.S.-based sales subsidiaries (which act as part of a global network of overseas sales and manufacturing subsidiaries on behalf of TCL) have operated as agents of one another and vicariously as parts of the same business group to work in concert together. For example, the TCL Defendants, alone and through at least the activities of their U.S.-based sales subsidiaries (including TTE Technology and TCT Mobile U.S.), conduct business in the United States, including importing, distributing, and selling infringing products, in New York and this District. The Defendants, alone and through their U.S.-based subsidiaries, place

such infringing products into the stream of commerce via established distribution channels knowing or understanding that such products would be sold and used in the United States, including in the Eastern District of New York.

14. On information and belief, the Defendants do business themselves, or through their subsidiaries, affiliates, and agents, in the State of New York and the Eastern District of New York. TCL has placed or contributed to placing infringing products, into the stream of commerce via established distribution channels knowing or understanding that such products would be sold and used in the United States, including in the Eastern District of New York.

15. On information and belief, TCL has derived substantial revenue from infringing acts in the Eastern District of New York, including from the sale and use of infringing products.

16. On information and belief, TCL manufactures, distributes, imports, offers for sale, and/or sells in the State of New York and the Eastern District of New York mobile devices that infringe the Patents asserted in this matter.

17. Upon information and belief, Defendants manufacture, import, and/or sell a variety of infringing products listed in Exhibit 15 (“Accused Products”).

JURISDICTION

18. This is an action for patent infringement arising under the patent laws of the United States of America, more specifically under 35 U.S.C. § 100, *et seq.*, including 35 U.S.C. §271. Subject matter jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 and 1338.

19. The Court has personal jurisdiction over Defendants because Defendants, among other things, conduct business in, and avail themselves of the laws of the State of New York. Upon information and belief, Defendants operate, conduct, engage in, and/or carry on a business or business venture in the State of New York. In addition, upon information and belief, Defendants

through their own acts and/or through the acts of their affiliated companies (acting as its agents or alter egos) make, use, offer to sell, sell (directly or through intermediaries), import, license and/or supply, in this District and elsewhere in the United States, products, through regular distribution channels, knowing such products would be used, offered for sale and/or sold in this District. Plaintiff's cause of action arises directly from Defendants' business contacts and other activities in the State of New York and in this District.

VENUE

20. Venue properly lies within this judicial district and division, pursuant to 28 U.S.C. §§ 1391(c)(3) because Defendants are foreign corporations that are not residents of the United States and are subject to personal jurisdiction in this District, and thus are subject to venue in any judicial district including this District. *See In re HTC Corp.*, 889 F.3d 1349, 1354 (Fed. Cir. 2018).

INFRINGEMENT OF U.S. PATENT NO. 6,885,643

21. 2BCom incorporates by reference the allegations set forth in the preceding paragraphs.

22. On April 26, 2005, the '643 patent, entitled "Method And Device For Facilitating Efficient Data Transfer Via A Wireless Communication Network," was duly and lawfully issued based upon an application filed by the inventors, Keiichi Teramoto, Yoshiaki Takabatake, Junko Ami and Kensaku Fujimoto. A true and correct copy of the '643 Patent is attached hereto as Exhibit 1.

23. 2BCom is the assignee and the owner of all right, title and interest in and to the '643 patent and has the right to sue and recover damages for infringement thereof.

24. Upon information and belief, Defendants have been and continue to be engaged in making, using, importing, selling and/or offering for sale infringing products, including, but not

limited to, the Accused Products in the United States generally, and in the Eastern District of New York specifically. The Accused Products are available for retail purchase from various online retailers including www.verizon.com, www.amazon.com, www.walmart.com, www.bestbuy.com and others.

25. Upon information and belief, by acts including, but not limited to use, making, importation, offers to sell, sales and marketing of products that fall within the scope of at least claim 21 of the '643 patent, Defendants have directly infringed literally and/or upon information and belief, equivalently, and are continuing to infringe the '643 patent and are thus liable to 2BCom pursuant to 35 U.S.C. § 271.

26. As a non-limiting example of Defendants' infringement of the '643 patent, set forth in Exhibit 2, is a preliminary claim chart showing Defendants' infringement of exemplary claim 21 of the '643 patent by a TCL Smart TV.

27. Defendants have indirectly infringed and continue to infringe at least claim 21 of the '643 patent by inducement under 35 U.S.C. § 271(b). Defendants have induced and continue to induce users and retailers of the Accused Products to directly infringe at least claim 21 of the '643 patent.

28. Upon information and belief, Defendant knowingly induced customers to use its Accused Products, including, for example, by promoting such products online (e.g., <https://www.tcl.com>) and/or providing customers with support, instructions and/or manuals for using the Accused Products through websites such as www.tcl.com.

29. Defendants have been on notice of the '643 patent and Defendants' respective infringement of the '643 patent, since, at least, January 13, 2021, via letter to Jonathan King, Vice President of Corporate and Legal Affairs, notifying the Defendants of infringement of the patent.

The letter was followed up with a claim chart showing infringement of the '643 patent sent on September 21, 2022 to Jonathan King. Additional allegations of Defendants' pre-suit knowledge of the '643 patent and willful infringement will likely have evidentiary support after a reasonable opportunity for discovery.

30. Upon information and belief, since at least the above-mentioned date when Defendants were on notice of their infringement, Defendants have actively induced, under 35 U.S.C. § 271(b), consumers and end users that purchase its infringing products to directly infringe one or more claims of the '643 patent by testing and/or operating the Accused Products in accordance with Defendants' instructions contained in, for example, its user manuals. Since at least the notice provided on the above-mentioned date, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '643 patent. Upon information and belief, Defendants intend to cause, and have taken affirmative steps to induce, infringement by the distributors, importers, and/or consumers by, inter alia, creating advertisements that promote the infringing use of the Accused Products, creating established distribution channels for the Accused Products into and within the United States, selling the Accused Products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for the Accused Products, to purchasers and prospective buyers, and/or providing technical support, software and firmware updates, or services for the Accused Products to these purchasers in the United States.

31. Upon information and belief, Defendants also contribute to infringement of the '643 patent by selling for importation into the United States, importing into the United States, and/or selling within the United States after importation the Accused Products and the non-staple constituent parts of those Accused Products, which are not suitable for substantial non-infringing

use and which embody a material part of the invention described in the '643 patent. These products are known by Defendants to be especially made or especially adapted for use in the infringement of the '643 patent. Defendants also contribute to the infringement of the '643 patent by selling for importation into the United States, importing into the United States, and/or selling within the United States after importation components of the Accused Products, which are not suitable for substantial non-infringing use and which embody a material part of the invention described in the '643 patent. The products are known by Defendants to be especially made or especially adapted for use in the infringement of the '643 patent. Specifically, upon information and belief, Defendants sell products with knowledge that the devices are used for infringement, to resellers, retailers, and end users. End users of those products directly infringe the '643 patent.

32. Defendants' infringement of the '643 patent is without consent of, authority of, or license from 2BCom.

33. Upon information and belief, Defendants' infringement of the '643 patent is willful. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. § 285 entitling 2BCom to its attorneys' fees and expenses.

34. As a result of Defendants' acts of infringement, 2BCom has suffered and will continue to suffer damages in an amount to be proven at trial.

35. Defendants' infringement of the '643 patent has caused irreparable harm (including the loss of market share) to 2BCom, and will continue to do so unless enjoined by this Court.

INFRINGEMENT OF U.S. PATENT NO. 6,928,166

36. 2BCom incorporates by reference the allegations set forth in the preceding paragraphs.

37. On August 9, 2005 the ‘166 patent, entitled “Radio Communication Device And User Authentication Method For Use Therewith,” was duly and lawfully issued based upon an application filed by the inventor Junichi Yoshizawa. A true and correct copy of the ‘166 Patent is attached hereto as Exhibit 3.

38. 2BCom is the assignee and the owner of all right, title and interest in and to the ‘166 patent and has the right to sue and recover damages for infringement thereof.

39. Upon information and belief, Defendants have been and continue to be engaged in making, using, importing, selling and/or offering for sale infringing products, including, but not limited to, the Accused Products in the United States generally, and in the Eastern District of New York specifically. The Accused Products are available for retail purchase from various online retailers including www.verizon.com, www.amazon.com, www.walmart.com, www.bestbuy.com and others.

40. Upon information and belief, by acts including, but not limited to use, making, importation, offers to sell, sales and marketing of products that fall within the scope of at least claim 13 of the ‘166 patent, Defendants have directly infringed literally and/or upon information and belief, equivalently, and are continuing to infringe the ‘166 patent and are thus liable to 2BCom pursuant to 35 U.S.C. § 271.

41. As a non-limiting example of Defendants’ infringement of the ‘166 patent, set forth in Exhibit 4, is a preliminary claim chart showing Defendants’ infringement of exemplary claim 13 of the ‘166 patent by a TCL Smart TV.

42. Defendants have indirectly infringed and continue to infringe at least claim 13 of the ‘166 patent by inducement under 35 U.S.C. § 271(b). Defendants have induced and continue

to induce users and retailers of the Accused Products to directly infringe at least claim 13 of the '166 patent.

43. Upon information and belief, Defendants knowingly induced customers to use its Accused Products, including, for example, by promoting such products online (e.g., <https://www.tcl.com>) and/or providing customers with support, instructions and/or manuals for using the Accused Products through websites such as www.tcl.com.

44. Defendants have been on notice of the '166 patent and Defendants' respective infringement of the '166 patent, since, at least, January 13, 2021, via letter to Jonathan King, Vice President of Corporate and Legal Affairs, notifying the Defendants of infringement of the patent. The letter was followed up with a claim chart showing infringement of the '166 patent sent on September 21, 2022 to Jonathan King. Additional allegations of Defendants' pre-suit knowledge of the '166 patent and willful infringement will likely have evidentiary support after a reasonable opportunity for discovery.

45. Upon information and belief, since at least the above-mentioned date when Defendants were on notice of their infringement, Defendant have actively induced, under 35 U.S.C. § 271(b), consumers and end users that purchase its infringing products to directly infringe one or more claims of the '166 patent by testing and/or operating the Accused Products in accordance with Defendants' instructions contained in, for example, its user manuals. Since at least the notice provided on the above-mentioned date, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '166 patent. Upon information and belief, Defendants intend to cause, and have taken affirmative steps to induce, infringement by the distributors, importers, and/or consumers by, inter alia, creating advertisements that promote the infringing use of the Accused Products, creating established

distribution channels for the Accused Products into and within the United States, selling the Accused Products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for the Accused Products, to purchasers and prospective buyers, and/or providing technical support, software and firmware updates, or services for the Accused Products to these purchasers in the United States.

46. Upon information and belief, Defendants also contribute to infringement of the '166 patent by selling for importation into the United States, importing into the United States, and/or selling within the United States after importation the Accused Products and the non-staple constituent parts of those Accused Products, which are not suitable for substantial non-infringing use and which embody a material part of the invention described in the '166 patent. These products are known by Defendants to be especially made or especially adapted for use in the infringement of the '166 patent. Defendants also contribute to the infringement of the '166 patent by selling for importation into the United States, importing into the United States, and/or selling within the United States after importation components of the Accused Products, which are not suitable for substantial non-infringing use and which embody a material part of the invention described in the '166 patent. The products are known by Defendants to be especially made or especially adapted for use in the infringement of the '166 patent. Specifically, upon information and belief, Defendants sell products with knowledge that the devices are used for infringement, to resellers, retailers, and end users. End users of those products directly infringe the '166 patent

47. Defendants' infringement of the '166 patent is without consent of, authority of, or license from 2BCom.

48. Upon information and belief, Defendants' infringement of the '166 patent is willful. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. § 285 entitling 2BCom to its attorneys' fees and expenses.

49. As a result of Defendants' acts of infringement, 2BCom has suffered and will continue to suffer damages in an amount to be proven at trial.

50. Defendants' infringement of the '166 patent has caused irreparable harm (including the loss of market share) to 2BCom, and will continue to do so unless enjoined by this Court.

INFRINGEMENT OF U.S. PATENT NO. 6,982,970

51. 2BCom incorporates by reference the allegations set forth in the preceding paragraphs.

52. On January 3, 2006 the '970 patent, entitled "Data Transfer Method And Radio Terminal For Executing Transport Layer Protocol On Radio Network," was duly and lawfully issued based upon an application filed by the inventors Yoshiaki Takabatake, Ichiro Tomodo and Yuzo Tamada. A true and correct copy of the '970 Patent is attached hereto as Exhibit 5.

53. 2BCom is the assignee and the owner of all right, title and interest in and to the '970 patent and has the right to sue and recover damages for infringement thereof.

54. Upon information and belief, Defendants have been and continue to be engaged in making, using, importing, selling and/or offering for sale infringing products, including, but not limited to, the Accused Products in the United States generally, and in the Eastern District of New York specifically. The Accused Products are available for retail purchase from various online retailers including www.verizon.com, www.amazon.com, www.walmart.com, www.bestbuy.com and others.

55. Upon information and belief, by acts including, but not limited to use, making, importation, offers to sell, sales and marketing of products that fall within the scope of at least claim 1 of the '970 patent, Defendants have directly infringed literally and/or upon information and belief, equivalently, and are continuing to infringe the '970 patent and are thus liable to 2BCom pursuant to 35 U.S.C. § 271.

56. As a non-limiting example of Defendants' infringement of the '970 patent, set forth in Exhibit 6, is a preliminary claim chart showing Defendants' infringement of exemplary claim 1 of the '970 patent by a TCL Smartphone.

57. Defendants have indirectly infringed and continue to infringe at least claim 1 of the '970 patent by inducement under 35 U.S.C. § 271(b). Defendants have induced and continue to induce users and retailers of the Accused Products to directly infringe at least claim 1 of the '970 patent.

58. Upon information and belief, Defendants knowingly induced customers to use its Accused Products, including, for example, by promoting such products online (e.g., www.tcl.com) and/or providing customers with support, instructions and/or manuals for using the Accused Products through websites such as www.tcl.com.

59. Defendants have been on notice of the '970 patent and Defendants' respective infringement of the '970 patent, since, at least, January 13, 2021, via letter to Jonathan King, Vice President of Corporate and Legal Affairs, notifying the Defendants of infringement of the patent. The letter was followed up with a claim chart showing infringement of the '970 patent sent on September 21, 2022 to Jonathan King. Additional allegations of Defendants' pre-suit knowledge of the '970 patent and willful infringement will likely have evidentiary support after a reasonable opportunity for discovery.

60. Upon information and belief, since at least the above-mentioned date when Defendants were on notice of their infringement, Defendants have actively induced, under 35 U.S.C. § 271(b), consumers and end users that purchase its infringing products to directly infringe one or more claims of the '970 patent by testing and/or operating the Accused Products in accordance with Defendants' instructions contained in, for example, their user manuals. Since at least the notice provided on the above-mentioned date, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '970 patent. Upon information and belief, Defendants intend to cause, and have taken affirmative steps to induce, infringement by the distributors, importers, and/or consumers by, inter alia, creating advertisements that promote the infringing use of the Accused Products, creating established distribution channels for the Accused Products into and within the United States, selling the Accused Products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for the Accused Products, to purchasers and prospective buyers, and/or providing technical support, software and firmware updates, or services for the Accused Products to these purchasers in the United States.

61. Upon information and belief, Defendants also contribute to infringement of the '970 patent by selling for importation into the United States, importing into the United States, and/or selling within the United States after importation the Accused Products and the non-staple constituent parts of those Accused Products, which are not suitable for substantial non-infringing use and which embody a material part of the invention described in the '970 patent. These products are known by Defendants to be especially made or especially adapted for use in the infringement of the '970 patent. Defendants also contribute to the infringement of the '970 patent by selling for importation into the United States, importing into the United States, and/or selling within the

United States after importation components of the Accused Products, which are not suitable for substantial non-infringing use and which embody a material part of the invention described in the '970 patent. The products are known by Defendants to be especially made or especially adapted for use in the infringement of the '970 patent. Specifically, upon information and belief, Defendants sell products with knowledge that the devices are used for infringement, to resellers, retailers, and end users. End users of those products directly infringe the '970 patent

62. Defendants' infringement of the '970 patent is without consent of, authority of, or license from 2BCom.

63. Upon information and belief, Defendants' infringement of the '970 patent is willful. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. § 285 entitling 2BCom to its attorneys' fees and expenses.

64. As a result of Defendants' acts of infringement, 2BCom has suffered and will continue to suffer damages in an amount to be proven at trial.

65. Defendants' infringement of the '970 patent has caused irreparable harm (including the loss of market share) to 2BCom, and will continue to do so unless enjoined by this Court.

INFRINGEMENT OF U.S. PATENT NO. 7,251,237

66. 2BCom incorporates by reference the allegations set forth in the preceding paragraphs.

67. On July 31, 2007 the '237 patent, entitled "Communication System With Mobile Terminal Accessible To Mobile Communication Network And Local Network Simultaneously," was duly and lawfully issued based upon an application filed by the inventor Atsushi Inoue. A true and correct copy of the '237 Patent is attached hereto as Exhibit 7.

68. 2BCom is the assignee and the owner of all right, title and interest in and to the '237 patent and has the right to sue and recover damages for infringement thereof.

69. Upon information and belief, Defendants have been and continue to be engaged in making, using, importing, selling and/or offering for sale infringing products, including, but not limited to, the Accused Products in the United States generally, and in the Eastern District of New York specifically. The Accused Products are available for retail purchase from various online retailers including www.verizon.com, www.amazon.com, www.walmart.com, www.bestbuy.com and others.

70. Upon information and belief, by acts including, but not limited to use, making, importation, offers to sell, sales and marketing of products that fall within the scope of at least claim 1 of the '237 patent, Defendants have directly infringed literally and/or upon information and belief, equivalently, and are continuing to infringe the '237 patent and are thus liable to 2BCom pursuant to 35 U.S.C. § 271.

71. As a non-limiting example of Defendants' infringement of the '237 patent, set forth in Exhibit 8, is a preliminary claim chart showing Defendants' infringement of exemplary claim 1 of the '237 patent by a TCL Smartphone.

72. Defendants have indirectly infringed and continue to infringe at least claim 1 of the '237 patent by inducement under 35 U.S.C. § 271(b). Defendants have induced and continue to induce users and retailers of the Accused Products to directly infringe at least claim 1 of the '237 patent.

73. Upon information and belief, Defendants knowingly induced customers to use their Accused Products, including, for example, by promoting such products online (e.g.,

www.tcl.com) and/or providing customers with support, instructions and/or manuals for using the Accused Products through websites such as www.tcl.com.

74. Defendants have been on notice of the '237 patent and Defendants' respective infringement of the '237 patent, since, at least, January 13, 2021, via letter to Jonathan King, Vice President of Corporate and Legal Affairs, notifying the Defendants of infringement of the patent. The letter was followed up with a claim chart showing infringement of the '237 patent sent on September 21, 2022 to Jonathan King. Additional allegations of Defendants' pre-suit knowledge of the '237 patent and willful infringement will likely have evidentiary support after a reasonable opportunity for discovery.

75. Upon information and belief, since at least the above-mentioned date when Defendants were on notice of their infringement, Defendants have actively induced, under 35 U.S.C. § 271(b), consumers and end users that purchase their infringing products to directly infringe one or more claims of the '237 patent by testing and/or operating the Accused Products in accordance with Defendants' instructions contained in, for example, their user manuals. Since at least the notice provided on the above-mentioned date, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '237 patent. Upon information and belief, Defendants intend to cause, and have taken affirmative steps to induce, infringement by the distributors, importers, and/or consumers by, inter alia, creating advertisements that promote the infringing use of the Accused Products, creating established distribution channels for the Accused Products into and within the United States, selling the Accused Products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for the Accused Products, to purchasers and prospective buyers, and/or

providing technical support, software and firmware updates, or services for the Accused Products to these purchasers in the United States.

76. Upon information and belief, Defendants also contribute to infringement of the ‘237 patent by selling for importation into the United States, importing into the United States, and/or selling within the United States after importation the Accused Products and the non-staple constituent parts of those Accused Products, which are not suitable for substantial non-infringing use and which embody a material part of the invention described in the ‘237 patent. These products are known by Defendants to be especially made or especially adapted for use in the infringement of the ‘237 patent. Defendants also contribute to the infringement of the ‘237 patent by selling for importation into the United States, importing into the United States, and/or selling within the United States after importation components of the Accused Products, which are not suitable for substantial non-infringing use and which embody a material part of the invention described in the ‘237 patent. The products are known by Defendants to be especially made or especially adapted for use in the infringement of the ‘237 patent. Specifically, upon information and belief, Defendants sell products with knowledge that the devices are used for infringement, to resellers, retailers, and end users. End users of those products directly infringe the ‘237 patent

77. Defendants’ infringement of the ‘237 patent is without consent of, authority of, or license from 2BCom.

78. Upon information and belief, Defendants’ infringement of the ‘237 patent is willful. This action, therefore, is “exceptional” within the meaning of 35 U.S.C. § 285 entitling 2BCom to its attorneys’ fees and expenses.

79. As a result of Defendants’ acts of infringement, 2BCom has suffered and will continue to suffer damages in an amount to be proven at trial.

80. Defendants' infringement of the '237 patent has caused irreparable harm (including the loss of market share) to 2BCom, and will continue to do so unless enjoined by this Court.

INFRINGEMENT OF U.S. PATENT NO. 7,876,736

81. 2BCom incorporates by reference the allegations set forth in the preceding paragraphs.

82. On January 25, 2011 the '736 patent, entitled "Communication System With Mobile Terminal Accessible To Mobile Communication Network And Local Network Simultaneously," was duly and lawfully issued based upon an application filed by the inventor Atsushi Inoue. A true and correct copy of the '736 Patent is attached hereto as Exhibit 9.

83. 2BCom is the assignee and the owner of all right, title and interest in and to the '736 patent and has the right to sue and recover damages for infringement thereof.

84. Upon information and belief, Defendants have been and continue to be engaged in making, using, importing, selling and/or offering for sale infringing products, including, but not limited to, the Accused Products in the United States generally, and in the Eastern District of New York specifically. The Accused Products are available for retail purchase from various online retailers including www.verizon.com, www.amazon.com, www.walmart.com, www.bestbuy.com and others.

85. Upon information and belief, by acts including, but not limited to use, making, importation, offers to sell, sales and marketing of products that fall within the scope of at least claim 1 of the '736 patent, Defendants have directly infringed literally and/or upon information and belief, equivalently, and are continuing to infringe the '736 patent and are thus liable to 2BCom pursuant to 35 U.S.C. § 271.

86. As a non-limiting example of Defendants' infringement of the '736 patent, set forth in Exhibit 10, is a preliminary claim chart showing Defendants' infringement of exemplary claim 1 of the '736 patent by a TCL Smartphone.

87. Defendants have indirectly infringed and continue to infringe at least claim 1 of the '736 patent by inducement under 35 U.S.C. § 271(b). Defendants have induced and continue to induce users and retailers of the Accused Products to directly infringe at least claim 1 of the '736 patent.

88. Upon information and belief, Defendants knowingly induced customers to use their Accused Products, including, for example, by promoting such products online (e.g., www.tcl.com) and/or providing customers with support, instructions and/or manuals for using the Accused Products through websites such as www.tcl.com.

89. Defendants have been on notice of the '736 patent and Defendants' respective infringement of the '736 patent, since, at least, January 13, 2021, via letter to Jonathan King, Vice President of Corporate and Legal Affairs, notifying the Defendants of infringement of the patent. The letter was followed up with a claim chart showing infringement of the '736 patent sent on September 21, 2022 to Jonathan King. Additional allegations of Defendants' pre-suit knowledge of the '736 patent and willful infringement will likely have evidentiary support after a reasonable opportunity for discovery.

90. Upon information and belief, since at least the above-mentioned date when Defendants were on notice of its infringement, Defendants have actively induced, under 35 U.S.C. § 271(b), consumers and end users that purchase their infringing products to directly infringe one or more claims of the '736 patent by testing and/or operating the Accused Products in accordance with Defendants' instructions contained in, for example, its user manuals. Since at least the notice

provided on the above-mentioned date, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '736 patent. Upon information and belief, Defendants intend to cause, and have taken affirmative steps to induce, infringement by the distributors, importers, and/or consumers by, inter alia, creating advertisements that promote the infringing use of the Accused Products, creating established distribution channels for the Accused Products into and within the United States, selling the Accused Products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for the Accused Products, to purchasers and prospective buyers, and/or providing technical support, software and firmware updates, or services for the Accused Products to these purchasers in the United States.

91. Upon information and belief, Defendants also contribute to infringement of the '736 patent by selling for importation into the United States, importing into the United States, and/or selling within the United States after importation the Accused Products and the non-staple constituent parts of those Accused Products, which are not suitable for substantial non-infringing use and which embody a material part of the invention described in the '736 patent. These products are known by Defendants to be especially made or especially adapted for use in the infringement of the '736 patent. Defendants also contribute to the infringement of the '736 patent by selling for importation into the United States, importing into the United States, and/or selling within the United States after importation components of the Accused Products, which are not suitable for substantial non-infringing use and which embody a material part of the invention described in the '736 patent. The products are known by Defendants to be especially made or especially adapted for use in the infringement of the '736 patent. Specifically, upon information and belief, Defendants sell products with knowledge that the devices are used for infringement, to resellers, retailers, and end users. End users of those products directly infringe the '736 patent

92. Defendants' infringement of the '736 patent is without consent of, authority of, or license from 2BCom.

93. Upon information and belief, Defendants' infringement of the '736 patent is willful. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. § 285 entitling 2BCom to its attorneys' fees and expenses.

94. As a result of Defendants' acts of infringement, 2BCom has suffered and will continue to suffer damages in an amount to be proven at trial.

95. Defendants' infringement of the '736 patent has caused irreparable harm (including the loss of market share) to 2BCom, and will continue to do so unless enjoined by this Court.

INFRINGEMENT OF U.S. PATENT NO. 6,831,444

96. 2BCom incorporates by reference the allegations set forth in the preceding paragraphs.

97. On December 14, 2004, the '444 patent, entitled "External Storage Device, And Remaining Battery Amount Notifying Method In The Same," was duly and lawfully issued based upon an application filed by the inventors, Koichi Kobayashi and Kazunari Tansawa. A true and correct copy of the '444 Patent is attached hereto as Exhibit 11.

98. 2BCom is the assignee and the owner of all right, title and interest in and to the '444 patent and has the right to sue and recover damages for infringement thereof.

99. Upon information and belief, Defendants have been and continue to be engaged in making, using, importing, selling and/or offering for sale infringing products, including, but not limited to, the Accused Products in the United States generally, and in the Eastern District of New York specifically. The Accused Products are available for retail purchase from various online

retailers including www.verizon.com, www.amazon.com, www.walmart.com, www.bestbuy.com and others.

100. Upon information and belief, by acts including, but not limited to use, making, importation, offers to sell, sales and marketing of products that fall within the scope of at least claim 1 of the '444 patent, Defendants have directly infringed literally and/or upon information and belief, equivalently, and are continuing to infringe the '444 patent and are thus liable to 2BCom pursuant to 35 U.S.C. § 271.

101. As a non-limiting example of Defendants' infringement of the '444 patent, set forth in Exhibit 12, is a preliminary claim chart showing Defendants' infringement of exemplary claim 1 of the '444 patent by a TCL Smartphone.

102. Defendants have indirectly infringed and continue to infringe at least claim 1 of the '444 patent by inducement under 35 U.S.C. § 271(b). Defendants have induced and continue to induce users and retailers of the Accused Products to directly infringe at least claim 1 of the '444 patent.

103. Upon information and belief, Defendants knowingly induced customers to use their Accused Products, including, for example, by promoting such products online (e.g., www.tcl.com) and/or providing customers with support, instructions and/or manuals for using the Accused Products through websites such as www.tcl.com.

104. Defendants have been on notice of the '444 patent and Defendants' respective infringement of the '444 patent, since, at least, January 13, 2021, via letter to Jonathan King, Vice President of Corporate and Legal Affairs, notifying the Defendants of infringement of the patent. The letter was followed up with a claim chart showing infringement of the '444 patent sent on September 21, 2022 to Jonathan King. Additional allegations of Defendants' pre-suit knowledge

of the '444 patent and willful infringement will likely have evidentiary support after a reasonable opportunity for discovery.

105. Upon information and belief, since at least the above-mentioned date when Defendants were on notice of their infringement, Defendants have actively induced, under 35 U.S.C. § 271(b), consumers and end users that purchase their infringing products to directly infringe one or more claims of the '444 patent by testing and/or operating the Accused Products in accordance with Defendants' instructions contained in, for example, their user manuals. Since at least the notice provided on the above-mentioned date, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '444 patent. Upon information and belief, Defendants intend to cause, and have taken affirmative steps to induce, infringement by the distributors, importers, and/or consumers by, inter alia, creating advertisements that promote the infringing use of the Accused Products, creating established distribution channels for the Accused Products into and within the United States, selling the Accused Products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for the Accused Products, to purchasers and prospective buyers, and/or providing technical support, software and firmware updates, or services for the Accused Products to these purchasers in the United States.

106. Upon information and belief, Defendants also contribute to infringement of the '444 patent by selling for importation into the United States, importing into the United States, and/or selling within the United States after importation the Accused Products and the non-staple constituent parts of those Accused Products, which are not suitable for substantial non-infringing use and which embody a material part of the invention described in the '444 patent. These products are known by Defendants to be especially made or especially adapted for use in the infringement

of the '444 patent. Defendants also contribute to the infringement of the '444 patent by selling for importation into the United States, importing into the United States, and/or selling within the United States after importation components of the Accused Products, which are not suitable for substantial non-infringing use and which embody a material part of the invention described in the '444 patent. The products are known by Defendants to be especially made or especially adapted for use in the infringement of the '444 patent. Specifically, upon information and belief, Defendants sell products with knowledge that the devices are used for infringement, to resellers, retailers, and end users. End users of those products directly infringe the '444 patent.

107. Defendants' infringement of the '444 patent is without consent of, authority of, or license from 2BCom.

108. Upon information and belief, Defendants' infringement of the '444 patent is willful. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. § 285 entitling 2BCom to its attorneys' fees and expenses.

109. As a result of Defendants' acts of infringement, 2BCom has suffered and will continue to suffer damages in an amount to be proven at trial.

110. Defendants' infringement of the '444 patent has caused irreparable harm (including the loss of market share) to 2BCom, and will continue to do so unless enjoined by this Court.

INFRINGEMENT OF U.S. PATENT NO. 7,460,477

111. 2BCom incorporates by reference the allegations set forth in the preceding paragraphs.

112. On December 2, 2008, the '477 patent, entitled "Electronic Apparatus With Communication Device," was duly and lawfully issued based upon an application filed by the

inventors, Koichi Yata and Tooru Homma. A true and correct copy of the '477 Patent is attached hereto as Exhibit 13.

113. 2BCom is the assignee and the owner of all right, title and interest in and to the '477 patent and has the right to sue and recover damages for infringement thereof.

114. Upon information and belief, Defendants have been and continue to be engaged in making, using, importing, selling and/or offering for sale infringing products, including, but not limited to, the Accused Products in the United States generally, and in the Eastern District of New York specifically. The Accused Products are available for retail purchase from various online retailers including www.verizon.com, www.amazon.com, www.walmart.com, www.bestbuy.com and others.

115. Upon information and belief, by acts including, but not limited to use, making, importation, offers to sell, sales and marketing of products that fall within the scope of at least claim 7 of the '477 patent, Defendants have directly infringed literally and/or upon information and belief, equivalently, and is continuing to infringe the '477 patent and is thus liable to 2BCom pursuant to 35 U.S.C. § 271.

116. As a non-limiting example of Defendants' infringement of the '477 patent, set forth in Exhibit 14, is a preliminary claim chart showing Defendants' infringement of exemplary claim 7 of the '477 patent by a TCL Linkhub.

117. Defendants have indirectly infringed and continue to infringe at least claim 1 of the '477 patent by inducement under 35 U.S.C. § 271(b). Defendants have induced and continue to induce users and retailers of the Accused Products to directly infringe at least claim 1 of the '477 patent.

118. Upon information and belief, Defendants knowingly induced customers to use their Accused Products, including, for example, by promoting such products online (e.g., www.tcl.com) and/or providing customers with support, instructions and/or manuals for using the Accused Products through websites such as www.tcl.com.

119. Defendants have been on notice of the '477 patent and Defendants' respective infringement of the '477 patent, since, at least, January 13, 2021, via letter to Jonathan King, Vice President of Corporate and Legal Affairs, notifying the Defendants of infringement of the patent. The letter was followed up with a claim chart showing infringement of the '477 patent sent on September 21, 2022 to Jonathan King. Additional allegations of Defendants' pre-suit knowledge of the '477 patent and willful infringement will likely have evidentiary support after a reasonable opportunity for discovery.

120. Upon information and belief, since at least the above-mentioned date when Defendants were on notice of their infringement, Defendants have actively induced, under 35 U.S.C. § 271(b), consumers and end users that purchase their infringing products to directly infringe one or more claims of the '477 patent by testing and/or operating the Accused Products in accordance with Defendants' instructions contained in, for example, their user manuals. Since at least the notice provided on the above-mentioned date, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '477 patent. Upon information and belief, Defendants intend to cause, and have taken affirmative steps to induce, infringement by the distributors, importers, and/or consumers by, inter alia, creating advertisements that promote the infringing use of the Accused Products, creating established distribution channels for the Accused Products into and within the United States, selling the Accused Products in conformity with U.S. laws and regulations, distributing or making available

instructions or manuals for the Accused Products, to purchasers and prospective buyers, and/or providing technical support, software and firmware updates, or services for the Accused Products to these purchasers in the United States.

121. Upon information and belief, Defendants also contribute to infringement of the ‘477 patent by selling for importation into the United States, importing into the United States, and/or selling within the United States after importation the Accused Products and the non-staple constituent parts of those Accused Products, which are not suitable for substantial non-infringing use and which embody a material part of the invention described in the ‘477 patent. These products are known by Defendants to be especially made or especially adapted for use in the infringement of the ‘477 patent. Defendants also contribute to the infringement of the ‘477 patent by selling for importation into the United States, importing into the United States, and/or selling within the United States after importation components of the Accused Products, which are not suitable for substantial non-infringing use and which embody a material part of the invention described in the ‘477 patent. The products are known by Defendants to be especially made or especially adapted for use in the infringement of the ‘477 patent. Specifically, upon information and belief, Defendants sell products with knowledge that the devices are used for infringement, to resellers, retailers, and end users. End users of those products directly infringe the ‘477 patent.

122. Defendants’ infringement of the ‘477 patent is without consent of, authority of, or license from 2BCom.

123. Upon information and belief, Defendants’ infringement of the ‘477 patent is willful. This action, therefore, is “exceptional” within the meaning of 35 U.S.C. § 285 entitling 2BCom to its attorneys’ fees and expenses.

124. As a result of Defendants' acts of infringement, 2BCom has suffered and will continue to suffer damages in an amount to be proven at trial.

125. Defendants' infringement of the '477 patent has caused irreparable harm (including the loss of market share) to 2BCom, and will continue to do so unless enjoined by this Court

PRAYER FOR RELIEF

WHEREFORE, 2BCom requests this Court enter judgment as follows:

A. That the '643 patent, the '166 patent, the '970 patent, the '237 patent, the '736 patent, the '444 patent, and the '477 patent are valid and enforceable;

B. That Defendants have directly and indirectly infringed at least claim 21 of the '643 patent, claim 13 of the '166 patent, claim 1 of the '970 patent, claim 1 of the '237 patent, claim 1 of the '736 patent, claim 1 of the '444 patent, and claim 7 of the '477 patent.

C. That such infringement is willful;

D. That Defendants account for and pay to 2BCom all damages pursuant to 35 U.S.C. § 284 to adequately compensate 2BCom for Defendants' infringement of the Asserted Patents, but in no event less than a reasonable royalty for the use made by Defendants of the invention set forth in the Asserted Patents;

E. That 2BCom receives enhanced damages, in the form of treble damages, pursuant to 35 U.S.C. § 284;

F. That an injunction be entered enjoining Defendants, its officers, agents, servants, employees and attorneys, and other persons in active concert with Defendants, and their parents, subsidiaries, divisions, successors and assigns, from further infringement of the Patents-in-Suit, and at least the '643 and '166 patents.

G. That this is an exceptional case under 35 U.S.C. § 285;

H. That Defendants pay 2BCom all of 2BCom's reasonable attorneys' fees and expenses pursuant to 35 U.S.C. § 285;

I. That 2BCom be granted pre-judgment and post-judgment interest in accordance with 35 U.S.C. § 284 on the damages caused to it by reason of Defendants' infringement of the Asserted Patents, including pre-judgment and post-judgment interest on any enhanced damages or attorneys' fees award;

J. That costs be awarded in accordance with 35 U.S.C. § 284 to 2BCom; and

K. That 2BCom be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

2BCom hereby demands a trial by jury on all issues so triable in this action.

Dated: November 11, 2022

Kroub, Silbersher & Kolmykov PLLC

By: 
Sergey Kolmykov

Attorneys for *Plaintiff* 2BCOM, LLC.