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15 *Attorneys for Plaintiff*
16 MESA DIGITAL, LLC

17 UNITED STATES DISTRICT COURT
18 CENTRAL DISTRICT OF CALIFORNIA
19 SOUTHERN DIVISION

20 MESA DIGITAL, LLC,
21 Plaintiff,

22 v.

23 TCL COMMUNICATION, INC.,
24 Defendant.

Case No.: 8:23-cv-02133

**PLAINTIFF'S ORIGINAL
COMPLAINT FOR PATENT
INFRINGEMENT**

(35 U.S.C. § 271)

JURY TRIAL DEMANDED

PLAINTIFF’S ORIGINAL COMPLAINT

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2 Plaintiff, Mesa Digital, LLC, files this Original Complaint and demand for
3 jury trial seeking relief from patent infringement of the claims of 9,031,537 (“the
4 ‘537 patent”) (referred to as the “Patent-in-Suit”) by TCL Communication Inc.,
5 (“Defendant” or “TCL”).
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8 **I. THE PARTIES**

9 1. Mesa Digital, LLC is a New Mexico limited liability company with its
10 principal place of business located in Albuquerque, New Mexico.
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12 2. On information and belief, TCL is a limited liability company organized and
13 existing under the laws of Delaware with a principal place of business located at 25
14 Edelman St, Ste 200, Irvine, California 92618. Defendant can be served through its
15 registered agent, CSC – Lawyers Incorporating Service, 2710 Gateway Oaks,
16 Sacramento, California 95833, at its place of business, or anywhere else they may
17 be found.
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20 3. On information and belief, Defendant sells and offers to sell products and
21 services throughout California, including in this judicial district, introduces products
22 and services that perform infringing methods or processes into the stream of
23 commerce knowing that they would be sold in California and this judicial district,
24 and otherwise directs infringing activities to this judicial district in connection with
25 its products and services.
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1 **II. JURISDICTION AND VENUE**

2 4. This Court has original subject-matter jurisdiction over the entire action
3
4 pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff’s claim arises under an
5 Act of Congress relating to patents, namely, 35 U.S.C. § 271.

6 5. This Court has personal jurisdiction over Defendant because: (i) Defendant is
7 present within or has minimum contacts within the State of California and this
8 judicial district; (ii) Defendant has purposefully availed itself of the privileges of
9 conducting business in the State of California and in this judicial district; and (iii)
10 Plaintiff’s cause of action arises directly from Defendant’s business contacts and
11 other activities in the State of California and in this judicial district.
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14 6. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b).
15 Defendant has committed acts of infringement and has a regular and established
16 place of business in this District. Further, venue is proper because Defendant
17 conducts substantial business in this forum, directly or through intermediaries,
18 including: (i) at least a portion of the infringements alleged herein; and (ii) regularly
19 doing or soliciting business, engaging in other persistent courses of conduct and/or
20 deriving substantial revenue from goods and services provided to individuals in
21 California and this District.
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26 **III. INFRINGEMENT**

27 **A. Infringement of the ‘537 Patent**
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1 7. On May 12, 2015, U.S. Patent No. 9,031,537 (“the ‘537 patent” (included as
2 Exhibit A, the contents of which are fully incorporated by reference)) entitled
3 “Electronic wireless handheld multimedia device” was duly and legally issued by
4 the U.S. Patent and Trademark Office. Plaintiff owns the ‘537 patent by assignment.
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7 8. The ‘537 patent relates to novel and improved electronic wireless hand held
8 media devices including a microprocessor and more than one wireless transceiver
9 modules enabling wireless communication over a variety of standards, including
10 Cellular (e.g., GSM, CDMA, GPRS, 3G), 802.11 (i.e., WLAN), and short range (e.g.,
11 Bluetooth, infrared, RFID), for the retrieval, processing and delivery of multimedia
12 data to/from remote data resources (i.e., Internet, servers).
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15 9. Defendant maintained, operated, manufactured, sold, offered for sale, and
16 imported electronic wireless hand held media devices including a microprocessor
17 and more than one wireless transceiver modules enabling wireless communications
18 over a variety of standards, including Cellular (e.g., GSM, CDMA, GPRS, 3G),
19 802.11 (e.g., WLAN), and short range (i.e. Bluetooth, infrared, RFID), for the
20 retrieval, processing and delivery of multimedia data to/from remote data resources
21 (i.e., Internet, servers) that infringe one or more claims of the ‘537 Patent, including
22 one or more of claims 1-37, literally or under the doctrine of equivalents. Defendants
23 put the inventions claimed by the ‘537 Patent into service (i.e., used them); but for
24 Defendant’s actions, the claimed-inventions embodiments involving Defendant’s
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1 products and services would never have been put into service. Defendant's acts
2 complained of herein caused those claimed-invention embodiments as a whole to
3 perform, and Defendant's procurement of monetary and commercial benefit from it.

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5 10.Support for the allegations of infringement may be found in the following
6 exemplary table included as Exhibit B. These allegations of infringement are
7 preliminary and are therefore subject to change.
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10 11.Defendant has caused Plaintiff damage by direct infringement of the claims
11 of the '537 patent.¹

12
13 12.Defendant has and continues to induce infringement. Defendant has actively
14 encouraged or instructed others (e.g., its customers and/or the customers of its
15 related companies), and continues to do so, on how to use its products and services
16 including electronic wireless hand held media devices including a microprocessor
17 and more than one wireless transceiver modules enabling wireless communications
18 over a variety of standards, including Cellular (e.g., GSM, CDMA, GPRS, 3G),
19 802.11 (e.g., WLAN), and short range (i.e. Bluetooth, infrared, RFID), for the
20 retrieval, processing and delivery of multimedia data to/from remote data resources
21 (i.e., Internet, servers) such as to cause infringement of one or more of claims 1-37
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27 ¹ Plaintiff reserves the right to amend to add claims for indirect infringement,
28 including inducement and contributory, and/or willful infringement, to the extent
fact discovery shows Defendant's pre-expiration knowledge of the patent.

1 of the '537 patent, literally or under the doctrine of equivalents. Moreover,
2 Defendant has known of the '537 patent and the technology underlying it from at
3 least the filing date of the lawsuit.² For clarity, direct infringement is previously
4 alleged in this complaint.
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7 13. Defendant has and continues to contributorily infringe. Defendant has actively
8 encouraged or instructed others (e.g., its customers and/or the customers of its
9 related companies), and continues to do so, on how to use its products and services
10 including electronic wireless hand held media devices including a microprocessor
11 and more than one wireless transceiver modules enabling wireless communications
12 over a variety of standards, including Cellular (e.g., GSM, CDMA, GPRS, 3G),
13 802.11 (e.g., WLAN), and short range (i.e. Bluetooth, infrared, RFID), for the
14 retrieval, processing and delivery of multimedia data to/from remote data resources
15 (i.e., Internet, servers) such as to cause infringement of one or more of claims 1-37
16 of the '537 patent, literally or under the doctrine of equivalents. Further, there are no
17 substantial non-infringing uses for Defendant's products and services. Moreover,
18 Defendant has known of the '537 patent and the technology underlying it from at
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28 ² Plaintiff reserves the right to amend and add inducement pre-suit if discovery reveals an earlier date of knowledge.

1 least the filing date of the lawsuit.³ For clarity, direct infringement is previously
2 alleged in this complaint.
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4 14. Defendant has caused and will continue to cause Plaintiff damage by direct
5 and indirect infringement of (including inducing infringement of) the claims of
6 the '537 patent.
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8 **IV. JURY DEMAND**

9 Plaintiff hereby requests a trial by jury on issues so triable by right.
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11 **V. PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff prays for relief as follows:
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- 14 a. enter judgment that Defendant has infringed the claims of the '537 patent;
15 b. award Plaintiff damages in an amount sufficient to compensate it for
16 Defendant's infringement, in an amount no less than a reasonable royalty or
17 lost profits, together with pre-judgment and post-judgment interest and costs
18 under 35 U.S.C. § 284;
19 c. award Plaintiff an accounting for acts of infringement not presented at trial
20 and an award by the Court of additional damage for any such acts of
21 infringement; and,
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25 award Plaintiff such other and further relief as this Court deems just and proper.
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28 ³ Plaintiff reserves the right to amend and add inducement pre-suit if discovery reveals an earlier date of knowledge.

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Dated: November 15, 2023

Respectfully submitted,

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DEMAND FOR JURY TRIAL

Plaintiff hereby requests a trial by jury on issues so triable by right.

Dated: November 15, 2023

Respectfully submitted,

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