Ryan E. Hatch (SBN 235577)
ryan@hatchlaw.com
HATCH LAW PC
13323 Washington Blvd., Suite #302
Los Angeles, CA 90066
Tel: 310-279-5076
Fax: 310-693-5328

(*additional counsel listed on next page*)

Attorneys for Plaintiffs
Wi-LAN Inc., Wi-LAN USA, Inc. and
Wi-LAN Labs, Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

WI-LAN INC., WI-LAN USA, INC., and WI-LAN LABS, INC.,

Plaintiffs,

vs.

TCT MOBILE (US) INC., HUIZHOU TCL MOBILE COMMUNICATION CO. LTD., and TCL MOBILE COMMUNICATION (HK) CO., LTD.,

Defendants.

Case No.:

COMPLAINT FOR PATENT INFRINGEMENT

DEMAND FOR JURY TRIAL

Edward R. Nelson III (*PHV to be submitted*)
ed@nelbum.com
John P. Murphy (*PHV to be submitted*)
murphy@nelbum.com
Janson Westmoreland (*PHV to be submitted*)
janson@nelbum.com
NELSON BUMGARDNER CONROY PC
3131 West 7th Street, Suite 300
Fort Worth, Texas 76107
Telephone: (817) 377-9111

Ryan P. Griffin (*PHV to be submitted*)
ryan@nelbum.com
Jonathan H. Rastegar (*PHV to be submitted*)
jon@nelbum.com
NELSON BUMGARDNER CONROY PC
2727 N. Harwood Street, Suite 250
Dallas, Texas 75201
Telephone: (214) 446-4956

Attorneys for Plaintiffs
Wi-LAN Inc., Wi-LAN USA, Inc., and
Wi-LAN Labs, Inc.

Plaintiffs Wi-LAN Inc., Wi-LAN USA, Inc., and Wi-LAN Labs, Inc. (collectively, "Plaintiffs" or "Wi-LAN") hereby submit this Complaint against Defendants Huizhou TCL Mobile Communication Co. Ltd., TCT Mobile (US) Inc., and TCL Mobile Communication (HK) Co., Ltd. (collectively, "TCL" or "Defendants").

NATURE OF ACTION

1. This is an action for infringement of U.S. Patent No. 8,259,688 ("the '688 Patent" or the "patent-in-suit"). A true and correct copy of the '688 Patent is attached as Exhibit A.

2. The '688 patent was asserted by Wi-LAN against Defendants in a complaint filed on May 9, 2019. *Wi-LAN Inc. v. Huizhou TCL Mobile Commun. Co. Ltd*, Case No. 8:19-cv-00870-JVS-ADS (C.D. Cal. May 9, 2023), ECF 1.

3. TCL filed *Ex Parte* Reexamination Request No. 90/014,794 against the '688 Patent on July 2, 2021. The United States Patent and Trademark Office ("USPTO") confirmed claims 1-3, 5-8, 10, 15, and 16 were deemed patentable, as amended, original claims 4, 9, and 11-14 (which depend from amended independent claims) were deemed patentable, and new claims 17-40 were added and deemed patentable. A true and correct copy of the first *Ex Parte* Reexamination Certificate for the '688 Patent, issued on January 19, 2022, is attached as Exhibit B.

4. TCL filed *Ex Parte* Reexamination Request No. 90/019,259 against the '688 Patent on September 26, 2023.

5. The Court ordered the '688 Patent to be severed into its own case, which was stayed pending the outcome of *Ex Parte* Reexamination Request No. 90/019,259.

Wi-LAN Inc. v. Huizhou TCL Mobile Commun. Co. Ltd, Case No. 8:19-cv-00870-JVS-ADS (C.D. Cal. October 15, 2023), ECF 115.

6. In *Ex Parte* Reexamination Request No. 90/019,259, the USPTO confirmed the patentability of claims 1-40 of the '688 Patent. A true and correct copy of the second *Ex Parte* Reexamination Certificate for the '688 Patent, issued on April 29, 2024, is attached as Exhibit C.

THE PARTIES

7. Plaintiff Wi-LAN Inc. is a corporation organized and existing under the laws of Canada, with its principal place of business at 1891 Robertson Road, Suite 100, Ottawa, ON, K2H 5B7, Canada.

8. Plaintiff Wi-LAN USA, Inc. is a corporation organized and existing under the laws of Florida, with its principal executive office at 1891 Robertson Road, Suite 100, Ottawa, ON, K2H 5B7, Canada, and a principal business office at 450 South Melrose Drive, Suite 118, Vista, California, 92081.

9. Plaintiff Wi-LAN Labs, Inc. is a corporation organized and existing under the laws of Delaware, with its principal executive office at 1891 Robertson Road, Suite 100, Ottawa, ON, K2H 5B7, Canada, and a principal business office at 450 South Melrose Drive, Suite 118, Vista, California, 92081.

10. Defendant TCT Mobile (US) Inc. is a corporation organized and existing under the laws of Delaware, with its principal place of business at 25 Edelman, Suite 200, Irvine, California, 92618 in Orange County.

11. Defendant Huizhou TCL Mobile Communication Co. Ltd. is a corporation organized and existing under the laws of People's Republic of China

("PRC"), and maintains its principal place of business at No. 86 Hechang Qi Lu Xi, Zhongkai Gaoxin District, Huizhou City, Guangdong Province, PRC.

12. Defendant TCL Mobile Communication (HK) Co., Ltd. is a corporation organized and existing under the laws of Hong Kong, and maintains its principal place of business at 5/F, Building 22E,22 Science Park East Avenue, Hong Kong Science Park, Sha Tin N.T. Hong Kong.

JURISDICTION AND VENUE

13. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq*., including but not limited to, 35 U.S.C. § 271.

14. Each TCL Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the California Long Arm Statute, Cal. Code Civ. Proc § 410.10, due at least to its substantial business conducted in this State and this District, including: (i) having solicited business in the State of California and this District, having transacted business within the State of California and this District, and having attempted to derive financial benefit from residents of the State of California and this District, including benefits directly related to the instant patent infringement causes of action set forth herein; (ii) having placed its products and services into the stream of commerce throughout the United States and having been actively engaged in transacting business in the State of California and this District, and (iii) having committed the complained of tortious acts in the state of California and this District.

15. TCL, directly and/or through subsidiaries and agents (including distributors, retailers, and others), makes, imports, ships, distributes, offers for sale,

sells, uses, and advertises (including offering products and services through its website as well as other retailers) its products and/or services in the United States, the State of California and the Central District of California.

16. TCL, directly and/or through its subsidiaries and agents (including distributors, retailers, and others), has purposefully and voluntarily placed one or more of its infringing products and/or services, as described below, into the stream of commerce with the expectation that they will be purchased and used by consumers in the Central District of California. These infringing products and/or services have been and continue to be purchased and used by consumers in the Central District of California. TCL has committed acts of patent infringement within the State of California and, more particularly, within the Central District of California as evidenced by its principal place of business being located in the Central District of California at 25 Edelman, Suite 200, Irvine, California, 92618.

17. This Court's exercise of personal jurisdiction over TCL is consistent with the California Long Arm Statute, Cal. Code Civ. Proc § 410.10, and traditional notions of fair play and substantial justice.

18. Venue is proper under 28 U.S.C. § 1400(b) because, *inter alia*, Defendant TCT Mobile (US) Inc. maintains a regular and established place of business in this District and has committed and continues to commit acts of patent infringement in this District and in the State of California generally. Venue is proper as to Defendants Huizhou TCL Mobile Communication Co. Ltd. and TCL Mobile Communication (HK) Co., Ltd., which are resident in foreign countries, under 28 U.S.C. § 1391(c)(3), which provides that "a defendant not resident in the United States may be sued in any

judicial district, and the joinder of such a defendant shall be disregarded in determining where the action may be brought with respect to other defendants."

19. Joinder of Defendants is proper under 28 U.S.C. § 299(a) because they are related parties which are jointly or severally liable for infringement, and/or they make, use, sell, offer for sale, or import the same or similar accused products that practice the same features and/or standards with respect to or arising out of the same transaction, occurrence, or series of transactions relating to infringement, with questions of fact common to them all.

BACKGROUND OF THE TECHNOLOGY

20. Wi-LAN Labs, Inc. developed advanced 4G technologies and products for Wi-LAN and others in the wireless industry that enhance the capacity, quality of user experience, and connectivity of 4G (and next generation 5G) mobile devices and networks.

21. Numerous 4G patents were developed by Ken Stanwood and his team at Ensemble Communications ("Ensemble") and Nextwave Communications ("Nextwave"). Mr. Stanwood was the president of Wi-LAN Labs, Inc. and CTO at Wi-LAN Inc.

22. Mr. Stanwood has played a leadership role in the development of 4G technologies and standards for more than a decade, starting with the industry's first major 4G cellular initiative, referred to as WiMAX. He served as Vice Chair of the IEEE 802.16 standards committee for WiMAX from 2003-2006 and as a principal contributor to the original IEEE 802.16 standard for 4G cellular networks and mobile devices.

23. Mr. Stanwood has written extensively on 4G technologies, including coauthoring a popular textbook on the subject, and has been awarded at least 149 U.S. patents, with many more patent applications currently pending before the United States Patent Office and other patent offices around the world, many of which relate to 4G technologies.

24. Like Ken Stanwood, Wi-LAN's founders, Michel Fattouche and Hatim Zaghloul, are widely recognized and acknowledged as wireless industry pioneers. Their technologies, patents, and writings have been cited in patents and publications written by thousands of engineers and scientists in the wireless industry.

25. Wi-LAN's founders developed key cellular "data" technologies, including the W-OFDM air interface, to enable data to be exchanged at desktop speeds over a wireless channel, such as in Wi-Fi networks, or from mobile devices in 4G cellular networks. Wi-LAN's technologies have made Wi-Fi and 4G in mobile devices possible.[1]

[1] *See, e.g., Ergen, Mustafa, Mobile Broadband: Including WiMAX and LTE*, JohnWiley & Sons, 2009 at p. 110, Section 4.1 "Principles of OFDM: Introduction" (recognizing one of Wi-LAN's first patents, U.S. Patent No. 5,282,222, to WOFDM as a major milestone in the development of Wi-Fi and 4G technologies, turning a single lane wireless communication channel into a multi-lane super highway, and enabling mobile devices to transmit and receive data at desktop speeds).

26. The Wi-LAN success story is featured in major publications worldwide, including in such publications as Scientific American[2] and Time Magazine,[3] and in many others. Wi-LAN and its founders have also been the subject of numerous industry awards for their wireless innovations, and for their contribution to the growth in wireless data capability present in today's smartphones, tablets, and other mobile devices.

27. One of Wi-LAN's co-founders is featured in one of Canada's leading business publications as among the Top 100 Canadians of the 20th century for Wi-LAN's wireless innovations.[4] Wi-LAN's original wireless designs and first wireless mobile device have been displayed in the Canadian equivalent of the Smithsonian Institution.

28. Enabling high-speed wireless data capability in mobile devices was no small task; it posed incredible challenges—something taken for granted today with desktop speeds now standard in 4G mobile devices.

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[2] The Future of Wireless, *Scientific American*, October 2000 at p. 57 ("To date, wireless multiplexing hasn't been exploited for cellular systems . . . . That may change soon . . . . Wi-LAN holds a number of key patents for multiplexing technology known as wideband orthogonal frequency division multiplexing, or WOFDM").

[3] Wi-LAN Shows How to be Successful-and Canadian-in the Global Economy, *Time Magazine*, April 3, 2000.

[4] Great Canadians, *Maclean's*, July 1, 2000 ("Riding the wave of invention ... Wi-LAN is one of those next generation companies. Its technology may well become the base for what some call the coming wireless revolution: the ability to e-mail, surf the Net, adjust the lights in your home and order theater tickets from a cellphone or handheld computer.").

29. Over the years, Wi-LAN and their predecessors have invested hundreds of millions of dollars in developing, making, and selling many of the world's first fixed and mobile devices capable of transmitting and receiving wireless data at desktop speeds.

30. Wi-LAN's products which had 4G data speeds include, among others, the I.WILL, BWS 300, LIBRA 3000, LIBRA 5800, LIBRA MX, and the LIBRA Mobilis.

31. Wi-LAN was the first company in the world to build Wi-Fi and 4G data speeds into mobile devices, with speeds reaching up to 100 megabits per second (Mbps), and it did so a decade before 4G would become the standard in the wireless industry that it is today.

32. A number of Wi-LAN's advanced 4G technologies have their origin in work started by Wi-LAN's Ken Stanwood and his team while at Ensemble, a San Diego company that Mr. Stanwood helped grow (then, as Ensemble's Chief Technology Officer) to over 200 engineers, scientists, and support personnel.

33. Others of Wi-LAN's advanced 4G technologies, including the '688 Patent, have their origin in work created at NextWave, another San Diego company where Mr. Stanwood served as a Vice President. At Nextwave, Mr. Stanwood managed the inventors of the claimed inventions of the '688 Patent.

34. The advanced 4G technologies developed by Mr. Stanwood and his team were employed in the network stacks utilizing the 4G WiMAX cellular standard, and were subsequently adopted for use in the network stacks utilizing the 4G LTE cellular standard used in today's 4G LTE mobile devices.

35. These advanced 4G technologies include handoff functionality built into 4G mobile devices that utilize an allocated random access identifier code uniquely identifying the 4G mobile device to a target base station, which improves the reliability, efficiency, and speed of handovers.

36. The efforts of Mr. Stanwood and other Wi-LAN inventors in developing these advanced 4G technologies have enabled 4G mobile devices to support a variety of technologies for users of Defendants' 4G LTE mobile devices.

37. Wi-LAN's wireless technologies and patents, including its advanced 4G technologies, have been licensed by a substantial number of companies in the wireless industry, comprising more than 130 companies.

38. Defendants' infringement gives them an unfair advantage over their competitors, many of whom have chosen to do the right thing and license their use of Wi-LAN's wireless technologies and patents. Many of Defendants' major competitors in the mobile device industry, including Apple, Samsung, ZTE, Nokia, and Kyocera have licensed Wi-LAN's wireless technologies and patents.

39. Wi-LAN has made numerous efforts to license the unauthorized use of its wireless technologies by Defendants, but Defendants have consistently refused to acquire a license, choosing instead to use Wi-LAN's 4G technologies without paying for that right.

40. Defendants have chosen to disrespect the intellectual property of Wi-LAN, including the 4G patent asserted in this action directed to Wi-LAN's advanced 4G technologies, and Defendants do so despite understanding the importance of intellectual property.

41. Before initiating litigation, Wi-LAN made substantial efforts to license Defendants' use of Wi-LAN's advanced 4G technologies and patents (including the '688 Patent) in their 4G LTE mobile devices, expecting that Defendants would proceed in good faith.

42. In the spring of 2015, Wi-LAN contacted Defendants to engage in licensing discussions of Wi-LAN's LTE and 4G wireless technology. Despite Wi-LAN's repeated efforts, including numerous follow-up letters, Defendants ignored Wi-LAN's requests to engage in license discussions of Wi-LAN's patents, including the '688 Patent.

43. Defendants' actions have forced Wi-LAN's hand, leaving it with no choice but to protect its intellectual property through litigation.

ACCUSED PRODUCTS

44. With respect to the '688 Patent, the Accused 4G LTE Devices are devices that support LTE (e.g., any device capable of sending and receiving information over an LTE network, such as the LTE networks operated by AT&T, Verizon, T-Mobile, and Sprint). The Accused 4G LTE Devices include, but are not limited to, devices under the TCL brand, Blackberry brand, Alcatel brand, and/or OneTouch brand that support LTE. The Accused 4G LTE Devices shall also include any devices that comply, operate in accordance with, and/or are configured in accordance with any of Releases 8-18, *et seq.*, of the 3rd Generation Partnership Project ("3GPP") 4G LTE standard. At a minimum, the Accused 4G LTE Devices include, but are not limited to, TAB PRO 5G, TAB 10 5G, TAB 8 LE, TAB 8 SE, TAB 8 PLUS, TAB, TAB DISNEY EDITION, TAB DISNEY EDITION 2, TAB FAMILY EDITION, ION X, ION Z, A30, SIGNA, FLIP PRO, FLIP, CLASSIC, FLIP GO, FLIP 2, 10 PRO, 10 5G

UW, 10L, 20 PRO 5G, 20 A 5G, 20 AX 5G, 20S, 20 SE, 20 XE, 30 5G, 30 V 5G, 30 XE 5G, 30 XL, 30 SE, 30 LE, 30 Z, 40 X 5G, 40 XE 5G, 40 XL, 40 T, 50 XL 5G, STYLUS 5G, LINKZONE 4G LTE Cat4 Mobile Wi-Fi, LINKZONE 4G LTE Cat7 Mobile Wi-Fi, LINKKEY LTE cat4 USB DONGLE, Alcatel 5, Alcatel 5V, Alcatel 3L (2021), Alcatel 3X (2020), Alcatel 3L (2020), Alcatel 3X (2019), Alcatel 3C (2019), Alcatel 3L (2019), Alcatel 3 (2019), Alcatel 3X, Alcatel 3V, Alcatel 3, Alcatel 1B (2022), Alcatel 1V, Alcatel 1L Pro, Alcatel 1 (2021), Alcatel 1L (2021), Alcatel 1S (2021), Alcatel 1SE (2020), Alcatel 1S (2020), Alcatel 1B (2020), Alcatel 1V (2020), Alcatel 1S, Alcatel 1C (2019), Alcatel 1X (2019), Alcatel 1C, Alcatel 1X, Alcatel 1, Alcatel 3T10 2020, Alcatel 3T8 2020, Alcatel 3T 10, Alcatel GO FLIP 4, Alcatel AXEL, Alcatel GLIMPSE, Alcatel LUMOS, Alcatel APPRISE, Alcatel LINKZONE 2, Alcatel SMARTFLIP, Alcatel INSIGHT, Alcatel GO FLIP 3, Alcatel AVALON V, Alcatel GO FLIP V, Alcatel ONYX, IdealXTRA, Alcatel TETRA, Alcatel MYFLIP, Alcatel JOY TAB, Alcatel JOY TAB 2, Alcatel JOY TAB KIDS, and Alcatel JOY TAB KIDS 2. As of May 16, 2024, each of these Accused 4G LTE Devices was offered for sale, at least, via one of Defendants' websites. *See* https://www.tcl.com/us/en#; *see also* https://www. alcatelmobile.com/; https://us.alcatelmobile.com/.

COUNT ONE: INFRINGEMENT OF U.S. PATENT NO. 8,259,688

45. On September 4, 2012, the '688 Patent was duly and legally issued for inventions entitled "Pre-Allocated Random Access Identifiers." Wi-LAN Inc. owns

the '688 Patent and holds the right, for all relevant times, to sue and recover damages for infringement thereof.

46. The '688 Patent was filed on September 1, 2006. The '688 Patent expires on May 22, 2030.

47. Claims 1-40 of the '688 Patent are valid and enforceable.

48. Defendants have directly infringed and continue to directly infringe numerous claims of the '688 Patent, including at least claims 1 and 6, by manufacturing, using, selling, offering to sell, and/or importing the Accused 4G LTE Devices. Defendants are liable for infringement of the '688 Patent pursuant to 35 U.S.C. § 271(a).

49. Defendants design and manufacture the Accused 4G LTE Devices to be used on 4G LTE networks.

50. Wi-LAN incorporates by reference Exhibit D, which is an infringement claim chart alleging how each of the Accused 4G LTE Devices meet the claim limitations of at least claims 1 and 6 of the '688 Patent based on compliance with at least Release 8 of the 4G LTE standard.

51. The Accused 4G LTE Devices are configured to operate, and operate, as described in the portions of the 3GPP 4G LTE standard referred to in Exhibit D.

52. Prior to the filing of the Complaint in this action, Defendants knew that they infringed the '688 Patent, or willfully blinded themselves to their infringements.

53. Defendants had knowledge of the '688 Patent, their infringement of the '688 Patent, and the validity of claims 1-40 of the '688 Patent by at least January 19, 2022 when the USPTO issued the first *Ex Parte* Reexamination Certificate for the '688 Patent. *See* Ex. B. Defendants also had knowledge of the '688 Patent, their

infringement of the '688 Patent, and the validity of claims 1-40 of the '688 Patent by at least January 24, 2022 when the parties filed a Joint Status Report stating that the USPTO determined claims 1-40 of the '688 Patent are patentable pursuant to the first *Ex Parte* Reexamination Certificate. *See Wi-LAN Inc. v. Huizhou TCL Mobile Commun. Co. Ltd*, Case No. 8:19-cv-00870-JVS-ADS (C.D. Cal. January 24, 2022), ECF 99 at 3, Ex. B.

54. On February 14, 2022, TCL received a letter from Wi-LAN that invited TCL to license its patents covering its 4G LTE technology, including the '688 Patent. The letter identified claims of the '688 Patent (pursuant to the January 19, 2022 reexamination certificate) as infringed by TCL and specifically identified that TCL wireless communication products that support LTE are infringing the '688 Patent, including the Joy TAB 2, Joy TAB Kids, Go Flip 4, Lumos, Axel, Apprise, Insight, Glimpse, Linkzone, Smartflip, Go Flip 3, Tetra, Myflip, Avalon 5, Go Flip V, Onyx, ideal Xtra, Joy Tab 2, Joy Tab, 30 V 5G, 20 XE, 20 Pro 5G, 20 A 5G, 20S, 20 SE, 20 XE, TCL 10 Pro, 10 5g UW, 10L, A30, Signa, Flip Pro, Flip, and Tab Pro 5G, which are representative of the Accused 4G LTE Devices as to infringement of the '688 Patent. Defendants never replied, thereby effectively refusing to take a license.

55. Defendants also had knowledge of the '688 Patent, their infringement of the '688 Patent, and the validity of claims 1-40 of the '688 Patent by at least May 6, 2024 when the parties filed a Joint Stipulation To Lift Stay Of Severed Case by stating that the USPTO confirmed the patentability of claims 1-40 of the '688 Patent pursuant to the second *Ex Parte* Reexamination Certificate, which was filed as an accompanying exhibit. *See Wi-LAN Inc. v. Huizhou TCL Mobile Commun. Co. Ltd*,

Case No. 8:19-cv-00870-JVS-ADS (C.D. Cal. May 6, 2024), ECF 134 at 3, ECF 134-1.

56. Accordingly, Defendants have had knowledge, or reasonably should have had knowledge, of their infringements of the '688 Patent since at least January 19, 2022.

57. At a minimum, Defendants have known of the '688 Patent and their infringements of the '688 Patent at least as early as the filing date of this Complaint.

58. Since at least the above-mentioned dates when Defendants were on notice of its infringements of the '688 Patent, Defendants have actively induced, under U.S.C. § 271(b), their distributors, customers, resellers, end users, subsidiaries, importers, and/or consumers to directly infringe one or more of the '688 Patent by their using, offering for sale, selling, and/or importing the Accused 4G LTE Devices. Since at least the notice provided on the above-mentioned dates, Defendants do so with knowledge of, or willful blindness to, the fact that their inducements constitute infringement of the '688 Patent. Upon information and belief, Defendants intend to cause, and have taken affirmative steps to induce, infringement by their distributors, customers, resellers, end users, subsidiaries, importers, and/or consumers by at least creating advertisements that promote the infringing use and capability of the Accused 4G LTE Devices (e.g., by advertising and promoting LTE), manufacturing Accused 4G LTE Devices in conformity with the LTE standards, distributing or making available instructions or manuals for Accused 4G LTE Devices to purchasers and prospective buyers, testing LTE features of such products, and/or providing technical support, replacement parts, or services for such products to purchasers in the United States.

59. Despite having knowledge of the '688 Patent and knowledge that they are directly and/or indirectly infringing one or more claims of the '688 Patent, Defendants have nevertheless continued their infringing conduct and otherwise disregarded an objectively high likelihood of their infringements. Defendants' infringements of the '688 Patent thus occur with knowledge of infringement and/or objective recklessness and have been, and continue to be, willful, egregious, and deliberate. This includes, but is not limited to, Defendants' collective willful blindness, including their refusal to investigate whether the Accused 4G LTE Devices infringe one or more claims of the '688 Patent. Defendants' infringing activities relative to the '688 Patent have been, and continue to be, willful, wanton, malicious, in bad-faith, deliberate, consciously wrongful, flagrant, characteristic of a pirate, and an egregious case of misconduct beyond typical infringement such that Wi-LAN is entitled under 35 U.S.C. § 284 to enhanced damages up to three times the amount found or assessed.

60. Wi-LAN has been damaged as a result of Defendants' infringing conduct described in this Count. Defendants are, thus, liable to Wi-LAN in an amount that adequately compensates it for Defendants' infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

DEMAND FOR A JURY TRIAL

Wi-LAN demands a trial by jury on all issues triable of right by jury pursuant to Rule 38 of the Federal Reules of Civil Procedure.

PRAYER FOR RELIEF

Wi-LAN respectfully requests that this Court enter judgment in its favor and grant the following relief:

(i) Judgment and Order that Defendants have directly and/or indirectly infringed one or more claims of the patent-in-suit;

(ii) Judgment and Order that Defendants must pay Wi-LAN past and future damages under 35 U.S.C. § 284, including supplemental damages arising from any continuing, post-verdict infringements for the time between trial and entry of the final judgment, together with an accounting, as needed, as provided for under 35 U.S.C. § 284;

(iii) Judgment and Order that Defendants must pay Wi-LAN reasonable ongoing royalties on a go-forward basis after Final Judgment;

(iv) Judgment and Order that Defendants' infringements of the patent-in-suit have been willful from the time that they became aware of the infringing nature of their products, and that the Court award treble damages pursuant to 35 U.S.C. § 284;

(v) Judgment and Order that Defendants must pay Wi-LAN pre-judgment and post-judgment interest on the damages award;

(vi) Judgment and Order that Defendants must pay Wi-LAN's costs;

(vii) Judgment and Order that the Court find this case exceptional under the provisions of 35 U.S.C. § 285 and, accordingly, order Defendants to pay Wi-LAN's attorneys' fees;

and

(viii) Such other and further relief as the Court may deem just and proper.

Dated: June 25 2024

Respectfully submitted,

/s/ Ryan E. Hatch

Ryan E. Hatch (SBN 235577)
ryan@hatchlaw.com
HATCH LAW PC
13323 Washington Blvd., Suite #302
Los Angeles, CA 90066
Tel: 310-279-5076
Fax: 310-693-5328

Edward R. Nelson III (*PHV to be submitted*)
ed@nelbum.com
John P. Murphy (*PHV to be submitted*)
murphy@nelbum.com
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janson@nelbum.com
NELSON BUMGARDNER CONROY PC
3131 West 7th Street, Suite 300
Fort Worth, Texas 76107
Telephone: (817) 377-9111

Ryan P. Griffin (*PHV to be submitted*)
ryan@nelbum.com
Jonathan H. Rastegar (*PHV to be submitted*)
jon@nelbum.com
NELSON BUMGARDNER CONROY PC
2727 N. Harwood Street, Suite 250
Dallas, Texas 75201
Telephone: (214) 446-4956

Attorneys for Plaintiffs
Wi-LAN Inc., Wi-LAN USA, Inc., and
Wi-LAN Labs, Inc.

CERTIFICATE OF SERVICE

Pursuant to the parties' agreement, the undersigned hereby certifies that a copy of this Complaint was served on Defendants on June 25, 2024 via Defendants' counsel by e-mail to the following recipients:

John P. Schnurer, Bar No. 185725
jschnurer@perkinscoie.com
Yun (Louise) Lu, Bar No. 253114
llu@perkinsoie.com
Kevin J. Patariu, Bar No. 256755
kpatariu@perkinscoie.com
Miguel J. Bombach, Bar No. 274287
mbombach@perkinscoie.com
Kyle R. Canavera, Bar No. 314664
kcanavera@perkinscoie.com

/s/ *Edward R. Nelson III*