

JURISDICTION AND VENUE

3. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

4. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction, pursuant to due process and the Texas Long-Arm Statute, due at least to its business in this forum, including at least a portion of the infringements alleged herein.

5. Without limitation, on information and belief, within this state, Defendant has used the patented inventions thereby committing, and continuing to commit, acts of patent infringement alleged herein. In addition, on information and belief, Defendant has derived revenues from its infringing acts occurring within Texas. Further, on information and belief, Defendant is subject to the Court's general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and deriving substantial revenue from goods and services provided to persons or entities in Texas. Further, on information and belief, Defendant is subject to the Court's personal jurisdiction at least due to its sale of Instrumentalities and/or services within Texas. Defendant has committed such purposeful acts and/or transactions in Texas such that it reasonably should know and expect that it could be haled into this Court as a consequence of such activity.

6. Venue is proper in this district under 28 U.S.C. § 1400(b). On information and belief, from and within this District Defendant has committed at least a portion of the infringements at issue in this case. Defendant has a regular place of business in this district, including but not limited to, 830 E. Araphao Rd., Richardson, TX 75081 and 3801 E. Plano Pkwy, Plano, TX 75074.

PATENTS IN SUIT

7. Holochip is the assignee of and owns all right and title to U.S. Patent Nos. 7,646,544 (the '544 Patent), 8,064,142 (the '142 Patent), and 8,605,361 (the '361 Patent) (collectively, "the Asserted Patents").

8. The Asserted Patents were developed by inventors working for Holochip, including Dr. Robert Batchko. Holochip was founded in 2004 by Dr. Batchko. Holochip is a United States optics company and a leader in the field of variable focus (or "focus tunable") liquid filled lenses. Since its introduction, Holochip's fluidic lens technology has provided a more compact, faster, and lighter weight alternative to traditional imaging lens assemblies. Prior to founding Holochip, Dr. Batchko served as a co-founder, CTO, and Director of Lightbit Corporation, a manufacturer of all-optical wavelength conversion systems for dense wavelength division multiplexing ("DWDM") networks. Dr. Batchko also ran a consulting firm providing R&D and business development expertise to photonics companies in areas including design and development of intraocular lenses (IOL) for cataract surgery, and design and engineering of quasi-phase matched nonlinear optics (NLO), fabrication of NLO chips for second harmonic generation, parametric amplification, oscillation and generation. Dr. Batchko holds over 30 issued United States patents in a variety of areas including fluidic lens.

9. The '544 Patent, entitled "Fluidic Optical Devices," was duly and lawfully issued on January 12, 2010, a true and correct copy of which is attached hereto as Exhibit 1.

10. The '544 Patent was in full force and effect since its issuance. Holochip owns by assignment the entire right and title in and to the '544 Patent, including the right to seek damages, including past damages, for any infringement thereof.

11. The '142 Patent, entitled "Fluidic Lens with Reduced Optical Aberration," was duly and lawfully issued on November 22, 2011, a true and correct copy of which is attached hereto as Exhibit 2.

12. The '142 Patent was in full force and effect since its issuance. Holochip owns by assignment the entire right and title in and to the '142 Patent, including the right to seek damages, including past damages, for any infringement thereof.

13. The '361 Patent, entitled "Fluidic Lens with Reduced Optical Aberration," was duly and lawfully issued on December 10, 2013, a true and correct copy of which is attached hereto as Exhibit 3.

14. The '361 Patent was in full force and effect since its issuance. Holochip owns by assignment the entire right and title in and to the '361 Patent, including the right to seek damages, including past damages, for any infringement thereof.

15. Honeywell has been on notice of the Asserted Patents and its infringement since at least service of this Complaint.

FIRST CLAIM

(Infringement of the '544 Patent)

16. Holochip re-alleges and incorporates herein by reference paragraphs 1-14 of its Complaint.

17. The '544 Patent is generally directed to variable focus lenses, systems and methods associated with such lenses.

18. Honeywell has, under 35 U.S.C. § 271(a), directly infringed, literally and/or under the doctrine of equivalents, one or more claims, including without limitation at least claim 1 of the '544 Patent, by making, using, selling, offering for sale, and/or importing systems in its infringing

systems, including but not limited to the Honeywell Extended FlexRange EX30 2D Scan Engine (the Accused Products). An exemplary claim chart demonstrating one way in which Honeywell infringed claim 1 of the '544 Patent is attached as Exhibit 4.

19. To the extent Honeywell has failed to take any action to stop its infringement after being placed on notice of the above, such infringement has been willful.

SECOND CLAIM

(Infringement of the '142 Patent)

20. Holochip re-alleges and incorporates herein by reference paragraphs 1-18 of its Complaint.

21. The '142 Patent is generally directed variable focus lenses, systems and methods associated with such lenses.

22. Honeywell has, under 35 U.S.C. § 271(a), directly infringed, literally and/or under the doctrine of equivalents, one or more claims, including without limitation at least claim 42 of the '142 Patent, by making, using, selling, offering for sale, and/or importing systems in its infringing systems, including but not limited to the Accused Products. An exemplary claim chart demonstrating one way in which Honeywell infringed claim 42 of the '142 Patent is attached as Exhibit 4.

23. To the extent Honeywell has failed to take any action to stop its infringement after being placed on notice of the above, such infringement has been willful.

THIRD CLAIM

(Infringement of the '361 Patent)

24. Holochip re-alleges and incorporates herein by reference paragraphs 1-22 of its Complaint.

25. The '361 Patent is generally directed variable focus lenses, systems and methods associated with such lenses.

26. Honeywell has, under 35 U.S.C. § 271(a), directly infringed, literally and/or under the doctrine of equivalents, one or more claims, including without limitation at least claims 1 and 18 of the '361 Patent, by making, using, selling, offering for sale, and/or importing systems in its infringing systems, including but not limited to the Accused Products. An exemplary claim chart demonstrating one way in which Honeywell infringed claims 1 and 18 of the '361 Patent is attached as Exhibit 4.'

PRAYER FOR RELIEF

WHEREFORE, Holochip prays for judgment against Honeywell as follows:

- A. That Honeywell has infringed each of the Asserted Patents;
- B. That Honeywell's infringement of one or more of the applicable Asserted Patents has been willful;
- C. That Honeywell pay Holochip damages adequate to compensate Holochip for Honeywell's past infringement of each of the Asserted Patents, and present and future infringement of the applicable Asserted Patents, together with interest and costs under 35 U.S.C. § 284;
- D. That Honeywell pay prejudgment and post-judgment interest on the damages assessed;
- E. That Honeywell pay Holochip enhanced damages pursuant to 35 U.S.C. § 284; and
- F. That Holochip be awarded such other and further relief, including equitable relief, as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Holochip hereby demands a trial by jury on all issues triable to a jury.

September 13, 2024

Respectfully submitted,

/s/ Eric H. Findlay

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