

and/or affiliates knowing that such headsets are sold or intended to be sold throughout the United States, including the State of Texas and the Eastern District of Texas (this District).

4. Varjo publicly announced the XR-4 on November 27, 2023.

5. On that same day, poLight ASA issued a press release declaring “that the company’s TLens® product is used in a recently announced MR head-mounted device from a market leading company.”

6. On information and belief, the Varjo XR-4 uses at least one poLight TLens.

JURISDICTION AND VENUE

7. This is a civil action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1, including §§ 271 and 281-285.

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

9. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c). Defendant is a foreign entity and may be sued in any judicial district under 28 U.S.C. §§ 1391(c)(3).

10. Personal jurisdiction exists generally over the Defendant because each has sufficient minimum contacts with the forum as a result of business conducted within the State of Texas and the Eastern District of Texas.

11. Personal jurisdiction exists over Defendants because they, directly or through affiliates, agents, subsidiaries, or intermediaries, make, use, sell, offer for sale, import, advertise, make available, and/or market products within the State of Texas and this District that infringe one or more claims of the Asserted Patents, as alleged more particularly below.

PATENTS IN SUIT

12. 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").

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. Varjo 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)

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

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

23. Varjo 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 Varjo XR-4 mixed reality headset and system (the Accused Products). An exemplary claim chart demonstrating one way in which Varjo infringed claim 1 of the '544 Patent is attached as Exhibit 4.

24. On information and belief, since at least the filing of this complaint, Varjo has actively induced others to directly infringe the '544 Patent by providing the Accused Products to them, directly or indirectly, for sale and/or use in the United States knowing that the Accused Products infringe the '544 Patent. Varjo is thus an infringer under 35 U.S.C. §271(b).

25. To the extent Varjo 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)

26. Holochip re-alleges and incorporates herein by reference paragraphs 1-25 of its Complaint.

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

28. Varjo 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 Varjo infringed claim 42 of the '142 Patent is attached as Exhibit 4.

29. On information and belief, since at least the filing of this complaint, Varjo has actively induced others to directly infringe the '142 Patent by providing the Accused Products to

them, directly or indirectly, for sale and/or use in the United States knowing that the Accused Products infringe the '142 Patent. Varjo is thus an infringer under 35 U.S.C. §271(b).

30. To the extent Varjo 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)

31. Holochip re-alleges and incorporates herein by reference paragraphs 1-30 of its Complaint.

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

33. Varjo 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 Varjo infringed claims 1 and 18 of the '361 Patent is attached as Exhibit 4.

34. On information and belief, since at least the filing of this complaint, Varjo has actively induced others to directly infringe the '361 Patent by providing the Accused Products to them, directly or indirectly, for sale and/or use in the United States knowing that the Accused Products infringe the '361 Patent. Varjo is thus an infringer under 35 U.S.C. §271(b).

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

PRAYER FOR RELIEF

WHEREFORE, Holochip prays for judgment against Varjo as follows:

- A. That Varjo has infringed each of the Asserted Patents;
- B. That Varjo's infringement of one or more of the applicable Asserted Patents has been willful;
- C. That Varjo pay Holochip damages adequate to compensate Holochip for Varjo'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 Varjo pay prejudgment and post-judgment interest on the damages assessed;
- E. That Varjo 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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