

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**HOPEWELL CULTURE & DESIGN
LLC,**

Plaintiff,

V.

**PANASONIC CORPORATION OF
NORTH AMERICA,
CREATIVE TECHNOLOGIES LTD.,
HISENSE USA CORPORATION,
Defendant.**

CASE NO. 2:13-CV-1066

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff Hopewell Culture & Design LLC ("Plaintiff"), by and through its undersigned counsel, files this Original Complaint against Panasonic Corporation of North America, Creative Technologies Ltd., HiSense USA Corporation ("Defendants") as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendants' infringement of United States Patent No. 7,171,625 ("the '625 patent") entitled "Double-Clicking a Point-and-Click Interface Apparatus to Enable a New Interaction with Content Represented by an Active Visual Display Element". A true and correct copy of the '625 Patent is attached hereto as Exhibit A. Plaintiff is the exclusive licensee of the '625 patent. Plaintiff seeks injunctive relief and monetary damages.

PARTIES

2. Plaintiff is a limited liability company organized and existing under the laws of the State of Texas. Plaintiff maintains its principal place of business at 104 East Houston Street, Suite

170, Marshall, Texas 75670. Plaintiff is authorized to do business in Texas. Plaintiff is the exclusive licensee of the '625 patent, and possesses the right to sue for infringement and recover past damages.

3. Upon information and belief, Panasonic Corporation of North America (“Panasonic”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 1 Panasonic Way, Secaucus, NJ 07094. Panasonic can be served with process through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

4. Upon information and belief, Creative Technologies Ltd. (“Creative”) is a corporation organized and existing under the laws of the State of Nevada, with its principal place of business at 6171 McLeod Dr., Las Vegas, NV 89120. Creative can be served with process through its registered agent, CSC Services of Nevada Inc., 2215-B Renaissance Dr. Las Vegas, NV 89119.

5. Upon information and belief, HiSense USA Corporation. (“HiSense”) is a corporation organized and existing under the laws of the State of Georgia, with its principal place of business at 7310 McGinnis Ferry Road, Suwanee, GA 30024. HiSense can be served with process through its registered agent, Corporation Service Company, 211 East 7th Street, Suite 620, Austin, TX 78701.

JURISDICTION AND VENUE

6. 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).

7. The Court has personal jurisdiction over Defendants because: Defendants have minimum contacts within the State of Texas and the Eastern District of Texas; Defendants have purposefully availed itself of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; Defendants have sought protection and benefit from the laws of the State of Texas; Defendants regularly conduct business within the State of Texas and within the Eastern District of Texas; and Plaintiff's cause of action arises directly from Defendants' business contacts and other activities in the State of Texas and in the Eastern District of Texas.

8. More specifically, Defendants, directly and/or through intermediaries, ships, distributes, offers for sale, sells, and/or advertises (including the provision of an interactive web page) their products and services in the United States, the State of Texas, and the Eastern District of Texas. Upon information and belief, Defendants have committed patent infringement in the State of Texas and in the Eastern District of Texas. Defendants solicit and have solicited customers in the State of Texas and in the Eastern District of Texas. Defendants have many paying customers who are residents of the State of Texas and the Eastern District of Texas and who each use and have used the Defendants' products and services in the State of Texas and in the Eastern District of Texas.

9. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391 and 1400(b).

10. Joinder of the Defendants is proper pursuant to 35 U.S.C. § 299(a) at least because each Defendants' infringing products includes, complies with, and/or utilizes the Android operating system, the practice of which by each Defendant necessarily results in infringement of the patent-in-suit. In addition, questions of fact common to all of the Defendants will arise in the

action at least because, upon information and belief, Defendants' infringing acts arise from their common acts of including, complying with and/or utilizing the Android operating systems.

COUNT I – PATENT INFRINGEMENT

11. The '625 patent was duly and legally issued by the United States Patent and Trademark Office on January 30, 2007 after full and fair examination. Plaintiff is the exclusive licensee of the '625 patent with respect to the Defendants, and possesses all rights of recovery under the '625 patent with respect to the Defendants, including the right to sue for infringement and recover past damages.

12. Upon information and belief, Defendant Panasonic Corporation of North America has infringed and continues to infringe one or more claims of the '625 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, internet tablet PCs, including the Toughpad FZ-A1, Toughpad JT-B1 tablets, allowing a user to double click or double tap a visual display element representing interactive content and interact with a second version of the interactive content.

13. Upon information and belief, Defendant Creative Technologies Ltd. has infringed and continues to infringe one or more claims of the '625 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, internet tablet PCs, including, Creative ZiiO tablets, allowing a user to double click or double tap a visual display element representing interactive content and interact with a second version of the interactive content.

14. Upon information and belief, Defendant HiSense USA Corporation has infringed and continues to infringe one or more claims of the '625 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in

the United States, internet tablet PCs, including the HiSense Sero 7, and Sero 7 LT tablets, allowing a user to double click or double tap a visual display element representing interactive content and interact with a second version of the interactive content.

15. Defendants' aforesaid activities have been without authority and/or license from Plaintiff.

16. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of the Defendants' wrongful acts in an amount subject to proof at trial, 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.

JURY DEMAND

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court find in its favor and against Defendants, and that the Court grant Plaintiff the following relief:

A. An adjudication that one or more claims of the '625 patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendants;

B. An award to Plaintiff of damages adequate to compensate Plaintiff for the Defendants' acts of infringement together with pre-judgment and post-judgment interest;

C. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and costs in accordance with 35 U.S.C. §285; and

D. Any further relief that this Court deems just and proper.

Dated: December 10, 2013

Respectfully submitted,

By: /s/ Austin Hansley

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**HOPEWELL CULTURE & DESIGN,
LLC**