

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SURPASS TECH INNOVATION LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. _____
)	
LG DISPLAY CO., LTD.; LG DISPLAY)	JURY TRIAL DEMANDED
AMERICA, INC.; LG ELECTRONICS INC.;)	
and LG ELECTRONICS U.S.A., INC.,)	
)	
Defendants.)	
)	
)	
)	
)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Surpass Tech Innovation LLC (“Plaintiff” or “Surpass Tech”), by and through its undersigned attorneys, hereby pleads the following claims of patent infringement against LG Display Co., Ltd.; LG Display America, Inc. (collectively, “LG Display”); LG Electronics Inc.; and LG Electronics U.S.A., Inc. (collectively, “LG Electronics”); and alleges as follows:

PARTIES

1. Plaintiff Surpass Tech is a Delaware limited liability company having an address at 3422 Old Capitol Trail, Suite 700, Wilmington, Delaware 19808-6192. Surpass Tech owns all title, rights and interest to United States Patent No. 7,202,843 (the “843 Patent”).

2. Upon information and belief, Defendant LG Display Co, Ltd. is a Korean corporation having its principal place of business at LG Twin Tower 128, Yeouido-Dong,

Yeongdeungpo-Gu, Seoul, South Korea 150-721. LG Display Co., Ltd. may be served with process pursuant to the Delaware long-arm statute, 10 *Del. C.* § 3104.

3. Upon information, Defendant LG Display America, Inc. is a California corporation having its principal place of business at 2540 N First Street, Suite 400, San Jose, California. Defendant LG Display America, Inc. can be served via its registered agent, Dong Hoon Han, 2540 N. First Street, Suite 400, San Jose, CA 95131.

4. Upon information and belief, Defendant LG Electronics Inc. is a Korean corporation having its principal place of business at LG Twin Tower 128, Yeoui-daero, Yeongdeungpo-gu, Seoul, South Korea 150-721. LG Electronics Inc. may be served with process pursuant to the Delaware long-arm statute, 10 *Del. C.* § 3104.

5. Upon information and belief, Defendant LG Electronics U.S.A., Inc. is a Delaware corporation having its principal place of business at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. Defendant LG Electronics U.S.A., Inc. can be served via its registered agent, United States Corporation Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the patent laws of the United States of America, Title 35 of the United States Code. This Court has subject matter jurisdiction over the matters plead herein under 28 U.S.C. §§ 1331 and 1338(a) in that this is a civil action arising out of the patent laws of the United States of America.

7. LG Electronics and LG Display (collectively, “Defendants”) regularly and deliberately engaged in and continue to engage in activities that result in using, selling, offering for sale, and/or importing infringing products in and/or into the State of Delaware

and this judicial district. These activities violate Surpass Tech's rights under the '843 Patent plead herein. This Court has personal jurisdiction over the Defendants because, among other things, Defendants conduct business in the State of Delaware and in this judicial district and thus enjoy the privileges and protections of Delaware law.

8. Venue is proper in the District of Delaware pursuant to 28 U.S.C. §§ 1391(b), (c) and (d) and 1400(b).

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,202,843

9. Plaintiff incorporates Paragraphs 1 through 8 herein by reference as if fully stated herein.

10. The '843 Patent, entitled "Driving Circuit of A Liquid Crystal Display Panel and Related Driving Method," issued on April 10, 2007. The '843 Patent names Yung-Hung Shen, Shih-Chung Wang, Yuh-Ren Shen and Cheng-Jung Chen as inventors. Surpass Tech owns by assignment the entire right, title and interest in and to the '843 Patent, including the sole right to sue for past and present patent infringement thereof. A true and correct copy of the '843 Patent is attached hereto as Exhibit A.

11. Several of Defendants' products, including but not limited to LG Electronics' 55LA7400 television having LG Display's LC550EUH-PFF1 liquid crystal display ("LCD") module, practice claims of the '843 Patent. Surpass Tech believes, and further alleges, that additional LG Display LCD modules and LG Electronics televisions having LG Display's LCD modules also practice claims of the '843 Patent (products covered by this paragraph are collectively referred to as "Accused Products").

12. Surpass Tech believes, and thereon alleges, that LG Display has sold and

offered to sell and is selling and offering to sell infringing LCD modules for use in infringing televisions, and that these LCD modules are material to practicing the '843 Patent's invention, have no substantial non-infringing uses, and are known by Defendants, including LG Display, to be especially made or especially adapted for use in what constitutes infringement of the '843 Patent. At least as early as February 28, 2014, LG Display had actual knowledge of the '843 Patent and Plaintiff's claims that LG Display's LCD modules are covered by the '843 Patent. LG Display is contributing to the acts of using, offering to sell, and/or selling in the United States and/or importing into the United States the infringing Accused Products by LG Electronics by intentionally supplying such material components to LG Electronics with such knowledge of the '843 Patent.

13. Surpass Tech believes, and thereon alleges, that LG Display has induced and is inducing the infringement of the '843 Patent by LG Electronics with the knowledge that the induced acts constitute patent infringement, by providing modules which contain every element of claims of the '843 Patent. At least as early as February 28, 2014, LG Display had actual knowledge of the '843 Patent and Plaintiff's claims that LG Display's LCD modules are covered by the '843 Patent. LG Display is continuing to induce infringement by LG Electronics by intentionally inducing acts of using, offering to sell, and/or selling in the United States and/or importing into the United States the Accused Products with such knowledge of the '843 Patent.

14. Surpass Tech believes, and thereon alleges, that any applicable requirements of 35 U.S.C. § 287 have been satisfied.

15. Surpass Tech believes, and thereon alleges, that Defendants have each infringed, and continue to infringe, claims of the '843 Patent, in violation of 35 U.S.C.

§ 271, by among other things, making, using, offering to sell, selling and/or importing in and/or into the United States, without authority or license from Surpass Tech, the Accused Products falling within the scope of claims of the '843 Patent.

16. Defendants' acts of infringement have caused and will continue to cause substantial and irreparable damage to Surpass Tech.

17. As a result of the infringement of the '843 Patent by Defendants, Surpass Tech has been damaged. Surpass Tech is, therefore, entitled to such damages pursuant to 35 U.S.C. § 284 in an amount that presently cannot be pled but that will be determined at trial.

18. At least as early as March 5, 2014, both LG Electronics and LG Display had actual knowledge of the '843 Patent and Plaintiff's claims that LG Display's LCD modules and LG Electronics' televisions containing LG Display's LCD modules are covered by the '843 Patent. Upon information and belief, LG Electronics' and LG Display's acts of infringement of the '843 Patent have been willful and intentional. Since at least the above-mentioned date of notice, LG Electronics and LG Display have acted with an objectively high likelihood that their actions constitute infringement of the '843 Patent by refusing to take a license and continuing to make and sell infringing Accused Products. The objectively-defined risk was either known or was so obvious that it should have been known.

CONCLUSION

19. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of 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.

20. Plaintiff has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

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

PRAYER FOR RELIEF

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

- A. A judgment that Defendants have infringed the '843 Patent as alleged herein, directly and/or indirectly by way of contributing and/or inducing infringement of the '843 Patent;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Defendants;
- C. A judgment and order requiring Defendants to pay Plaintiff damages under 35 U.S.C. § 284, including up to treble damages for willful infringement as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Defendants and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the '843 Patent pursuant to 35 U.S.C. § 283;

- E. A judgment and order requiring Defendants to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring Defendants to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Dated: March 14, 2014

BAYARD, P.A.

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