

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

GROWING TECHNOLOGY, LLC,

Plaintiff,

v.

BROADCOM CORPORATION,

Defendant

CIVIL ACTION NO. 2:14-cv-00649

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Growing Technology, LLC for its Complaint against Broadcom Corporation (“Broadcom” or “Defendant”), demands a trial by jury and alleges as follows:

PARTIES

1. Plaintiff Growing Technology, LLC is a Texas Limited Liability corporation.
2. On information and belief, Defendant Broadcom Corporation is incorporated under the laws of California with its principal place of business at 5300 California Avenue, Irvine, CA 92617. This Defendant is registered to do business in the State of Texas and has appointed National Registered Agents, Inc., 1999 Bryan St., Suite 900, Dallas, TX 75201-3136, as its agent for service of process. On information and belief, Broadcom Corporation regularly conducts and transacts business in the United States, throughout the State of Texas, and within the Eastern District of Texas, either by itself and/or through one or more subsidiaries, affiliates, business divisions, or business units and it has committed acts of infringement within the meaning of 28 U.S.C. § 1400(b).
3. On information and belief, Defendant Broadcom Corporation is a Republic of Taiwan corporation with its principal place of business at 9F, No. 399, Ruiguang Road, Neihu

Dist., Taipei City, Taiwan 11492, R.O.C. On information and belief, Defendant Broadcom Corporation is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. On information and belief, Broadcom Corporation resides in this jurisdiction within the meaning of 28 U.S.C. § 1400(b). This proceeding arises, in part, out of business done in this state. Broadcom Corporation may be served with process in Taiwan pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents, Article 1, November 15, 1965 T.I.A.S. No. 6638, 20 U.S.T. 361 (U.S. Treaty 1969). Broadcom Corporation regularly conducts and transacts business in Texas, throughout the United States, and within the Eastern District of Texas, by itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, namely, 35 U.S.C. §§ 1 *et seq.* This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(2) and (c) and/or 1400(b). On information and belief, Broadcom has transacted business in this district, and has committed acts of patent infringement in this district, by the making, using and/or selling of devices having touchscreen devices and modules.

6. On information and belief, Broadcom is subject to this Court's general and specific personal jurisdiction because: Broadcom has minimum contacts within the State of Texas and the Eastern District of Texas and, pursuant to due process and/or the Texas Long Arm Statute, Broadcom has purposefully availed themselves of the privileges of conducting business in the

State of Texas and in the Eastern District of Texas; Broadcom regularly conducts and solicits business within the State of Texas and within the Eastern District of Texas; and Plaintiff Growing Technology, LLC's causes of action arise directly from Broadcom's business contacts and other activities in the State of Texas and in the Eastern District of Texas.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 7,242,812

7. Growing Technology, LLC is the owner of all rights, title and interest to United States Patent No. 7,242,812 ("the '812 Patent") entitled "Coding and Decoding of Video Data." The '812 Patent was issued on June 10, 2007 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the '812 Patent was filed on June 26, 2003. Attached as Exhibit "A" is a copy of the '812 Patent.

8. The '812 Patent is a novel method for coding and decoding video data and codec thereof are disclosed. The invented method provides an FGS (fine grained scalability) algorithm using bit plane coding technique.

9. On information and belief, Broadcom has been and now is infringing the '812 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell a method for coding and decoding video data according to the '812 Patent. On information and belief, examples of Broadcom products that infringe the '812 Patent include, but are not limited to, all Broadcom BCM70012, BCM7411, BCM7043, BCM11182, BCM11181, BCM7412, BCM7411D, BCM7043, BCM7251, BCM7366, BCM7438, BCM7439, BCM2091, BCM21553, M340, BCM4325, BCM4329, BCM20751, BCM4325, BCM4329, BCM4750, BCM4751, BCM2727, BCM2702, BCM97395,

BCM7410, BCM70012 and BCM70010 products. Broadcom is thus liable for infringement of the '812 Patent pursuant to 35 U.S.C. § 271.

10. On information and belief, the method for coding and decoding video data in Broadcom's accused products are known by Broadcom to be especially made or especially adapted for use in a manner that infringes the '812 Patent and are not staple articles of commerce capable of substantial non-infringing uses. Broadcom has thereby infringed and contributed to the infringement of the '812 Patent.

11. On information and belief, Broadcom, by its sales and/or offers for sale of the accused products to third parties, has induced and continues to induce acts by third parties that Broadcom knew or should have known would constitute direct infringement of the '812 Patent. Broadcom actively induced infringement of the '812 Patent by designing the accused products to be capable of infringement and by promoting and encouraging the use of its products by third parties in ways that infringe the '812 Patent.

12. As a result of Broadcom's infringement of the '812 Patent, Growing Technology, LLC has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Broadcom's infringing activities are enjoined by this Court.

13. Unless a permanent injunction is issued enjoining Broadcom and its agent, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the '812 Patent, Growing Technology, LLC will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Growing Technology, LLC respectfully requests that this Court enter:

A. A judgment in favor of Growing Technology, LLC that Broadcom has infringed the '812 Patent;

B. A permanent injunction enjoining Broadcom and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the '812 Patent;

C. A judgment and order requiring Broadcom to pay Growing Technology, LLC its damages, costs, expenses, and prejudgment and post-judgment interest for Broadcom's infringement of the '812 Patent as provided under 35 U.S.C. § 284;

D. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Growing Technology, LLC its reasonable attorneys' fees; and

E. Any and all other relief to which Growing Technology, LLC may show itself to be entitled.

DEMAND FOR JURY TRIAL

Growing Technology, LLC, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: May 30, 2014

Respectfully submitted,

By: /s/ Winston O. Huff
Winston O. Huff, Attorney in Charge
State Bar No. 24068745
Deborah Jagai
State Bar No. 24048571
W. O. Huff & Associates, PLLC
302 N. Market Street, Suite 450
Dallas, TX 75202
214.749.1220 (Firm)
469.206.2173 (Fax)
whuff@huffip.com
djagai@huffip.com

**ATTORNEYS FOR PLAINTIFF
GROWING TECHNOLOGY, LLC**

CERTIFICATE OF FILING

I hereby certify that on May 30, 2014 I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

/s/ Winston O. Huff
Winston O. Huff