

1 GOKALP BAYRAMOGLU (Cal. Bar No. 268222)
2 gokalp@bayramoglu-legal.com
3 BAYRAMOGLU LAW OFFICES LLC
4 8275 South Eastern Ave
5 Las Vegas Nevada 89123
6 Telephone: 702.724.2628
7 Facsimile: 702.446.9401

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9 *Attorney for Plaintiff*

10 *Digital Empire Limited*
11

12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

14
15 DIGITAL EMPIRE LIMITED
16 Plaintiff,
17 V.
18 COMPAL ELECTRONICS INC GROUP
19 HENGHAO TECHNOLOGY CO., LTD
20 BIZCOM ELECTRONICS, INC.
21 AUSCOM ENGINEERING INC.
22 Defendants.

CIVIL ACTION NO.

'14CV1688 GPC NLS

JURY TRIAL DEMANDED

Complaint Filed: July 22, 2014

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26 **COMPLAINT FOR PATENT INFRINGEMENT**

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28 Plaintiff Digital Empire Limited (“Plaintiff”) files this Complaint for
29 patent infringement against Defendants Compal Electronics Inc Group,
30 Henghao Technology Co., Ltd, Bizcom Electronics, Inc., and Auscom
31 Engineering Inc. (“Defendants”). Plaintiff demands a trial by jury and
32 alleges as follows:

33 **Parties**

1 1. Plaintiff Digital Empire Limited is Samoa corporation
2 with its principal place of business at Offshore Chambers, P.O. Box
3 217, Apia, Samoa.

4 2. On information and belief, Compal Electronics Inc Group
5 is a corporation organized and existing under the laws of Republic of
6 China (Taiwan) with its place of business No.581, Ruiguang Rd.,
7 Neihu District, Taipei City 11492, Taiwan (R.O.C.). On information
8 and belief, Compal Electronics Inc Group is a nonresident of
9 California who engages in business in this state, but does not maintain
10 a regular place of business in this state or a designated agent for
11 service of process in this state. On information and belief, Defendant
12 resides in this jurisdiction within the meaning of 28 U.S.C §1400(b).
13 This proceeding arises, in part, out of business done in this state.
14 Defendant regularly conducts and transacts business in California,
15 throughout the United States, and within the Southern District of
16 California, itself and/or through one or more subsidiaries, affiliates,
17 business divisions, or business units.

18 3. On information and belief, Henghao Technology Co., Ltd
19 is a corporation organized and existing under the laws of Republic of
20 China (Taiwan) with its place of business No.8 South East Rd,
21 Pingzhen, TaoyuanTaiwan (R.O.C.). On information and belief,

1 Henghao Technology Co., Ltd is a nonresident of California who
2 engages in business in this state, but does not maintain a regular place
3 of business in this state or a designated agent for service of process in
4 this state. On information and belief, Defendant resides in this
5 jurisdiction within the meaning of 28 U.S.C §1400(b). This
6 proceeding arises, in part, out of business done in this state. Defendant
7 regularly conducts and transacts business in California, throughout the
8 United States, and within the Southern District of California, itself
9 and/or through one or more subsidiaries, affiliates, business divisions,
10 or business units.

11 4. On information and belief, Bizcom Electronics, Inc. is a
12 California corporation with its principal place of business at 1171
13 Montague Expressway Milpitas, CA 95035. This Defendant has
14 appointed Duan Wang, 1171 Montague Expressway Milpitas, CA
15 95035 as its agent for service of process. On information and belief,
16 Defendant Bizcom Electronics, Inc regularly conducts and transacts
17 business in the United States, throughout the State of California, and
18 within the Southern District of California, itself and/or through one or
19 more subsidiaries, affiliates, business divisions, or business units and
20 has committed acts of infringement within the meaning of 28 U.S.C. §
21 1400(b).

1 8. This Court has personal jurisdiction over Defendants
2 because Defendants have substantial contacts with and conduct
3 business in the State of California and in this judicial district, and have
4 been infringing, contributing to the infringement of and/or actively
5 inducing others to infringe claims of the Patent-in-Suit in California
6 and elsewhere in the United States. Specifically, on information and
7 belief, Defendants sell, offer to sell, market, and advertise the accused
8 Henghao Panels to their customers. On information and belief,
9 Defendants have actively induced their customers such as Acer Co.
10 (“ACER”), Dell Computer, Inc. (“DELL”) and Hewlett Packard Inc.
11 (“HP”) to make, use, and sell products that practice one or more
12 claims of the Patent-in-Suit in this judicial district.

13 9. Venue is proper in this Court pursuant to 28 U.S.C. §§
14 1391(b), 1391(c), 1391(d) and/or 1400(b) because a substantial part of
15 the events giving rise to the claims at issue occurred in this district.

16 10. This Court has personal jurisdiction over Defendants by
17 virtue of the business activities they conduct within this district and
18 within the State of California, resulting in sufficient minimum
19 contacts with this forum.

20 11. DIGITAL EMPIRE LIMITED is the sole owner by
21 assignment of United States Patent No. 8,081,169 (the “’169 Patent”),
22 which issued on December 20, 2011, and is entitled “Cover Lens With
23 Touch-Sensing Function And Method For Fabricating The Same.” A
24 copy of the ’169 Patent is attached hereto as Exhibit A.

25 12. The ’169 Patent relates to the field of touch panel devices,
26 and in particular to a cover lens with touch-sensing function which is
27 combined onto an external side of an electronic device and allows the

1 touch-sensing and protection for the electronic device.

2
3 **COUNT I**

4 **DEFENDANTS' INFRINGEMENT OF U.S. PATENT NO.**

5 **8,081,169**

6 13. DIGITAL EMPIRE LIMITED incorporates by reference
7 paragraphs 1 through 12 above as though fully restated herein.

8 14. DIGITAL EMPIRE LIMITED is the sole owner by
9 assignment of the '169 Patent and possesses all rights of recovery
10 under the '169 Patent, including the right to sue for infringement and
11 recover past damages.

12 15. Upon information and belief, Defendants have infringed
13 and if not enjoined, will continue to infringe one or more claims of the
14 '169 Patent by performing, without authority, one or more of the
15 following acts: (1) making, having made, using, importing, offering
16 for sale, or selling in the United States the Henghao Panels that
17 infringe one or more claims of the '169 Patent, in violation of 35
18 U.S.C. §271(a); (2) inducing infringement of one or more claims of
19 the '169 Patent in violation of 35 U.S.C. §271(b); and/or (3)
20 contributing to the infringement of one or more claims of the '169
21 Patent in violation of 35 U.S.C. §271(c).

22 16. Upon information and belief, Defendants' acts of direct
23 infringement of the '169 Patent, literal and/or under the doctrine of
24 equivalents, include making, having made, using, offering to sell, or
25 selling, in this district or elsewhere in the United States, the Henghao
26 Panels that practice one or more claims of the '169 Patent, including

1 but not limited to the touchscreens used in DELL notebook computers,
2 HP notebook computers and ACER notebook computers.

3 17. Upon information and belief, Defendants have contributed
4 to and continue to contribute to the infringement of one or more
5 claims of the '169 Patent by offering to sell, and selling to their
6 customers, such as DELL, HP, and ACER in this district and
7 elsewhere in the United States, the accused Henghao Panels that
8 constitute a material component of a device, system, combination or
9 composition covered by the '169 Patent, and that the customers have
10 utilized said products in a manner that infringes one or more claims of
11 the '169 Patent.

12 18. Upon information and belief, Defendants have been aware,
13 prior to filing of this action, that its products accused of infringement,
14 including but not limited to the accused Henghao Panels, are
15 especially made and/or adapted for use(s) that infringe one or more
16 claims of the '169 Patent and are, therefore, not staple articles or
17 commodities of commerce suitable for substantial non-infringing use.

18 19. Upon information and belief, Defendants have induced
19 and continue to induce infringement of one or more claims of the '169
20 Patent in this district and elsewhere in the United States, by, among
21 other things, actively encouraging, or otherwise causing their
22 customers, such as DELL, HP and ACER, to use the Henghao Panels
23 that practice one or more claims of the '169 Patent, including, but not
24 limited to, the touchscreens used in DELL notebook computers, HP
25 notebook computers and ACER notebook computers.

26 20. Upon information and belief, Defendants have had
27 knowledge of the '169 Patent prior to the filing of the Complaint in

1 this action, and continue to encourage, or otherwise cause their
2 customers to use the Henghao Panels that infringe one or more claims
3 of the '169 Patent.

4 21. Upon information and belief, Defendant has specifically
5 intended that their customers use the Henghao Panels that infringe one
6 or more claims of the '169 Patent by, at minimum, providing designs,
7 datasheets and specifications of the accused Henghao Panels to their
8 customers such as DELL, HP and ACER.

9 22. Upon information and belief, Defendant has knowingly
10 sold and/or offered the Henghao Panels that infringe one or more
11 claims of the '169 Patent to their customers such as DELL, HP and
12 ACER by, at minimum, actively providing technical support to help
13 their customers integrate such Henghao Panels into the end-products
14 sold in the United States, including but not limited to, smartphones,
15 tablets and notebook computers.

16 23. Upon information and belief, Defendants' act of infringing
17 the '169 Patent have been willful and in deliberate disregard of 's
18 patent rights.

19 24. As a result of Defendants' infringement of the '169 Patent,
20 DIGITAL EMPIRE LIMITED has suffered and will continue to suffer
21 damages.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff DIGITAL EMPIRE LIMITED asks this
24 Court to enter judgment in its favor against Defendants and grant the
25 following relief:

26 1. An adjudication that Defendants have infringed, and
27 continue to infringe, the Patent-in-Suit as alleged above;

1 2. An accounting of all damages sustained by DIGITAL
2 EMPIRE LIMITED as a result of Defendants' acts of infringement of the
3 Patent-in-Suit;

4 3. An award to DIGITAL EMPIRE LIMITED of actual
5 damages adequate to compensate DIGITAL EMPIRE LIMITED for
6 Defendants' acts of patent infringement, together with prejudgment and
7 post-judgment interest;

8 4. An award to DIGITAL EMPIRE LIMITED of enhanced
9 damages, up to, and including, trebling of DIGITAL EMPIRE
10 LIMITED's damages pursuant to 35 U.S.C. § 284 for Defendants' willful
11 infringement;

12 5. An award of DIGITAL EMPIRE LIMITED's costs of suit
13 and reasonable attorneys' fees pursuant to 35 U.S.C. § 285 due to the
14 exceptional nature of this case, or as otherwise permitted by law;

15 6. A grant of a permanent injunction pursuant to 35 U.S.C. §
16 283, enjoining Defendants, and each of its agents, servants, employees,
17 principals, officers, attorneys, successors, assignees, and all those in
18 active concert or participation with Defendants, including related
19 individuals and entities, customers, representatives, OEMs, dealers, and
20 distributors from further acts of: (1) infringement, (2) contributory
21 infringement, and (3) active inducement to infringe with respect to the
22 claims of the Patent-in-Suit, or in the alternative, a post-judgment royalty
23 for post-judgment infringement;

24 7. Any further relief that this Court deems just and proper.

JURY DEMAND

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26 Plaintiff Digital Empire Limited requests a jury trial on all issues
27 triable to a jury in this matter.

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Dated: July 22, 2014

Respectfully submitted,

BAYRAMOGLU LAW OFFICES LLC

By: /s/ Gokalp Bayramoglu
Gokalp Bayramoglu

Attorney for Plaintiff

Digital Empire Limited LLC

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CERTIFICATE OF FILING

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I hereby certify that on July 22, 2014 I electronically filed the foregoing

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document with the clerk of the Court using the CM/ECF system.

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 /s/ Gokalp Bayramoglu

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Gokalp Bayramoglu