

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNIFI SCIENTIFIC BATTERIES, LLC,

Plaintiff,

v.

**RESEARCH IN MOTION CORPORATION,
RESEARCH IN MOTION, LTD.,
SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.,
SAMSUNG TELECOMMUNICATIONS
AMERICA, LLC,
AMAZON.COM, INC.,
AMAZON TECHNOLOGIES, INC.,
BARNESANDNOBLE.COM, LLC,
BARNES & NOBLE, INC. and
TEXAS INSTRUMENTS, INC.**

Defendants.

Case No. 6:12-cv-223

PATENT CASE

JURY TRIAL DEMANDED

COMPLAINT

Unifi Scientific Batteries, LLC (“USB”) files this Complaint against Texas Instruments, Inc., Research in Motion Corporation, Research In Motion, Ltd., Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung Telecommunications America, LLC, Amazon.com, Inc., Amazon Technologies, Inc., Barnes & Noble, Inc., and Barnesandnoble.com, LLC (collectively referred to as “Defendants”) for infringement of United States Patent No. 6,791,298 (hereinafter referred to as “the ‘298 patent”).

THE PARTIES

1. USB is a Texas limited liability company with its principal place of business at 3301 West Marshall Avenue, Suite 302, Longview, TX 75604.

TEXAS INSTRUMENTS, INC.

2. Defendant Texas Instruments, Inc. is a Delaware corporation with its principal place of business located at 12500 TI Blvd., Dallas, Texas 75243. This Court has personal jurisdiction over Texas Instruments, Inc. because Texas Instruments, Inc. resides in Texas and has committed, and continues to commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas.

RESEARCH IN MOTION

3. Defendant Research in Motion, Ltd. is a Canadian corporation with its principal place of business located at 295 Phillip Street, Waterloo, Ontario. This Court has personal jurisdiction over Research in Motion, Ltd. because Research in Motion, Ltd. has committed, and continues to commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas.

4. Defendant Research in Motion Corporation is a Delaware corporation with its principal place of business located at 122 West John Carpenter Freeway, Suite 430, Irving, Texas. This Court has personal jurisdiction over Research in Motion Corporation because Research in Motion Corporation has committed, and continues to commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas. Defendants Research in Motion Corporation and Research in Motion, Ltd. are collectively referred to as “RIM.”

SAMSUNG

5. Defendant Samsung Electronics Co., Ltd. is a Korean corporation with a principal place of business at Samsung Main Building, 250 2-ka, Taepyeong-Ro, Chung-Ku, Seoul,

Korea. This Court has personal jurisdiction over Samsung Electronics Co., Ltd. because Samsung Electronics Co., Ltd. has committed, and continues to commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas.

6. Defendant Samsung Electronics America, Inc. is a New York corporation with its principal place of business located at 105 Challenger Road, Ridgefield Park, New Jersey 07660. This Court has personal jurisdiction over Samsung Electronics America, Inc. because Samsung Electronics America, Inc. has committed, and continues to commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas.

7. Defendant Samsung Telecommunications America, LLC is a Delaware corporation with its principal place of business located at 1130 Arapaho Rd., Richardson, Texas 75081. This Court has personal jurisdiction over Samsung Telecommunications America, LLC because Samsung Telecommunications America, LLC has committed, and continues to commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas. Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc. and Samsung Telecommunications America, LLC are collectively referred to as “Samsung.”

AMAZON

8. Defendant Amazon.com, Inc. is a Delaware corporation with its principal place of business located at 410 Terry Avenue North, Seattle, Washington. This Court has personal jurisdiction over Amazon.com, Inc. because Amazon.com, Inc. has committed, and continues to

commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas.

9. Defendant Amazon Technologies, Inc. is a Nevada corporation with its principal place of business located at 8329 West Sunset Road, Suite 220, Las Vegas, Nevada. This Court has personal jurisdiction over Amazon Technologies, Inc. because Amazon Technologies, Inc. has committed, and continues to commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas. Defendants Amazon.com, Inc. and Amazon Technologies, Inc. are collectively referred to as “Amazon.”

BARNES & NOBLE

10. Defendant Barnesandnoble.com, LLC is a Delaware corporation with its principal place of business located at 122 5th Avenue, New York, New York. This Court has personal jurisdiction over Barnesandnoble.com, LLC because Barnesandnoble.com, LLC has committed, and continues to commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas.

11. Defendant Barnes & Noble, Inc. is a Delaware corporation with its principal place of business located at 122 5th Avenue, New York, New York. This Court has personal jurisdiction over Barnes & Noble, Inc. because Barnes & Noble, Inc. has committed, and continues to commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas. Defendants Barnesandnoble.com, LLC and Barnes & Noble, Inc. are collectively referred to as “Barnes & Noble.”

JURISDICTION AND VENUE

12. This is an action for patent infringement under Title 35 of the United States Code. USB is seeking injunctive relief as well as damages.

13. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States' patent statutes, 35 U.S.C. § 101 *et seq.*

14. Venue is proper under 28 U.S.C. §§ 1391(c) and 1400(b) because Defendants have committed acts of infringement in this district and/or are deemed to reside in this district.

15. This Court has personal jurisdiction over Defendants and venue is proper in this district because Defendants have committed, and continue to commit, acts of infringement in the State of Texas, including in this district and/or have engaged in continuous and systematic activities in the State Texas, including in this district.

COUNT I **(INFRINGEMENT OF U.S. PATENT NO. 6,791,298)**

16. USB incorporates paragraphs 1 through 15 herein by reference.

17. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

18. USB is the assignee of the '298 patent, entitled "Monolithic Battery Charging Device," with ownership of all substantial rights in the '298 patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringement. A true and correct copy of the '298 patent is attached as Exhibit A.

19. The '298 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

20. USB has been damaged as a result of Defendants' infringing conduct described in this Count. Defendants are, thus, liable to USB in an amount that adequately compensates it for their infringement, 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.

TEXAS INSTRUMENTS (Direct Infringement)

21. On information and belief, Texas Instruments has and continues to directly infringe one or more claims of the '298 patent in this judicial district and/or elsewhere in Texas and the United States, including at least claim 1, by, among other things, making, using, offering for sale, selling and/or importing infringing battery chargers. At a minimum, Texas Instruments' use of its battery charging chips, including, without limitation, TWL6030, constitutes direct infringement of the '298 patent, and Texas Instruments is thereby liable for infringement of the '298 patent pursuant to 35 U.S.C. § 271.

TEXAS INSTRUMENTS (Indirect Infringement – Inducement)

22. Based on the information presently available to USB, absent discovery, and in the alternative to direct infringement, USB contends that Texas Instruments has and continues to indirectly infringe one or more claims of the '298 patent, including at least claim 1, by inducing others, including entities such as RIM, Samsung, Amazon and Barnes & Noble who manufacture devices that incorporate Texas Instruments' battery charging chips, such as TWL6030, to make, use, offer for sale, sell and/or import devices that infringe one or more claims of the '298 patent, including at least claim 1. Examples of such infringing devices are RIM's Playbook and Storm 9530, Samsung's Galaxy Nexus, Amazon's Kindle Fire and Barnes & Noble's Nook.

23. Texas Instruments has been on notice of the '298 patent since at least service of this action, or before, but has continued since that time to cause others to directly infringe the '298 patent as alleged herein. In accordance with Fed. R. Civ. P. 11(b)(3), USB will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

24. On information and belief, since Texas Instruments has been on notice of the '298 patent, Texas Instruments has knowingly induced infringement of the '298 patent, including at least claim 1 of the '298 patent, and possessed specific intent to encourage others' infringement.

25. On information and belief, since Texas Instruments has been on notice of the '298 patent, Texas Instruments knew or should have known that its action would induce actual infringement of the '298 patent, including at least claim 1 of the '298 patent.

26. Texas Instruments has not produced or relied upon an opinion of counsel related to the '298 patent. In accordance with Fed .R. Civ. P. 11(b)(3), USB will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

27. Texas Instruments provides support to purchasers of Texas Instruments' battery charging chips, such as TWL6030.

28. Texas Instruments has not produced any evidence as to any investigation, design around or that any remedial action was taken with respect to the '298 patent. In accordance with Fed .R. Civ. P. 11(b)(3), USB will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

29. Texas Instruments instructs purchasers of its battery charging chips, such as RIM, Samsung, Amazon and Barnes & Noble, to use the chips, such as TWL6030, in a manner that directly infringes one or more claims of the '298 patent, including at least claim 1.

TEXAS INSTRUMENTS (Indirect Infringement – Contributory)

30. Based on information presently available to USB, absent discovery, and in the alternative to direct infringement, USB contends that Texas Instruments has and continues to indirectly infringe one or more claims of the '298 patent, including at least claim 1, by contributing to the direct infringement of others, including entities such as RIM, Samsung, Amazon & Barnes & Noble who manufacture devices that incorporate Texas Instruments' battery charging chips, such as TWL6030, to make, use, offer for sale, sell and/or import devices that infringe one or more claims of the '298 patent, including at least claim 1. Examples of such infringing devices are RIM's Playbook and Storm 9530, Samsung's Galaxy Nexus, Amazon's Kindle Fire and Barnes & Noble's Nook.

31. Texas Instruments has and continues to contribute to the direct infringement of others, such as RIM, Samsung, Amazon and Barnes & Noble, by offering to sell, selling and/or importing into the United States a component of a patented apparatus that constitutes a material part of the invention, knowing the same to be especially made or especially adapted for use in infringement of the '298 patent and not a staple article or commodity of commerce suitable for substantial noninfringing use. An example of such a material component offered for sale, sold and/or imported by Texas Instruments is Texas Instruments' TWL6030 battery charging chip.

32. Texas Instruments has been on notice of the '298 patent since at least service of this action, or before, but has continued since that time to cause others to directly infringe the '298 patent as alleged herein. In accordance with Fed. R. Civ. P. 11(b)(3), USB will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

33. Since Texas Instruments has been on notice of the '298 patent, Texas Instruments knew or should have known that its battery charging chips, such as TWL6030, constitute material components of the inventions claimed in the '298 patent, are especially made or especially adapted for use in infringement of the '298 patent, and are not staple articles or commodities of commerce suitable for substantial noninfringing use.

34. By virtue of at least this complaint, Texas Instruments has been provided with written notice of USB's allegation that Texas Instruments has and continues to contributorily infringe the '298 patent and written identification of exemplar products that infringe one or more claims of the '298 patent (e.g., RIM's Playbook and Storm, Samsung's Galaxy Nexus, Amazon's Kindle Fire and Barnes & Noble's Nook) and written notice of an exemplar material part of these devices (e.g., Texas Instruments' TWL6030 chip) that is especially made or especially adapted for use in infringing the '298 patent and is not a staple article or commodity of commerce suitable for substantial noninfringing use.

RIM (Direct Infringement)

35. On information and belief, RIM has and continues to directly infringe one or more claims of the '298 patent in this judicial district and/or elsewhere in Texas and the United States, including at least claim 1, by, among other things, making, using, offering for sale, selling and/or importing its RIM Playbook and Storm devices. RIM is thereby liable for infringement of the '298 patent pursuant to 35 U.S.C. § 271.

RIM (Indirect Infringement – Inducement)

36. Based on the information presently available to USB, absent discovery, and in the alternative to direct infringement, USB contends that RIM has and continues to indirectly infringe one or more claims of the '298 patent, including at least claim 1, by inducing others,

including end users of its devices that incorporate battery charging chips, such as Texas Instruments' TWL6030 and BQ24152, to use infringing devices in violation of one or more claims of the '298 patent, including at least claim 1. Examples of such infringing devices are RIM's Playbook and Storm.

37. RIM has been on notice of the '298 patent since at least service of this action. In accordance with Fed. R. Civ. P. 11(b)(3), USB will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

38. On information and belief, since RIM has been on notice of the '298 patent, RIM has knowingly induced infringement of the '298 patent, including at least claim 1 of the '298 patent, and possessed specific intent to encourage others' infringement.

39. On information and belief, since RIM has been on notice of the '298 patent, RIM knew or should have known that its action would induce actual infringement of the '298 patent, including at least claim 1 of the '298 patent.

40. RIM has not produced or relied upon an opinion of counsel related to the '298 patent. In accordance with Fed .R. Civ. P. 11(b)(3), USB will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

41. RIM provides support to purchasers of its Playbook and Storm and other infringing devices.

42. RIM has not produced any evidence as to any investigation, design around or that any remedial action was taken with respect to the '298 patent. In accordance with Fed .R. Civ. P. 11(b)(3), USB will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

SAMSUNG (Direct Infringement)

43. On information and belief, Samsung has and continues to directly infringe one or more claims of the '298 patent in this judicial district and/or elsewhere in Texas and the United States, including at least claim 1, by, among other things, making, using, offering for sale, selling and/or importing its Samsung Galaxy Nexus phone. Samsung is thereby liable for infringement of the '298 patent pursuant to 35 U.S.C. § 271.

SAMSUNG (Indirect Infringement – Inducement)

44. Based on the information presently available to USB, absent discovery, and in the alternative to direct infringement, USB contends that Samsung has and continues to indirectly infringe one or more claims of the '298 patent, including at least claim 1, by inducing others, including end users of its devices that incorporate battery charging chips, such as Texas Instruments' TWL6030, to use infringing devices in violation of one or more claims of the '298 patent, including at least claim 1. An example of such an infringing device is Samsung's Galaxy Nexus.

45. Samsung has been on notice of the '298 patent since at least service of this action. In accordance with Fed. R. Civ. P. 11(b)(3), USB will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

46. On information and belief, since Samsung has been on notice of the '298 patent, Samsung has knowingly induced infringement of the '298 patent, including at least claim 1 of the '298 patent, and possessed specific intent to encourage others' infringement.

47. On information and belief, since Samsung has been on notice of the '298 patent, Samsung knew or should have known that its action would induce actual infringement of the '298 patent, including at least claim 1 of the '298 patent.

48. Samsung has not produced or relied upon an opinion of counsel related to the '298 patent. In accordance with Fed .R. Civ. P. 11(b)(3), USB will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

49. Samsung provides support to purchasers of its Galaxy Nexus and other infringing devices.

50. Samsung has not produced any evidence as to any investigation, design around or that any remedial action was taken with respect to the '298 patent. In accordance with Fed .R. Civ. P. 11(b)(3), USB will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

AMAZON (Direct Infringement)

51. On information and belief, Amazon has and continues to directly infringe one or more claims of the '298 patent in this judicial district and/or elsewhere in Texas and the United States, including at least claim 1, by, among other things, making, using, offering for sale, selling and/or importing its Amazon Kindle Fire phone. Amazon is thereby liable for infringement of the '298 patent pursuant to 35 U.S.C. § 271.

AMAZON (Indirect Infringement – Inducement)

52. Based on the information presently available to USB, absent discovery, and in the alternative to direct infringement, USB contends that Amazon has and continues to indirectly infringe one or more claims of the '298 patent, including at least claim 1, by inducing others, including end users of its devices that incorporate battery charging chips, such as Texas Instruments' TWL6030, to use infringing devices in violation of one or more claims of the '298 patent, including at least claim 1. An example of such an infringing device is Amazon's Kindle Fire.

53. Amazon has been on notice of the '298 patent since at least service of this action. In accordance with Fed. R. Civ. P. 11(b)(3), USB will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

54. On information and belief, since Amazon has been on notice of the '298 patent, Amazon has knowingly induced infringement of the '298 patent, including at least claim 1 of the '298 patent, and possessed specific intent to encourage others' infringement.

55. On information and belief, since Amazon has been on notice of the '298 patent, Amazon knew or should have known that its action would induce actual infringement of the '298 patent, including at least claim 1 of the '298 patent.

56. Amazon has not produced or relied upon an opinion of counsel related to the '298 patent. In accordance with Fed .R. Civ. P. 11(b)(3), USB will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

57. Amazon provides support to purchasers of its Kindle Fire and other infringing devices.

58. Amazon has not produced any evidence as to any investigation, design around or that any remedial action was taken with respect to the '298 patent. In accordance with Fed .R. Civ. P. 11(b)(3), USB will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

BARNES & NOBLE (Direct Infringement)

59. On information and belief, Barnes & Noble has and continues to directly infringe one or more claims of the '298 patent in this judicial district and/or elsewhere in Texas and the United States, including at least claim 1, by, among other things, making, using, offering for sale,

selling and/or importing its Barnes & Noble Nook phone. Barnes & Noble is thereby liable for infringement of the '298 patent pursuant to 35 U.S.C. § 271.

BARNES & NOBLE (Indirect Infringement – Inducement)

60. Based on the information presently available to USB, absent discovery, and in the alternative to direct infringement, USB contends that Barnes & Noble has and continues to indirectly infringe one or more claims of the '298 patent, including at least claim 1, by inducing others, including end users of its devices that incorporate battery charging chips, such as Texas Instruments' TWL6030, to use infringing devices in violation of one or more claims of the '298 patent, including at least claim 1. An example of such an infringing device is Barnes & Noble's Nook.

61. Barnes & Noble has been on notice of the '298 patent since at least service of this action. In accordance with Fed. R. Civ. P. 11(b)(3), USB will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

62. On information and belief, since Barnes & Noble has been on notice of the '298 patent, Barnes & Noble has knowingly induced infringement of the '298 patent, including at least claim 1 of the '298 patent, and possessed specific intent to encourage others' infringement.

63. On information and belief, since Barnes & Noble has been on notice of the '298 patent, Barnes & Noble knew or should have known that its action would induce actual infringement of the '298 patent, including at least claim 1 of the '298 patent.

64. Barnes & Noble has not produced or relied upon an opinion of counsel related to the '298 patent. In accordance with Fed. R. Civ. P. 11(b)(3), USB will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

65. Barnes & Noble provides support to purchasers of its Nook and other infringing devices.

66. Barnes & Noble has not produced any evidence as to any investigation, design around or that any remedial action was taken with respect to the '298 patent. In accordance with Fed .R. Civ. P. 11(b)(3), USB will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

ADDITIONAL ALLEGATIONS

67. USB has been damaged as a result of Defendants' infringing conduct described herein. Defendants are, thus, liable to USB in an amount that adequately compensates USB for Defendants' infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by the Court under 35 U.S.C. § 284.

68. Defendants' actions complained of herein will continue unless Defendants are enjoined by this Court.

69. Defendants have been aware (i.e., had notice of) the '298 patent since at least the filing of this action. In accordance with Fed. R. Civ. P. 11(b)(3), USB will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue. On information and belief, Defendants' infringement of the '298 patent has been willful because Defendants, with knowledge of the '298 patent, have continued to act despite an objectively high likelihood that their actions constitute infringement of the '298 patent and subject knowledge or obviousness of such risk.

70. This case is exceptional pursuant to the provisions of 35 U.S.C. § 285.

71. USB has complied with 35 U.S.C. § 287.

72. Defendants' actions complained of herein are causing irreparable harm and monetary damage to USB and will continue to do so unless and until Defendants are enjoined and restrained by this Court.

JURY DEMAND

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

PRAYER FOR RELIEF

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

- a. Enter judgment for Plaintiff on this Complaint;
- b. Enter judgment that one or more claims of the '298 patent have been infringed, either directly or indirectly by Defendants;
- c. Enter judgment that Defendants account for and pay to USB all damages to and costs incurred by USB because of Defendants' infringing activities and other conduct complained of herein;
- d. Award Plaintiff damages resulting from Defendants' infringement in accordance with 35 U.S.C. § 284;
- e. Enter a permanent injunction enjoining Defendants and their offices, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with them, from infringing or inducing infringement of the '298 patent, or, in the alternative, judgment that Defendants account for and pay to USB a reasonable royalty and an ongoing post

judgment royalty because of Defendants' past, present and future infringing activities and other conduct complained of herein;

- f. That USB be granted pre-judgment and post-judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein;
- g. Judgment that Defendants' infringement was willful;
- h. Treble the damages in accordance with the provisions of 35 U.S.C. § 284;
- i. Find the case to be exceptional under the provisions of 35 U.S.C. § 285;
- j. That USB be granted such other and further relief as the Court may deem just and proper under the circumstances.

DATED: March 30, 2012

Respectfully submitted,

INNOVALAW, P.C.

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