IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:13-cv-02604

CELLECT, LLC,
a Colorado limited liability company,

Plaintiff,

v.

HTC AMERICA, INC.,
a Washington corporation,

Defendant.

COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR JURY TRIAL

Plaintiff Cellect, LLC ("Cellect") files this Complaint against Defendant HTC America, Inc. alleging as follows:

I. THE PARTIES

1. Plaintiff Cellect is a Colorado limited liability company with its principal place of business at 3134 Wyandot Street, Denver, CO 80211.

2. Upon information and belief, Defendant HTC America, Inc. is a wholly-owned subsidiary of Defendant HTC Corporation (a Taiwanese corporation, with its principal place of business at 23 Xinghua Road, Taoyuan City, Taoyuan County 330, Taiwan, Republic of China) and is incorporated under the laws of the State of Washington, with its principal place of business at 13920 S.E. Eastgate Way, Suite 400, Bellevue, Washington 98005. Unless

specifically noted otherwise, Defendant HTC America, Inc. will be referenced herein as "HTC." The term "HTC" also includes HTC's employees, agents, and all other persons or entities that HTC directs and/or controls.

II. JURISDICTION AND VENUE

3. This Court has exclusive jurisdiction of this action for patent infringement pursuant to 28 U.S.C. § 1338(a).

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400.

6. Upon information and belief, HTC has minimum contacts with this judicial district such that this forum is a fair and reasonable one. HTC acting alone or in consort has placed the Accused Products (defined below) in the stream of commerce, knowing the likely destination of the Accused Products, and their conduct and connections with the state of Colorado are such that they should reasonably have anticipated being brought into court in Colorado. HTC has also transacted and/or, at the time of the filing of this Complaint, is transacting businesses within Colorado. Further, upon information and belief, HTC has committed specific acts of patent infringement complained of herein within the state of Colorado. Upon information and belief, HTC America, Inc. is registered to conduct business in Colorado. HTC America, Inc. lists its registered agent within Colorado as National Registered Agents, Inc., 1675 Broadway, Suite 1200, Denver, CO, 80202. Further, HTC has initiated at least one declaratory judgment action in this District, thereby voluntarily availing itself of jurisdiction in this District. *See Cellport Systems, Inc., v. HTC Corporation, et al.,* Case No. CV

1:13-cv-00173-RBJ (D. Col.) (Answer and Counterclaims filed on July 29, 2013). For these reasons, personal jurisdiction exists over HTC and venue over this action is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).

III. THE PATENTS-IN-SUIT

7. On July 23, 2002, United States Patent No. 6,424,369 ("the '369 Patent") was duly and legally issued for "Hand-Held Computers Incorporating Reduced Area Imaging Devices," with an effective filing date of no later than August 15, 2000. A true and correct copy of the '369 Patent is attached as Exhibit A.

8. The '369 Patent generally relates to a personal digital assistant ("PDA") comprising a complementary metal oxide semiconductor ("CMOS") video camera. The Abstract of the '369 Patent relevantly provides:

> A reduced area imaging device is provided for use with a miniature hand-held computer referred to in the industry as a PDA. In one configuration of the imaging device, the image sensor is placed remote from the remaining image processing circuitry. In a second configuration, all of the image processing circuitry to include the image sensor is placed in a stacked fashion near the same location. In the first configuration, the entire imaging device can be placed at the distal end of a camera module. In a second configuration, the image sensor is remote from the remaining image processing circuitry wherein available space within the PDA is used to house the remaining circuitry. In any of the embodiments, the image sensor may be placed alone on a first circuit board, or timing and control circuits may be included on the first circuit board containing the image sensor. One or more video processing boards can be stacked in a longitudinal fashion with respect to the first board, or the video processing boards may be placed within the housing of the communication device. The PDA includes a miniature LCD-type video view screen which is capable of viewing not only the images taken by the camera module, but also can show incoming video images received from a personal computer connected to a global communications network. The camera module is of such small size that it can be easily stored within the housing of the PDA, and may be attached thereto as by a small retractable cable.

9. Independent Claim 1 of the '369 Patent reads:

> In a PDA having capability to transmit data between a personal computer connected to a communications network, the improvement comprising: a video system integral with said PDA for receiving and transmitting video images, and for viewing said video images, said video system comprising; a camera module housing an image sensor therein, said image sensor lying in a first plane and including an array of CMOS pixels for receiving images thereon, said image sensor further including circuitry means on said first plane and coupled to said array of CMOS pixels for timing and control of said array of CMOS pixels, said image sensor producing a pre-video signal, a first circuit board lying in a second plane and electrically coupled to said image sensor, said first circuit board including circuitry means for converting said pre-video signal to a desired video format; a video view screen attached to said PDA for viewing said video images, said video view screen communicating with said first circuit board, and displaying video images processed by said first circuit board.

10. On September 17, 2002, United States Patent No. 6,452,626 ("the '626 Patent") was duly and legally issued for "Communication Devices Incorporating Reduced Area Imaging Devices," with an effective filing date of no later than July 10, 2000. A true and correct copy of the '626 Patent is attached as Exhibit B.

11. The '626 Patent generally relates to a wireless cellular phone comprising a CMOS video system. The Abstract of the '626 Patent relevantly provides:

> A reduced area imaging device is provided for use with a communication device, such as a wireless/cellular phone. In one configuration of the imaging device, the image sensor is placed remote from the remaining image processing circuitry. In a second configuration, all of the image processing circuitry to include the image sensor is placed in a stacked fashion near the same location. In the first configuration, the entire imaging device can be placed at the distal end of a camera module. In a second configuration, the image sensor is remote from the remaining image processing circuitry wherein available space within the phone is used to house the remaining circuitry. In any of the embodiments, the image sensor may be placed alone on a first circuit board, or timing and control circuits may be included on the first circuit board containing the image sensor. One or more video processing boards can be stacked in a longitudinal fashion with respect to the first board, or the video processing boards may be placed within the housing of the communication device. The communication device includes a miniature LCD-type monitor which is capable of viewing not only the images taken by the camera module, but also can show incoming video images. The camera module is of such small size that it can be easily stored within the housing

> of the communication device, and may be attached thereto as by a small retractable cable. Having a tethered camera module allows it to be pointed at any desired object within sight of the user, and without having to actually point or move the phone housing in order to take an image.

12. Independent Claim 1 of the '626 Patent reads:

> In a wireless telephone for conducting wireless telephonic communications, the improvement comprising: a video system integral with said telephone for receiving and transmitting video images, and for viewing said video images, said video system comprising; a camera module housing an image sensor therein, said image sensor lying in a first plane and including an array of CMOS pixels for receiving images thereon, said image sensor further including circuitry means on said first plane and coupled to said array of CMOS pixels for timing and control of said array of CMOS pixels, said image sensor producing a pre-video signal, a first circuit board lying in a second plane and electrically coupled to said image sensor, said first circuit board including circuitry means for converting said pre-video signal to a desired video format; a video monitor attached to said wireless phone for viewing said video images, said video monitor communicating with said first circuit board, and displaying video images processed by said first circuit board.

13. On March 1, 2005, United States Patent No. 6,862,036 ("the '036 Patent") was duly and legally issued for "Communication Devices Incorporating Reduced Area Imaging Devices," with an effective filing date of no later than July 10, 2000. A true and correct copy of the '036 Patent is attached as Exhibit C.

14. The '036 Patent generally relates to a wireless cellular phone comprising a CMOS camera. The Abstract of the '036 Patent relevantly provides:

> A reduced area imaging device is provided for use with a communication device, such as a wireless/cellular phone. In one configuration of the imaging device, the image sensor is placed remote from the remaining image processing circuitry. In a second configuration, all of the image processing circuitry to include the image sensor is placed in a stacked fashion near the same location. In the first configuration, the entire imaging device can be placed at the distal end of a camera module. In a second configuration, the image sensor is remote from the remaining image processing circuitry wherein available space within the phone is used to house the remaining circuitry. In any of the embodiments, the image sensor may be placed alone on a first circuit board, or timing and control circuits

> may be included on the first circuit board containing the image sensor. One or more video processing boards can be stacked in a longitudinal fashion with respect to the first board, or the video processing boards may be placed within the housing of the communication device. The communication device includes a miniature LCD-type monitor which is capable of viewing not only the images taken by the camera module, but also can show incoming video images. The camera module is of such small size that it can be easily stored within the housing of the communication device, and may be attached thereto as by a small retractable cable. Having a tethered camera module allows it to be pointed at any desired object within sight of the user, and without having to actually point or move the phone housing in order to take an image.

15. Independent Claim 1 of the '036 Patent reads:

> In a wireless telephone for conducting wireless telephonic communications, the improvement comprising: a camera module housing an image sensor therein, said image sensor lying in a first plane and including an array of CMOS pixels for receiving images thereon, said image sensor further including circuitry means on said first plane and coupled to said array of CMOS pixels for timing and control of said array of CMOS pixels, said image sensor producing a pre-video signal, a first circuit board lying in a second plane and electrically coupled to said image sensor, said first circuit board including circuitry means for converting said pre-video signal to a desired video format; a video monitor attached to said wireless phone for viewing said video images, said video monitor communicating with said first circuit board, and displaying video images processed by said first circuit board.

16. The '369 Patent, '626 Patent, and '036 Patent are valid and enforceable and each is presumed valid and enforceable pursuant to 35 U.S.C. § 282.

17. The '369 Patent, '626 Patent, and '036 Patent were originally issued to the individual named inventors thereof. Each of those inventors subsequently assigned their rights in and to the '369 Patent, '626 Patent, and '036 Patent to Micro-Medical Devices, Inc. Micro-Medical Devices, Inc. changed its name to Micro-Imaging Solutions, Inc. Micro-Imaging Solutions, Inc. then filed a Statement of Conversion with the Colorado Secretary of State changing its corporate form to a limited liability company and its name to Micro-Imaging Solutions, LLC. Micro-Imaging Solutions, LLC has assigned all right, title and interest,

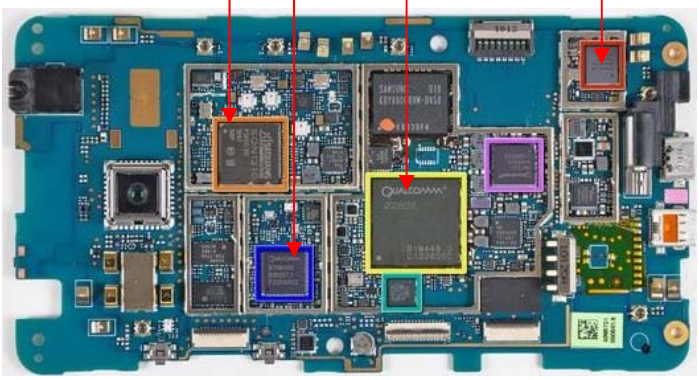
including the right to enforce and collect damages for infringement of the '369 Patent, '626 Patent, and '036 Patent to Cellect.

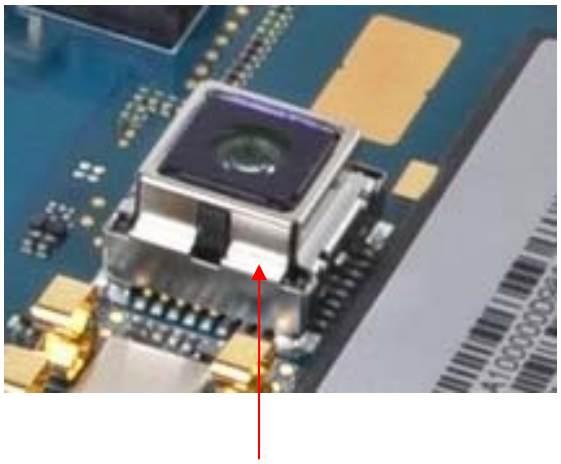
IV. HTC'S INFRINGEMENT

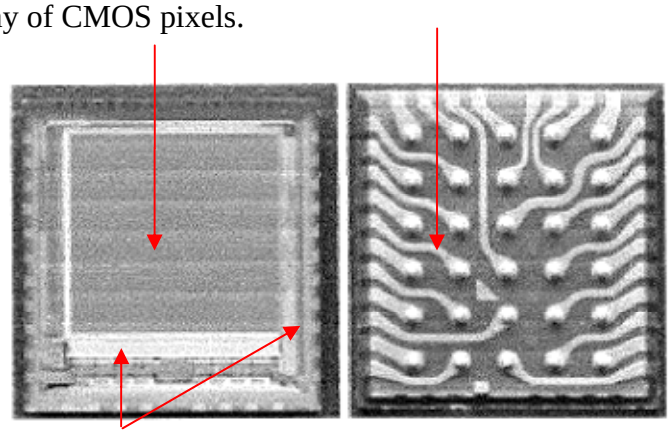
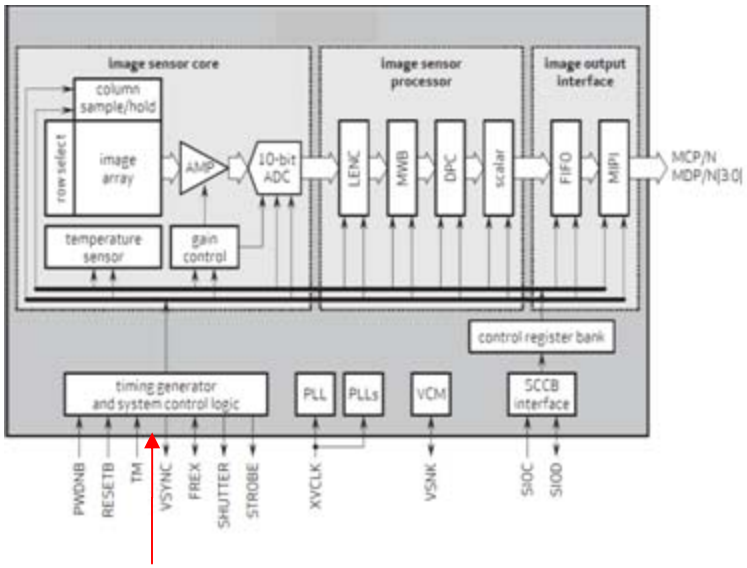
18. HTC has been and is now making, using, selling, offering for sale within the United States, and/or importing into the United States, at least the following cell phone products: HTC Evo Design 4G and other cell phones having a CMOS camera (the "Accused Devices").

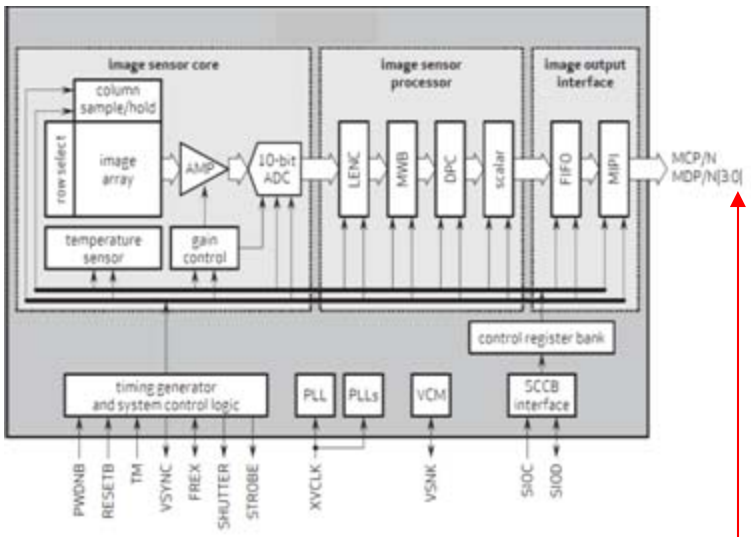
19. The following chart shows the infringing components of the Accused Devices, as represented by the HTC Evo Design 4G in comparison to, for example, Claim 1 of the '369 Patent:

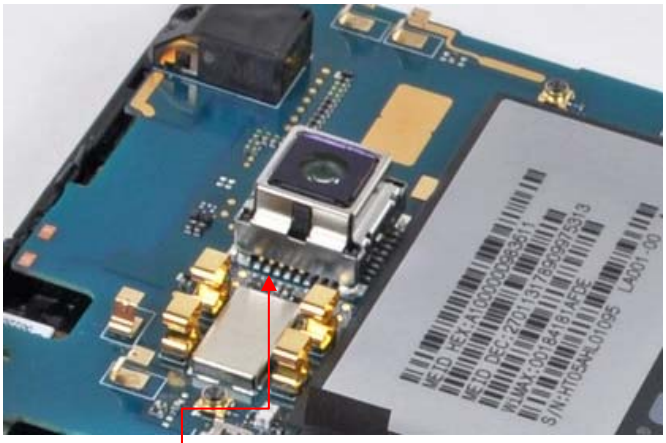
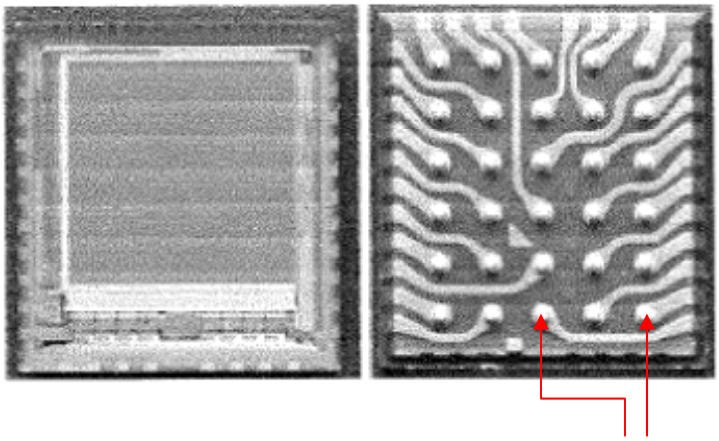
Claim Elements of Claim 1 of the '369 Patent	Infringing Components of the HTC Evo Design 4G
1. In a PDA having capability to transmit data between a personal computer connected to a communications network, the improvement comprising:	PDA stands for personal digital assistant. A PDA is a personal hand-held computing device that is connected to a communications network and can, among other things, store and organize contact information, videos, and calendars. A PDA can also serve as a telephone. The HTC Evo Design 4G is advertised as a "smartphone," which is a sophisticated PDA and phone device. 

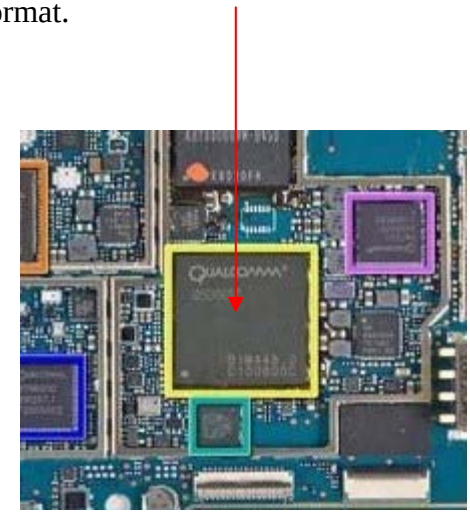
a video system integral with said PDA for receiving and transmitting video images, and for viewing said video images, said video system comprising;	 This image of the HTC Evo's main circuit board shows the components of the video system that are integral with the PDA smart phone for receiving and transmitting video images. The image below shows the video screen of the HTC Evo that is used for viewing the video images. 

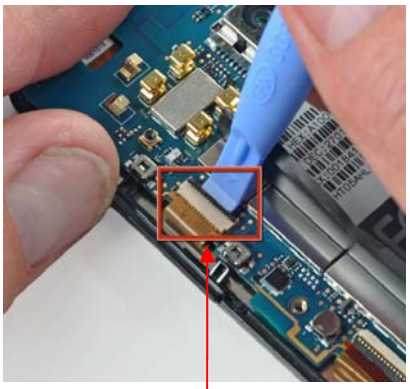
a camera module housing an image sensor therein,	 A CMOS image sensor is housed in the camera module.
said image sensor lying in a first plane and including an array of CMOS pixels for receiving images thereon,	 The image sensor includes CMOS pixels for receiving images thereon and is housed in the camera module, which is in a first plane that is above the main circuit board.

said image sensor further including circuitry means on said first plane and coupled to said array of CMOS pixels for timing and control of said array of CMOS pixels,	The below image of the CMOS image sensor shows the silicon top (left image) and the package bottom (right image). The dark grey center of the left image shows the array of CMOS pixels.  Timing and control circuits are located on the adjacent periphery of the CMOS pixel array (left image) on the same die as the CMOS pixel array in the first plane.  This CMOS image sensor system diagram from Omnivision also shows that the timing and control circuits are integral to the device as identified.

said image sensor producing a pre-video signal,	 The CMOS image sensor outputs RAW 10bit RGB over MCP/MDP (pre-video). This pre-video signal is processed by the video processor (QSD8650), shown below. 

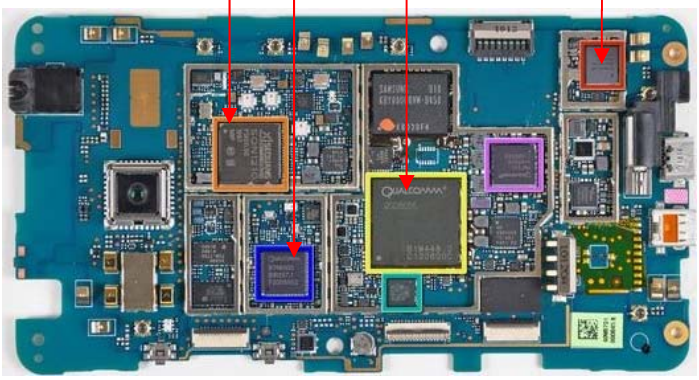
a first circuit board lying in a second plane and electrically coupled to said image sensor, said first circuit board including circuitry means for converting said pre-video signal to a desired video format;	 The HTC Evo main circuit board is the first circuit board lying in a second plane and electrically coupled to the image sensor.  The above image of the package bottom (right image) shows solder points that are located below the CMOS image sensor. These solder points electrically couple the CMOS image sensor (in the first plane) to main circuit board (in the second plane).

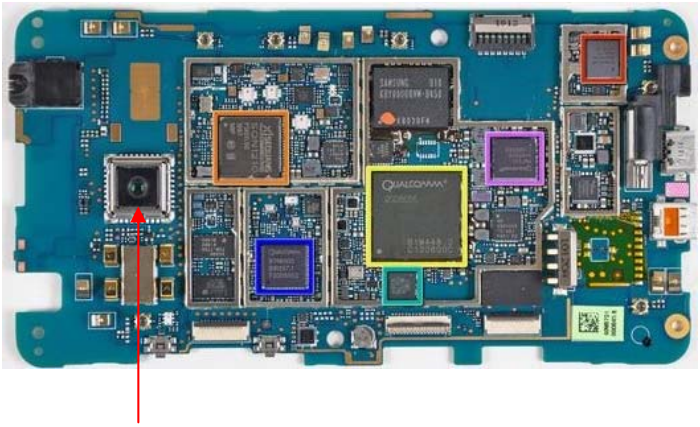
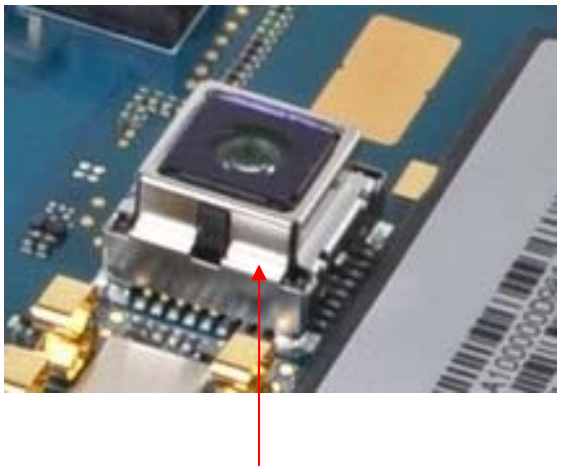
	The image below of the circuit board shows the Qualcomm processor (QSD8650), which includes circuitry for converting the pre-video signal to a desired video format. 

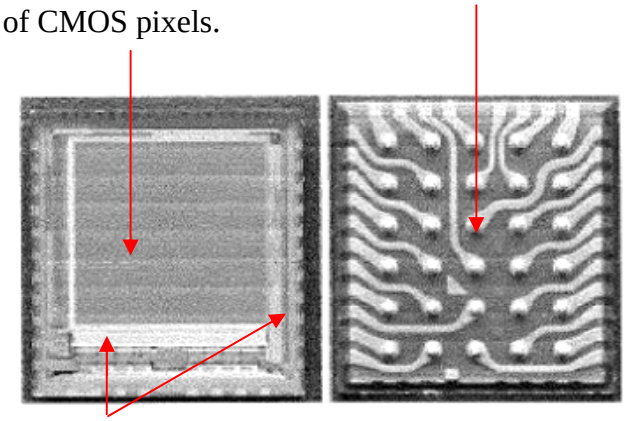
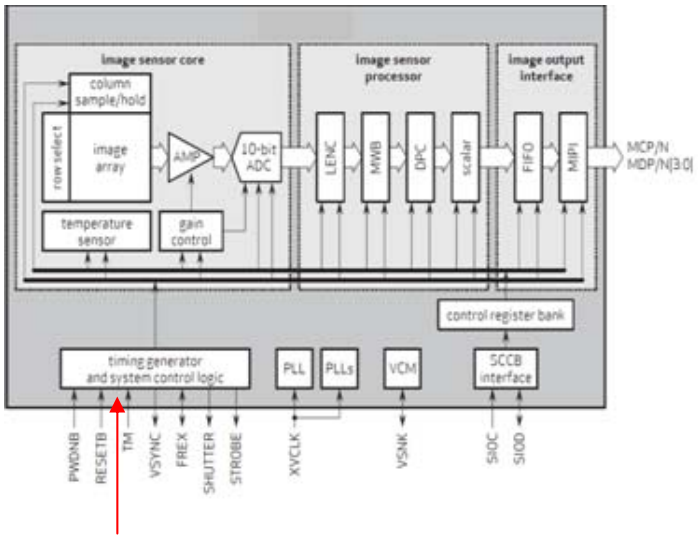
a video view screen attached to said PDA for viewing said video images, said video view screen communicating with said first circuit board, and displaying video images processed by said first circuit board.	 The HTC Evo includes an LCD video view screen that is attached to the PDA. The LCD video screen displays video images processed by the Qualcomm processor (QSD8650).  The LCD video screen communicates with first circuit board via a flex cable and connector, highlighted in the red box above.

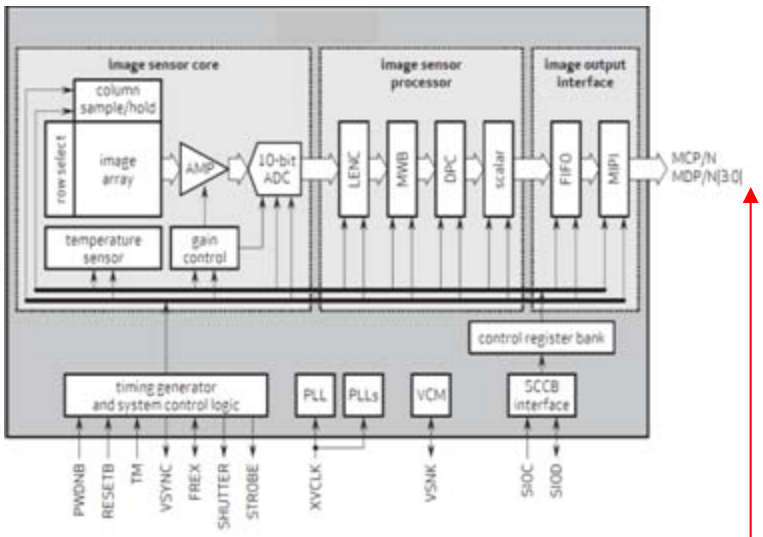
20. The following chart shows the infringing components of the Accused Devices, as represented by the HTC Evo Design 4G in comparison to, for example, Claim 1 of the '626 Patent:

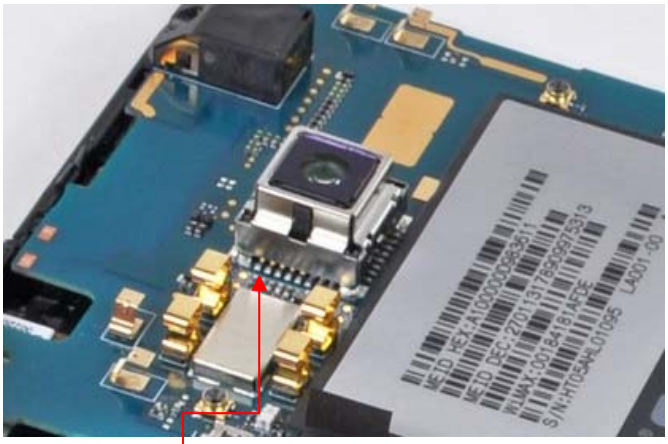
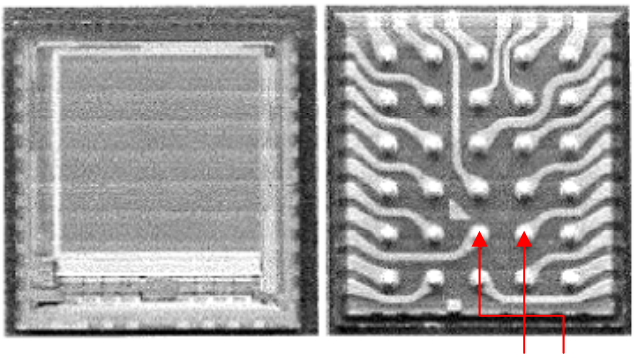
Claim Elements of Claim 1 of the '626 Patent	Corresponding Infringing Components of the HTC Evo Design 4G
In a wireless telephone for conducting wireless telephonic communications, the improvement comprising:	The HTC Evo Design 4G is advertised as a "smartphone." A smartphone is a wireless telephone that is connected to a wireless communications network and can, among other things, store and organize contact information, videos, and calendars. A smartphone can also serve as a telephone for conducting wireless telephonic communications. 

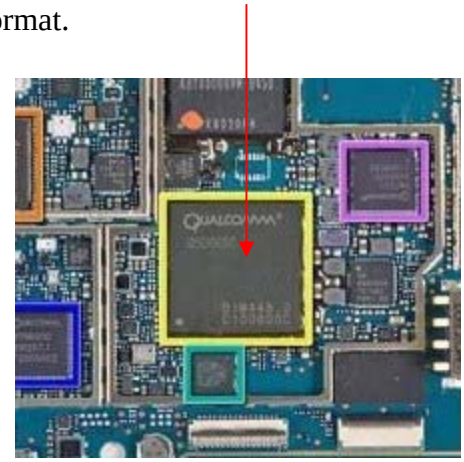
a video system integral with said telephone for receiving and transmitting video images, and for viewing said video images, said video system comprising;	Video Receive and Transmit (RTR6500) RF Chip (SQ1210) Video Processor (QSD8650) Video Receive and Transmit (BCM4329)  This image of the HTC Evo's main circuit board shows the components of the video system that are integral with the telephone for receiving and transmitting video images. The image below shows the video screen of the HTC Evo that is used for viewing the video images. 

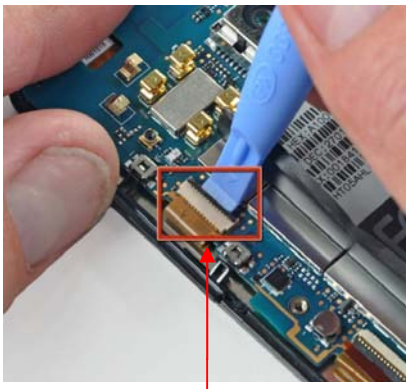
a camera module housing an image sensor therein,	 A CMOS image sensor is housed in the camera module.
said image sensor lying in a first plane and including an array of CMOS pixels for receiving images thereon,	 The image sensor includes CMOS pixels for receiving images thereon and is housed in the camera module, which is in a first plane that is above the main circuit board.

said image sensor further including circuitry means on said first plane and coupled to said array of CMOS pixels for timing and control of said array of CMOS pixels,	The below image of the CMOS image sensor shows the silicon top (left image) and the package bottom (right image). The dark grey center of the left image shows the array of CMOS pixels.  Timing and control circuits are located on the adjacent periphery of the CMOS pixel array (left image) on the same die as the CMOS pixel array in the first plane.  This CMOS image sensor system diagram from Omnivision also shows that the timing and control circuits are integral to the device as identified.

said image sensor producing a pre-video signal,	 The CMOS image sensor outputs RAW 10bit RGB over MCP/MDP (pre-video). This pre-video signal is processed by the video processor (QSD8650), shown below. 

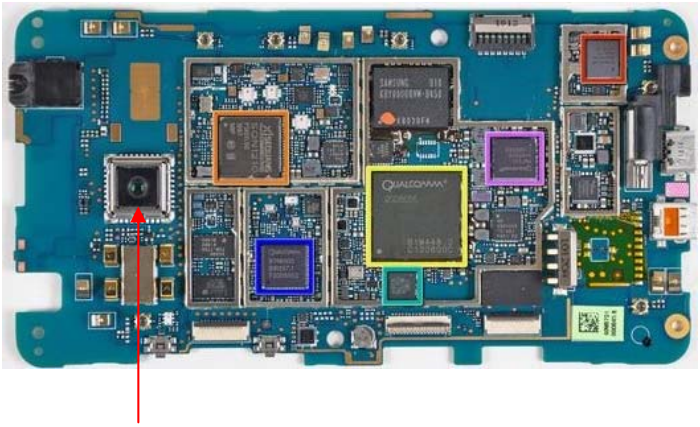
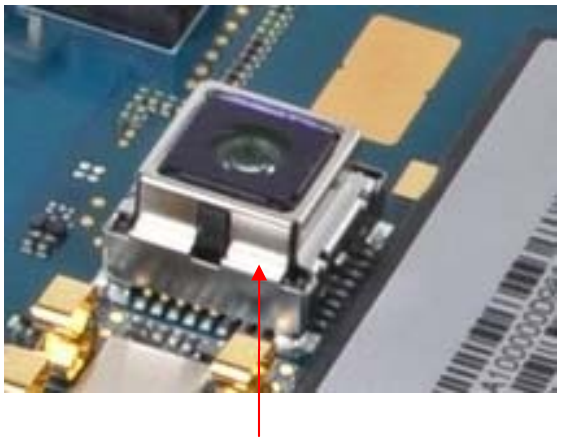
a first circuit board lying in a second plane and electrically coupled to said image sensor, said first circuit board including circuitry means for converting said pre-video signal to a desired video format;	 The HTC Evo main circuit board is the first circuit board lying in a second plane and electrically coupled to the image sensor.  The above image of the package bottom (right image) shows solder points, which are located below the CMOS image sensor. These solder points electrically couple the CMOS image sensor (in the first plane) to main circuit board (in the second plane).

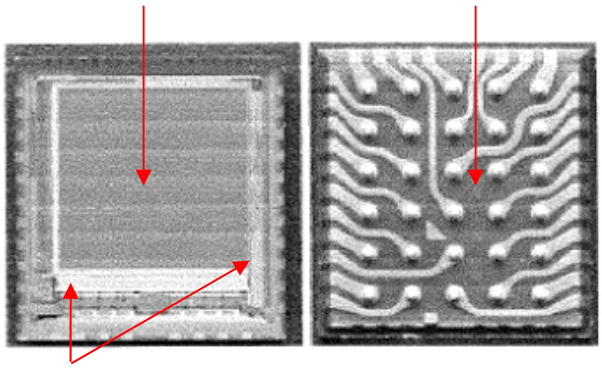
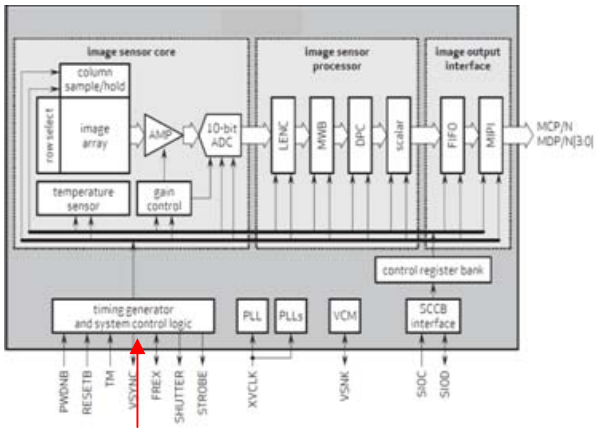
	The image below of the circuit board shows the Qualcomm processor (QSD8650), which includes circuitry for converting the pre-video signal to a desired video format. 

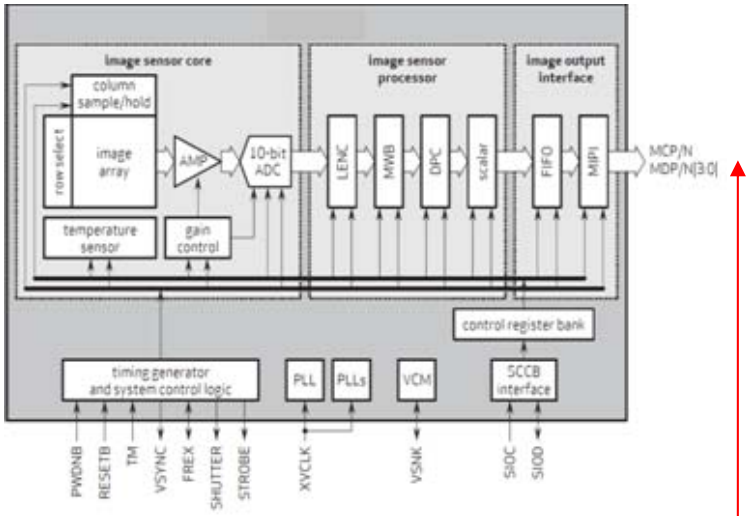
a video monitor attached to said wireless phone for viewing said video images, said video monitor communicating with said first circuit board, and displaying video images processed by said first circuit board.	 The HTC Evo includes an LCD video monitor that is attached to the wireless phone. The LCD video monitor displays video images processed by the Qualcomm processor (QSD8650).  The LCD video monitor communicates with first circuit board via a flex cable and connector, highlighted in the red box above.

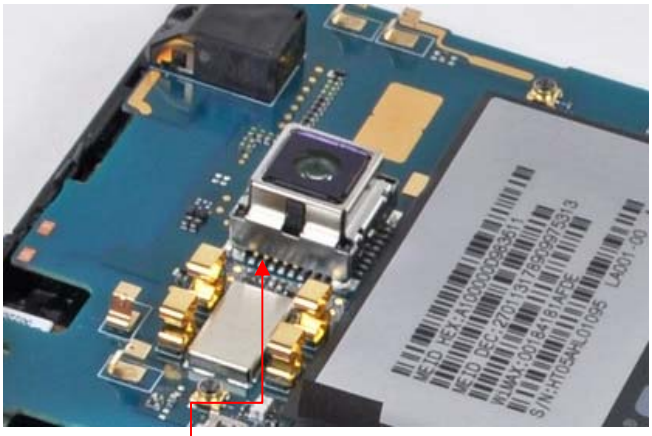
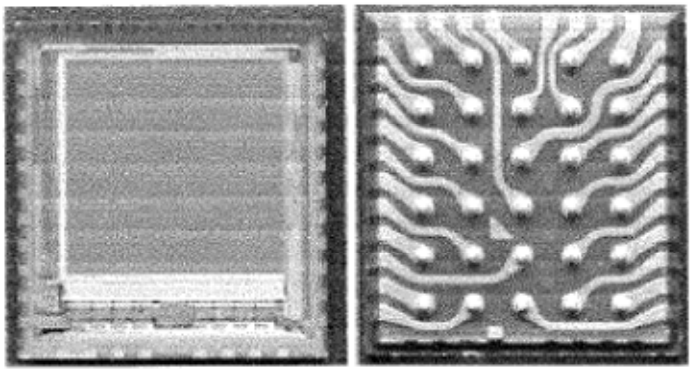
21. The following chart shows the infringing components of the Accused Devices, as represented by the HTC Evo Design 4G in comparison to, for example, Claim 1 of the '036 Patent:

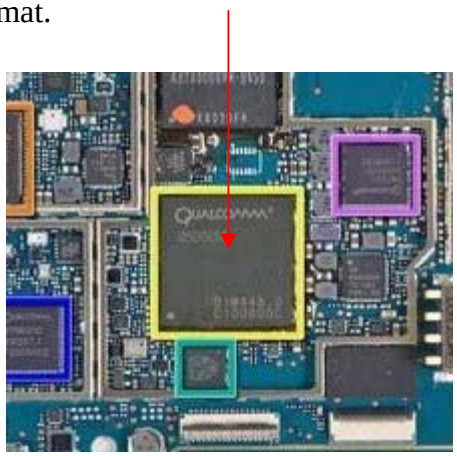
Claim Elements of Claim 1 of the '036 Patent	Infringing Components of the HTC Evo Design 4G
In a wireless telephone for conducting wireless telephonic communications, the improvement comprising:	The HTC Evo Design 4G is advertised as a "smartphone." A smartphone is a wireless telephone that is connected to a wireless communications network and can, among other things, store and organize contact information, videos, and calendars. A smartphone can also serve as a telephone for conducting wireless telephonic communications. 

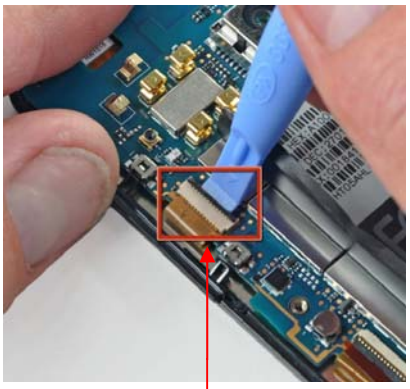
a camera module housing an image sensor therein,	 A CMOS image sensor is housed in the camera module.
said image sensor lying in a first plane and including an array of CMOS pixels for receiving images thereon,	 The image sensor includes CMOS pixels for receiving images thereon and is housed in the camera module, which is in a first plane that is above the main circuit board.

said image sensor further including circuitry means on said first plane and coupled to said array of CMOS pixels for timing and control of said array of CMOS pixels,	The below image of the CMOS image sensor shows the silicon top (left image) and the package bottom (right image). The dark grey center of the left image shows the array of CMOS pixels.  Timing and control circuits are located on the adjacent periphery of the CMOS pixel array (left image) on the same die as the CMOS pixel array in the first plane.  This CMOS image sensor system diagram from Omnivision also shows that the timing and control circuits are integral to the device as identified.

said image sensor producing a pre-video signal,	 The CMOS image sensor outputs RAW 10bit RGB over MCP/MDP (pre-video). This pre-video signal is processed by the video processor (QSD8650), shown below. 

a first circuit board lying in a second plane and electrically coupled to said image sensor, said first circuit board including circuitry means for converting said pre-video signal to a desired video format;	 The HTC Evo main circuit board is the first circuit board lying in a second plane and electrically coupled to the image sensor.  The above image of the package bottom (right image) shows solder points, which are located below the CMOS image sensor. These solder points electrically couple the CMOS image sensor (in the first plane) to main circuit board (in the second plane).

	The image below of the circuit board shows the Qualcomm processor (QSD8650), which includes circuitry for converting the pre-video signal to a desired video format. 

a video monitor attached to said wireless phone for viewing said video images, said video monitor communicating with said first circuit board, and displaying video images processed by said first circuit board.	 The HTC Evo includes an LCD video monitor that is attached to the wireless phone. The LCD video monitor displays video images processed by the Qualcomm processor (QSD8650).  The LCD video monitor communicates with first circuit board via a flex cable and connector highlighted in the red box above.

V. FIRST CLAIM FOR RELIEF
(Patent Infringement – U.S. Patent No. 6,424,369)

22. Cellect incorporates by reference each and every allegation in paragraphs 1 through 21 as though fully set forth herein.

23. As described herein, HTC has manufactured, made, had made, used, practiced, imported, provided, supplied, distributed, sold, and/or offered for sale Accused Devices that infringe, either literally or under the Doctrine of Equivalents, one or more claims of the '369 Patent in violation of 35 U.S.C. § 271(a).

24. Cellect has been damaged as a result of HTC's infringing conduct. HTC is thus liable to Cellect in an amount that adequately compensates Cellect for such infringement which cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

VI. SECOND CLAIM FOR RELIEF
(Patent Infringement – U.S. Patent No. 6,452,626)

25. Cellect incorporates by reference each and every allegation in paragraphs 1 through 24 as though fully set forth herein.

26. As described herein, HTC has manufactured, made, had made, used, practiced, imported, provided, supplied, distributed, sold, and/or offered for sale Accused Devices that infringe, either literally or under the Doctrine of Equivalents, one or more claims of the '626 Patent in violation of 35 U.S.C. § 271(a).

27. Cellect has been damaged as a result of HTC's infringing conduct. HTC is thus liable to Cellect in an amount that adequately compensates Cellect for such infringement which

cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

VII. THIRD CLAIM FOR RELIEF
(Patent Infringement – U.S. Patent No. 6,862,036)

28. Cellect incorporates by reference each and every allegation in paragraphs 1 through 27 as though fully set forth herein.

29. As described herein, HTC has manufactured, made, had made, used, practiced, imported, provided, supplied, distributed, sold, and/or offered for sale Accused Devices that infringe, either literally or under the Doctrine of Equivalents, one or more claims of the '036 Patent in violation of 35 U.S.C. § 271(a).

30. Cellect has been damaged as a result of HTC's infringing conduct. HTC is thus liable to Cellect in an amount that adequately compensates Cellect for such infringement which cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

VIII. JURY DEMAND

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

IX. PRAYER FOR RELIEF

Cellect requests that the Court find in its favor and against HTC, and that the Court grant Cellect the following relief:

A. Judgment that one or more claims of the asserted patents have been directly infringed, either literally, and/or under the Doctrine of Equivalents, by HTC;

B. Judgment that HTC account for and pay to Cellect all damages to and costs incurred by Cellect because of HTC's infringing activities and other conduct complained of herein in an amount not less than a reasonable royalty;

C. That Cellect be granted pre-judgment and post-judgment interest on the damages caused to it by reason of HTC's infringing activities and other conduct complained of herein;

D. That this Court permanently enjoin HTC, and related parents, subsidiaries, affiliates, successors and assigns, and each of its officers, directors, employees, representatives, agents and attorneys, and all persons acting in concert or active participation with, or on its behalf, or within its control, from making, using, selling, offering to sell, importing or advertising products and/or services and/or employing systems, hardware, software and/or components and/or making use of the systems or processes that infringe any of the claims of the asserted patents, or otherwise engaging in acts of infringement of the asserted patents, all as alleged herein and; and

E. That Cellect be granted such other and further relief as the court may deem just and proper under the circumstances.

Respectfully submitted,

Dated: September 23, 2013

By: s/Robert R., Brunelli

Robert R. Brunelli
rbrunelli@sheridanross.com
Benjamin B. Lieb
blieb@sheridanross.com
John C. Heuton
jheuton@sheridantross.com
SHERIDAN ROSS P.C.
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700
(303) 863-0223 (facsimile)
litigation@sheridanross.com

ATTORNEYS FOR PLAINTIFF
CELLECT, LLC

Plaintiff's Address:

Cellect, LLC
3134 Wyandot Street
Denver, CO 80211