

SNELL & WILMER  
L.L.P.  
600 ANTON BLVD, SUITE 1400  
COSTA MESA, CALIFORNIA 92626-7689

1 William S. O’Hare (#082562)  
wohare@swlaw.com  
2 Deborah S. Mallgrave (#198603)  
dmallgrave@swlaw.com  
3 SNELL & WILMER L.L.P.  
600 Anton Blvd, Suite 1400  
4 Costa Mesa, California 92626-7689  
Telephone: 714-427-7000  
5 Facsimile: 714-427-7799

6 Kenneth A. Gallo (*pro hac vice pending*)  
kgallo@paulweiss.com  
7 David E. Cole (*pro hac vice pending*)  
dcole@paulweiss.com  
8 PAUL, WEISS, RIFKIND,  
WHARTON & GARRISON LLP  
9 2001 K Street, NW  
Washington, DC 20006-1047  
10 Telephone: 202-223-7300  
Facsimile: 202-223-7420

11 Catherine Nyarady (*pro hac vice pending*)  
cnyarady@paulweiss.com  
12 Daniel J. Klein (*pro hac vice pending*)  
dklein@paulweiss.com  
13 PAUL, WEISS, RIFKIND,  
WHARTON & GARRISON LLP  
14 1285 Avenue of the Americas  
New York, NY 10019-6064  
15 Telephone: 212-373-3000  
16 Facsimile: 212-757-3990

17 Attorneys for Plaintiff Nichia Corporation

18  
19 UNITED STATES DISTRICT COURT  
20 CENTRAL DISTRICT OF CALIFORNIA

21  
22 Nichia Corporation,  
23 Plaintiff,  
24 v.  
25 VIZIO, Inc.,  
26 Defendant.

Case No. 8:16-CV-00545

**COMPLAINT FOR  
PATENT INFRINGEMENT  
DEMAND FOR JURY TRIAL**

1 Plaintiff Nichia Corporation (“Nichia”) brings this action for patent  
2 infringement against Defendant VIZIO, Inc. (“VIZIO”), and alleges as follows:

3 **Jurisdiction**

4 1. This action arises under the patent laws of the United States, 35 U.S.C.  
5 § 1 et seq. This Court has subject matter jurisdiction over this action for patent  
6 infringement under 28 U.S.C. §§ 1331 and 1338(a).

7 **The Parties**

8 2. Nichia is a corporation organized and existing under the laws of Japan,  
9 and has a principal place of business at 491 Oka, Kaminaka-Cho, Anan-Shi,  
10 Tokushima, Japan 774-8601.

11 3. Upon information and belief, VIZIO is a corporation organized and  
12 existing under the laws of the State of California, and has an office at 39 Tesla,  
13 Irvine, California 92618. Upon information and belief, VIZIO may be served with  
14 process by serving its registered agent, Registered Agent Solutions, Inc., 1220  
15 S Street, Suite 50, Sacramento, California 95811.

16 **Venue**

17 4. This Court has personal jurisdiction over VIZIO because, on  
18 information and belief, VIZIO’s principal place of business is located in this  
19 judicial district and VIZIO has committed acts within this judicial district giving  
20 rise to this action.

21 5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and  
22 1400(b).

23 **Count I — Infringement of U.S. Patent No. 7,901,959**

24 6. Nichia re-alleges and incorporates the allegations of all prior  
25 paragraphs of this Complaint as if set forth in their entirety herein.

26 7. Nichia is the assignee and owner of all rights, title, and interest in and  
27 to U.S. Patent No. 7,901,959 (“the ’959 patent”), entitled “Liquid Crystal Display  
28 and Back Light Having a Light Emitting Diode,” which was duly and legally issued

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1 by the United States Patent and Trademark Office on March 8, 2011. A true and  
2 correct copy of the '959 patent is attached hereto as Exhibit A and is incorporated  
3 herein by reference.

4 8. Upon information and belief, VIZIO has infringed and has continued  
5 to infringe at least claims 1 and 9 of the '959 patent under 35 U.S.C. § 271(a), (b),  
6 and/or (c). The infringing activities include, but are not limited to, the manufacture,  
7 use, sale, importation, and/or offer for sale, without authority, of televisions that fall  
8 within the scope of the claims of the '959 patent, including, but not limited to,  
9 VIZIO's D-Series 28" Class Full-Array LED Television (D28hn-D1) and VIZIO's  
10 E-Series 60" Class Full Array LED Smart Television (E60-C3).

11 9. Upon information and belief, VIZIO's D-Series 28" Class Full-Array  
12 LED Television (D28hn-D1) and VIZIO's E-Series 60" Class Full Array LED  
13 Smart Television (E60-C3) incorporate light emitting diodes ("LEDs") in a liquid  
14 crystal display in a manner that satisfies the limitations of at least claims 1 and 9 of  
15 the '959 patent.

16 10. Nichia has no adequate remedy at law for VIZIO's acts of  
17 infringement.

18 11. As a direct and proximate result of VIZIO's acts of infringement,  
19 Nichia has suffered and continues to suffer damages and irreparable harm. Unless  
20 VIZIO's acts of infringement are enjoined by this Court, Nichia will continue to be  
21 damaged and irreparably harmed.

22 **Count II — Infringement of U.S. Patent No. 7,915,631**

23 12. Nichia re-alleges and incorporates the allegations of all prior  
24 paragraphs of this Complaint as if set forth in their entirety herein.

25 13. Nichia is the assignee and owner of all rights, title, and interest in and  
26 to U.S. Patent No. 7,915,631 ("the '631 patent"), entitled "Light Emitting Device  
27 and Display," which was duly and legally issued by the United States Patent and  
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1 Trademark Office on March 29, 2011. A true and correct copy of the '631 patent is  
2 attached hereto as Exhibit B and is incorporated herein by reference.

3 14. Upon information and belief, VIZIO has infringed and has continued  
4 to infringe at least claims 1 and 4 of the '631 patent under 35 U.S.C. § 271(a), (b),  
5 and/or (c). The infringing activities include, but are not limited to, the manufacture,  
6 use, sale, importation, and/or offer for sale, without authority, of televisions that fall  
7 within the scope of the claims of the '631 patent, including, but not limited to,  
8 VIZIO's D-Series 28" Class Full-Array LED Television (D28hn-D1) and VIZIO's  
9 E-Series 60" Class Full Array LED Smart Television (E60-C3).

10 15. Upon information and belief, VIZIO's D-Series 28" Class Full-Array  
11 LED Television (D28hn-D1) and VIZIO's E-Series 60" Class Full Array LED  
12 Smart Television (E60-C3) incorporate LEDs that satisfy limitations of at least  
13 claims 1 and 4 of the '631 patent.

14 16. Nichia has no adequate remedy at law for VIZIO's acts of  
15 infringement.

16 17. As a direct and proximate result of VIZIO's acts of infringement,  
17 Nichia has suffered and continues to suffer damages and irreparable harm. Unless  
18 VIZIO's acts of infringement are enjoined by this Court, Nichia will continue to be  
19 damaged and irreparably harmed.

20 **Count III — Infringement of U.S. Patent No. 8,309,375**

21 18. Nichia re-alleges and incorporates the allegations of all prior  
22 paragraphs of this Complaint as if set forth in their entirety herein.

23 19. Nichia is the assignee and owner of all rights, title, and interest in and  
24 to U.S. Patent No. 8,309,375 ("the '375 patent"), entitled "Light Emitting Device  
25 and Display," which was duly and legally issued by the United States Patent and  
26 Trademark Office on November 13, 2012. A true and correct copy of the '375  
27 patent is attached hereto as Exhibit C and is incorporated herein by reference.  
28

1           20. Upon information and belief, VIZIO has infringed and has continued  
 2 to infringe at least claim 4 of the '375 patent under 35 U.S.C. § 271(g). The  
 3 infringing activities include, but are not limited to, the use, sale, importation, and/or  
 4 offer for sale, without authority, of televisions, which include products made by a  
 5 process that falls within the scope of the claims of the '375 patent, including, but  
 6 not limited to, VIZIO's D-Series 28" Class Full-Array LED Television (D28hn-D1)  
 7 and VIZIO's E-Series 60" Class Full Array LED Smart Television (E60-C3).

8           21. Upon information and belief, VIZIO's D-Series 28" Class Full-Array  
 9 LED Television (D28hn-D1) and VIZIO's E-Series 60" Class Full Array LED  
 10 Smart Television (E60-C3) incorporate LEDs that are manufactured according to  
 11 the method recited in at least claim 4 of the '375 patent.

12           22. Nichia has no adequate remedy at law for VIZIO's acts of  
 13 infringement on account of VIZIO's importation, use, sale, and/or offers to sell the  
 14 above-referenced televisions.

15           23. As a direct and proximate result of VIZIO's acts of infringement,  
 16 Nichia has suffered and continues to suffer damages and irreparable harm. Unless  
 17 VIZIO's acts of infringement are enjoined by this Court, Nichia will continue to be  
 18 damaged and irreparably harmed.

19                           **Count IV — Infringement of U.S. Patent No. 7,855,092**

20           24. Nichia re-alleges and incorporates the allegations of all prior  
 21 paragraphs of this Complaint as if set forth in their entirety herein.

22           25. Nichia is the assignee and owner of all rights, title, and interest in and  
 23 to U.S. Patent No. 7,855,092 ("the '092 patent"), entitled "Device or Emitting  
 24 White-Color Light," which was duly and legally issued by the United States Patent  
 25 and Trademark Office on December 21, 2010. A true and correct copy of the '092  
 26 patent is attached hereto as Exhibit D and is incorporated herein by reference.

27           26. Upon information and belief, VIZIO has infringed and has continued  
 28 to infringe at least claim 1 of the '092 patent under 35 U.S.C. § 271(a), (b), and/or

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L.L.P.  
600 ANTON BLVD, SUITE 1400  
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1 (c). The infringing activities include, but are not limited to, the use, sale,  
2 importation, and/or offer for sale, without authority, of televisions that fall within  
3 the scope of the claims of the '092 patent, including, but not limited to, VIZIO's D-  
4 Series 28" Class Full-Array LED Television (D28hn-D1) and VIZIO's E-Series 60"  
5 Class Full Array LED Smart Television (E60-C3).

6 27. Upon information and belief, VIZIO's D-Series 28" Class Full-Array  
7 LED Television (D28hn-D1) and VIZIO's E-Series 60" Class Full Array LED  
8 Smart Television (E60-C3) incorporate LEDs, control units, and drivers in a manner  
9 that infringes at least claim 1 of the '092 patent.

10 28. Nichia has no adequate remedy at law for VIZIO's acts of  
11 infringement.

12 29. As a direct and proximate result of VIZIO's acts of infringement,  
13 Nichia has suffered and continues to suffer damages and irreparable harm. Unless  
14 VIZIO's acts of infringement are enjoined by this Court, Nichia will continue to be  
15 damaged and irreparably harmed.

16 **Prayer for Relief**

17 WHEREFORE, Nichia prays that the Court:

- 18 a. Enter judgment that VIZIO has infringed one or more claims of the '959,  
19 '631, '375, and '092 patents;
- 20 b. Award Nichia damages to compensate it for VIZIO's infringement of the  
21 '959, '631, '375, and '092 patents, together with pre- and post-judgment  
22 interest;
- 23 c. Award Nichia increased damages pursuant to 35 U.S.C. § 284, together with  
24 pre- and post-judgment interest and costs;
- 25 d. Enjoin VIZIO and its officers, agents, servants, employees, and  
26 representatives, and all others in active concert or participation with them,  
27 from further infringing the '959, '631, '375, and '092 patents;

28

- e. Declare this case to be an exceptional case and award Nichia its attorneys’ fees pursuant to 35 U.S.C. § 285;
- f. Award Nichia attorneys’ fees, costs, and expenses incurred by Nichia in bringing this action, together with pre- and post-judgment interest; and
- g. Award such other and further relief as the Court deems just and proper.

**Demand for Jury Trial**

Pursuant to Federal Rules of Civil Procedure 38 and 39, Nichia demands a trial by jury on all issues so triable.

Dated: March 23, 2016

SNELL & WILMER L.L.P.  
William S. O’Hare  
Deborah S. Mallgrave

PAUL WEISS RIFKIND WHARTON &  
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By: /s/ Deborah S. Mallgrave  
William S. O’Hare  
Deborah S. Mallgrave  
Attorneys for Plaintiff Nichia  
Corporation

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