

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>ROUND ROCK RESEARCH, LLC</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 10-cv-840-SLR</b>
	)	
<b>v.</b>	)	<b>JURY TRIAL DEMANDED</b>
	)	
<b>HTC CORPORATION and HTC AMERICA, INC.</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

**AMENDED COMPLAINT**

Plaintiff Round Rock Research, LLC (“Round Rock Research”), for its Complaint against defendants, HTC Corporation (“HTC”) and HTC America, Inc. (“HTC America”) (collectively, the “Defendants”) hereby alleges as follows:

**The Parties**

1. Plaintiff Round Rock Research is a Delaware limited liability company with its principal place of business at 26 Deer Creek Lane, Mount Kisco, NY 10549.

2. Defendant HTC is a corporation organized and existing under the laws of Taiwan with its principal place of business in Taoyuan City, Taiwan and its principal United States office at 13920 SE Eastgate Way, Suite 400, Bellevue, Washington 98005.

3. Defendant HTC America is a corporation organized and existing under the laws of Texas, with its principal place of business at 13920 SE Eastgate Way, Suite 400, Bellevue, Washington 98005.

**Nature of the Action**

4. This is a civil action for the infringement of United States Patent Nos. 5,255,109 (“the ‘109 Patent”) (attached as Exhibit A), 6,002,613 (“the ‘613 Patent”) (attached as Exhibit B), 6,625,444 (“the ‘444 Patent”) (attached as Exhibit C), 7,021,520 (“the ‘520 Patent”) (attached as Exhibit D), and 7,101,727 (“the ‘727 Patent”) (attached as Exhibit E) (collectively, “the Patents-in-Suit”) under the Patent Laws of the United States 35 U.S.C. §1 *et seq.*

**Jurisdiction and Venue**

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

6. This Court has personal jurisdiction over Defendants HTC and HTC America because, *inter alia*, each Defendant has committed, aided, abetted, contributed to and/or participated in the commission of patent infringement in this judicial district and elsewhere that led to foreseeable harm and injury to Plaintiff Round Rock Research.

7. This Court also has personal jurisdiction over Defendants HTC and HTC America because among other things, Defendants have established minimum contacts within the forum such that the exercise of jurisdiction over Defendants will not offend traditional notions of fair play and substantial justice. On information and belief, Defendants have placed products that practice the claimed inventions of the Patents-in-Suit into the stream of commerce with the reasonable expectation and/or knowledge that purchasers and users of such products were located within this judicial district. On information and belief, Defendants sold, advertised, solicited customers, marketed and distributed in this judicial district products that practice the claimed inventions of the Patents-in-Suit

8. Venue is proper in this judicial district as to each Defendant pursuant to 28 U.S.C. §§1391 and 1400.

**The Patents-In-Suit**

9. On October 19, 1993, the '109 Patent, titled "Heat Dissipating LCD Display," was duly and legally issued by the United States Patent and Trademark Office. Round Rock Research is the assignee of all rights, title, and interest in the '109 Patent, and it possesses all rights to sue and recover for any current or past infringement of the '109 Patent.

10. On December 14, 1999, the '613 Patent, titled "Data Communication For Memory," was duly and legally issued by the United States Patent and Trademark Office. Round Rock Research is the assignee of all rights, title, and interest in the '613 Patent, and it possesses all rights to sue and recover for any current or past infringement of the '613 Patent.

11. On September 23, 2003, the '444 Patent, titled "Method of Programming a Telephone," was duly and legally issued by the United States Patent and Trademark Office. Round Rock Research is the assignee of all rights, title, and interest in the '444 Patent, and it possesses all rights to sue and recover for any current or past infringement of the '444 Patent.

12. On April 4, 2006, the '520 Patent, titled "Stacked Chip Connection Using Stand Off Stitch Bonding," was duly and legally issued by the United States Patent and Trademark Office. Round Rock Research is the assignee of all rights, title, and interest in the '520 Patent, and it possesses all rights to sue and recover for any current or past infringement of the '520 Patent.

13. On September 5, 2006, the '727 Patent, titled "Passivation Planarization," was duly and legally issued by the United States Patent and Trademark Office. Round Rock Research is the assignee of all rights, title, and interest in the '727 Patent, and it possesses all rights to sue and recover for any current or past infringement of the '727 Patent.

**Count I**

**Infringement of U.S. Patent No. 5,255,109**

14. The Defendants directly infringed and continue to directly infringe the '109 Patent under 35 U.S.C. § 271, either literally and/or under the doctrine of equivalents, by making, using, offering for sale, selling, and/or importing into the United States infringing smartphones devices, including but not limited to the HTC HD2 smartphone and any other HTC smartphone similarly constructed using a heat-spreading plate.

15. Defendants have been aware of the '109 Patent since at least as early as May 21, 2010, when HTC's CEO, Peter Chou, and HTC's Senior Patent Manager, Antony Wang, were notified in writing by Round Rock Research that various HTC products infringe the '109 Patent.

16. Defendants have actively induced, and continue to induce, the infringement of one or more claims of the '109 Patent at least by actively inducing the use of infringing smartphones devices by Defendants' customers in the United States, including but not limited to the HTC HD2 smartphone and any other HTC smartphone similarly constructed using a heat-spreading plate. Defendants knew or should have known that their conduct would induce others to use their smartphones in a manner that infringes the '109 Patent.

17. Round Rock Research has been damaged by Defendants' infringement of the '109 Patent.

18. Defendants' infringement has occurred and continues to occur with Defendants' knowledge of the '109 Patent. Upon information and belief, Defendants' infringement of the '109 Patent has been, and continues to be, willful and deliberate. Defendants' willful conduct provides a basis for this Court to award enhanced damages pursuant to 35 U.S.C. § 284 and makes this an exceptional case within the meaning of § 285.

**Count II**

**Infringement of U.S. Patent No. 6,002,613**

19. The Defendants directly infringed and continue to directly infringe the '613 Patent under 35 U.S.C. § 271, either literally and/or under the doctrine of equivalents, by making, using, offering for sale, selling, and/or importing into the United States infringing smartphones devices, including but not limited to the Google Nexus One™ smartphone and other smartphone devices similarly containing mDDR memory.

20. Defendants have been aware of the '613 Patent since at least as early as May 21, 2010, when HTC's CEO, Peter Chou, and HTC's Senior Patent Manager, Antony Wang, were notified in writing by Round Rock Research that various HTC products infringe the '613 Patent.

21. Defendants have actively induced, and continue to induce, the infringement of one or more claims of the '613 Patent at least by actively inducing the use of infringing smartphones devices by Defendants' customers in the United States, including but not limited to the Google Nexus One™ smartphone and other smartphone devices similarly containing mDDR memory. Defendants knew or should have known that their conduct would induce others to use their smartphones in a manner that infringes the '613 Patent.

22. Round Rock Research has been damaged by Defendants' infringement of the '613 Patent.

23. Defendants' infringement has occurred and continues to occur with Defendants' knowledge of the '613 Patent. Upon information and belief, Defendants' infringement of the '613 Patent has been, and continues to be, willful and deliberate. Defendants' willful conduct provides a basis for this Court to award enhanced damages pursuant to 35 U.S.C. § 284 and makes this an exceptional case within the meaning of § 285.

**Count III**

**Infringement of U.S. Patent No. 6,625,444**

24. The Defendants directly infringed and continue to directly infringe the '444 Patent under 35 U.S.C. § 271, either literally and/or under the doctrine of equivalents, by using, offering for sale, and/or selling in the United States smartphones devices that practice the claimed inventions, including but not limited to the HTC Dash 3G™ smartphone and other smartphone devices capable of interacting with GOOG 411, BING 411, and/or similar directory assistance services.

25. Defendants have been aware of the '444 Patent since at least as early as October 1, 2010, when Defendants received the original Complaint filed in this litigation.

26. Defendants have actively induced, and continue to induce, the infringement of one or more claims of the '444 Patent at least by actively inducing the use of infringing smartphones devices by Defendants' customers in the United States, including but not limited to the HTC Dash 3G™ smartphone and other smartphone devices capable of interacting with GOOG 411, BING 411, and/or similar directory assistance services. Defendants knew or should have known that their conduct would induce others to use their smartphones in a manner that infringes the '444 Patent.

27. Round Rock Research has been damaged by Defendants' infringement of the '444 Patent.

28. Defendants' infringement has occurred and continues to occur with Defendants' knowledge of the '444 Patent. Upon information and belief, Defendants' infringement of the '444 Patent has been, and continues to be, willful and deliberate. Defendants' willful conduct provides a basis for this Court to award enhanced damages pursuant to 35 U.S.C. § 284 and makes this an exceptional case within the meaning of § 285.

**Count IV**

**Infringement of U.S. Patent No. 7,021,520**

29. The Defendants directly infringed and continue to directly infringe the ‘520 Patent under 35 U.S.C. § 271, either literally and/or under the doctrine of equivalents, by using, offering for sale, selling, and/or importing into the United States infringing smartphones devices, including but not limited to the Droid Eris™ by HTC smartphone and other devices containing microSD memory cards and/or similarly constructed memory cards.

30. Defendants have been aware of the ‘520 Patent since at least as early as October 1, 2010, when Defendants received the original Complaint filed in this litigation.

31. Defendants have actively induced, and continue to induce, the infringement of one or more claims of the ‘520 Patent at least by actively inducing the use of infringing smartphones devices by Defendants’ customers in the United States, including but not limited to the Droid Eris™ by HTC smartphone and other devices containing microSD memory cards and/or similarly constructed memory cards. Defendants knew or should have known that their conduct would induce others to use their smartphones in a manner that infringes the ‘520 Patent.

32. Round Rock Research has been damaged by Defendants’ infringement of the ‘520 Patent.

33. Defendants’ infringement has occurred and continues to occur with Defendants’ knowledge of the ‘520 Patent. Upon information and belief, Defendants’ infringement of the ‘520 Patent has been, and continues to be, willful and deliberate. Defendants’ willful conduct provides a basis for this Court to award enhanced damages pursuant to 35 U.S.C. § 284 and makes this an exceptional case within the meaning of § 285.

**Count V**

**Infringement of U.S. Patent No. 7,101,727**

34. The Defendants directly infringed and continue to directly infringe the '727 Patent under 35 U.S.C. § 271, either literally and/or under the doctrine of equivalents, by using, offering for sale, selling, and/or importing into the United States infringing smartphones devices, including but not limited to the Google Nexus One™ smartphone and similar devices containing Omnivision imager chips and/or similarly constructed imager chips.

35. Defendants have been aware of the '727 Patent since at least as early as September 5, 2010, when HTC's Senior Patent Manager, Antony Wang, was notified in writing by Round Rock Research that various HTC products infringe the '727 Patent.

36. Defendants have actively induced, and continue to induce, the infringement of one or more claims of the '727 Patent by at least actively inducing the use of infringing smartphones devices by Defendants' customers in the United States, including but not limited to the Google Nexus One™ smartphone and similar devices containing Omnivision imager chips and/or similarly constructed imager chips. Defendants knew or should have known that their conduct would induce others to use their smartphones in a manner that infringes the '727 Patent.

37. Round Rock Research has been damaged by Defendants' infringement of the '727 Patent.

38. Defendants' infringement has occurred and continues to occur with Defendants' knowledge of the '727 Patent. Upon information and belief, Defendants' infringement of the '727 Patent has been, and continues to be, willful and deliberate. Defendants' willful conduct provides a basis for this Court to award enhanced damages pursuant to 35 U.S.C. § 284 and makes this an exceptional case within the meaning of § 285



**Prayer For Relief**

Wherefore, Plaintiff Round Rock Research respectfully requests that this Court enter judgment against Defendants HTC Corporation and HTC America, Inc. as follows:

- a) The Defendants have directly infringed and induced infringement of U.S. Patent No. 5,255,109;
- b) The Defendants have directly infringed and induced infringement of U.S. Patent No. 6,002,613;
- c) The Defendants have directly infringed and induced infringement of U.S. Patent No. 6,625,444;
- d) The Defendants have directly infringed and induced infringement of U.S. Patent No. 7,021,520;
- e) The Defendants have directly infringed and induced infringement of U.S. Patent No. 7,101,727;
- f) The Defendants' infringement of U.S. Patent Nos. 5,255,109, 6,002,613, 6,625,444, 7,021,520 and 7,101,727 has been willful;
- g) An award to Round Rock Research of the damages to which it is entitled under 35 U.S.C. §284 for Defendants' past infringement and any continuing or future infringement up until the date such judgment is entered, including interest, costs, disbursements, and enhanced/treble damages for willful infringement, and order a full accounting of same;
- h) This case is exceptional under 35 U.S.C. §285;
- i) An award to Round Rock Research of such other and further relief in law or equity to which the Court deems just and proper.

**Demand For Jury Trial**

Round Rock Research hereby demands a trial by jury on all claims and issues so triable.

DATED: February 7, 2011

Respectfully submitted,

Farnan LLP

/s/ Brian E. Farnan

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