

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BLUEBONNET
TELECOMMUNICATIONS L.L.C.,

Plaintiff,

v.

ALCATEL-LUCENT S.A.;
ALCATEL-LUCENT USA INC; TCL
CORPORATION; TCL
COMMUNICATION TECHNOLOGY
HOLDINGS LTD; TCT MOBILE (US)
INC.; AND TCT MOBILE (US)
HOLDINGS INC.

Defendant.

CIVIL ACTION NO. 2:14-cv-009

JURY TRIAL DEMANDED

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Bluebonnet Telecommunications, L.L.C. (“Bluebonnet”) files this amended complaint against the above-named Alcatel-Lucent S.A., Alcatel-Lucent USA Inc., TCL Corporation, TCL Communication Technology Holdings Ltd, TCT Mobile (US) Inc., and TCT Mobile (US) Holdings Inc. (collectively, “Defendants”) alleging, based on its own knowledge as to itself and its own actions and based on information and belief as to all other matters, as follows:

PARTIES

1. Bluebonnet is a corporation formed under the laws of the State of Texas, with a principal place of business in Longview, Texas.
2. Defendant Alcatel-Lucent S.A. is a corporation organized under the laws of France, having its principal place of business at 3 Avenue Octave Greard, FR-75007 Paris,

France. Alcatel-Lucent does business in the United States through its subsidiary, Alcatel-Lucent USA, Inc., a corporation organized under the laws of Delaware, having its principal place of business in New Jersey. Alcatel-Lucent USA, Inc. and Alcatel-Lucent are collectively referred to as “Alcatel”. Alcatel’s agent for service of process in Texas is Prentice Hall Corporation System, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

3. Defendant TCL Corporation (“TCL Corp.”) is a corporation organized under the laws of The People’s Republic of China (PRC). According to the information provided by the Shenzhen Stock Exchange, where TCL Corporation is listed, its principal place of business is 广东省惠州市仲恺高新技术开发区十九号小区, postal code 516001, which translates as #19 Zhong Kai Hi-Tech Development Zone, Huizhou, Guangdong Province, China, PRC, 516001.

4. On information and belief, TCL Communication Technology Holdings Limited is a corporation organized and existing under the laws of the People’s Republic of China with its principal place of business is 15/F, TCL Tower, Gaoxin Nan Yi Road, Nanshan District, Shenzhen, Guangdong, China, postal code 518057. This defendant is a subsidiary of TCL Corporation.

5. On information and belief, TCT Mobile (US) Inc. is a Delaware corporation with its principal place of business in Irvine, California. This Defendant is a subsidiary of TCL Communication Technology Holdings Limited and may be served with process through its agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. On information and belief, TCT Mobile, Inc. is a Delaware corporation with its principal place of business in Irvine, California. This Defendant is a subsidiary of TCL Communication Technology Holdings Limited and may be served with

process through its agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

6. On information and belief, TCT Mobile (US) Holdings Inc. (with TCL Communication Technology Holdings Limited, TCT Mobile (US) Inc., TCT Mobile (US) Inc., “TCL”) is a Delaware corporation with its principal place of business in Irvine, California. This Defendant is a subsidiary of TCL Communication Technology Holdings Limited and may be served with process through its agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

JURISDICTION AND VENUE

7. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. §1331 and §1338(a).

8. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, Defendants have transacted business in this district and have committed, by themselves or in concert with others, acts of patent infringement in this district.

9. Defendants are subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to Defendants’ substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and/or (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this district.

JOINDER

10. Plaintiff's rights to relief are asserted against all named Defendants jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences relating to the making, using, importing into the United States, offering for sale, or selling of the same accused product or process; and questions of fact common to all defendants will arise in this action.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 5,485,511

11. On January 16, 1996, United States Patent No. 5,485,511 ("the 511 patent") was duly and legally issued by the United States Patent and Trademark Office for an invention entitled "Method and Apparatus for Determining the Telephony Features Assigned to a Telephone."

12. Bluebonnet is the owner of the 511 patent with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the 511 patent against infringers, and to collect damages for all relevant times.

13. Defendants, directly or through their customers and/or intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including for example, One Touch 902 and 901, and the Omni Touch 8082, 8118, 8128, 8600, and 8660) that infringed one or more claims of the 511 patent. Specifically, Defendants' accused products and/or systems have features that allow a user to determine whether certain telephony features (*e.g.*, call forwarding) are activated.

14. Defendants have and are directly infringing the 511 patent.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 6,560,274

15. On May 6, 2003, United States Patent No. 6,560,274 (“the 274 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention entitled “Transceiver.”

16. Bluebonnet is the owner of the 274 patent with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the 274 patent against infringers, and to collect damages for all relevant times.

17. Defendants, directly or through their customers and/or intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including for example, One Touch 902 and One Touch 901) that infringed one or more claims of the 274 patent. Specifically, Defendants’ accused products and/or systems have an airplane/flight mode feature.

18. Defendants have and are directly infringing the 274 patent.

COUNT III

INFRINGEMENT OF U.S. PATENT NO. 6,400,814

19. On June 4, 2002, United States Patent No. 6,400,814 (“the 814 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention entitled “Telephone with Ringer Silencer Screening Feature.”

20. Bluebonnet is the owner of the 814 patent with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the 814 patent against infringers, and to collect damages for all relevant times.

21. Defendants, directly or through their customers and/or intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including for example, One Touch 902 and 901, and the Omni Touch 8082, 8118, 8128, 8600, and 8660) that infringed one or more claims of the 814 patent. Specifically, Defendants' accused products and/or systems have a ringer silencer screening feature.

22. Defendants have and are directly infringing the 814 patent.

**ADDITIONAL ALLEGATIONS REGARDING INDIRECT AND
WILLFUL INFRINGEMENT**

23. Defendants have and are indirectly infringing the 511, 274 and 814 patents, both as an inducer of infringement and as a contributory infringer.

24. The direct infringement underlying Defendants' indirect infringement consists of the use of the accused component features by end-user customers.

25. Defendants induce end-user customers to use the accused phones, and specifically to use them in a manner that infringes the 511, 274 and 814 patents. Defendants do so by (1) providing instructions to their customers that explain how to use the component features of the accused devices that are accused of infringement (specifically those features that allow a user to determine whether certain telephony features (*e.g.*, call forwarding) are activated, the airplane mode feature, and/or the ringer silencer screening feature); and (2) by touting and advertising these accused features of their phones.

26. Defendants have contributed to the infringement of the 511, 274 and 814 patents by end-user customers by making and selling the phones with the accused component features. The accused component features of their phones are especially made

for use by end-user customers in infringement of the 511, 274 and 814 patents and have no substantial use other than infringing the 511, 274 and 814 patents. In particular, the component feature that allows a user to determine whether certain telephony features (*e.g.*, call forwarding) are activated, the airplane mode feature, and the component feature that allows a user to silence a call without interrupting the on-hook state have no practical use other than uses that infringe the 511, 274 and 814 patents, respectively. These components in the accused products constitute a material part of the invention of one or more asserted claims of the 511, 274 and 814 patents and are not staple articles of commerce suitable for substantial non-infringing use. The use of these features by end-users of the phones for their intended and directed purpose necessarily results in infringement of the 511, 274 and 814 patents.

27. Defendants have and will have knowledge of the 511, 274 and 814 patents, as well as the fact that their customers' use of their phones infringe the 511, 274 and 814 patents, since at least as early as the filing of this lawsuit.

28. Additionally, through their policies and practices of not investigating whether their phones' various component features infringed the patents of others, Defendants intentionally took steps to avoid learning the extent of their infringement of the intellectual property rights of others, such as Bluebonnet, despite their belief that there was a high probability that their actions constituted infringement. Thus, Defendants were willfully blind to the existence of the 511, 274 and 814 patents prior to the filing of this lawsuit. Defendants, also being extensively involved in the relevant telephone hardware and software systems of their customers and/or suppliers, had sufficiently detailed

knowledge of the related activities of their customers and/or suppliers to know that these acts constituted infringement, yet took the above steps to cause infringement regardless.

29. Defendants therefore induce/induced and contribute/contributed to acts of direct infringement with the specific intent that others would infringe the 511, 274 and 814 patents.

30. For the same reasons, Defendants' infringement has been and continues to be willful. Indeed, Defendants have acted and continue to act in the face of an objectively high likelihood that their actions constitute infringement of a valid patent or with reckless disregard of that likelihood.

JURY DEMAND

Bluebonnet hereby requests a trial by jury on all issues so triable by right.

PRAYER FOR RELIEF

Bluebonnet requests that the Court find in its favor and against Defendants and that the Court grant Bluebonnet the following relief:

a. Judgment that one or more claims of the 511, 274 and 814 patents have been infringed, either literally and/or under the doctrine of equivalents, by Defendants and/or all others acting in concert therewith;

b. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert therewith from infringement of the 511, 274 and 814 patents;

c. Judgment that Defendants account for and pay to Bluebonnet all damages to and costs incurred by Bluebonnet because of Defendants' infringing activities and other conduct complained of herein;

d. That Bluebonnet be granted pre-judgment and post-judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein;

e. That this Court declare this an exceptional case and award Bluebonnet its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and

f. That Bluebonnet be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: April 16, 2014

Respectfully submitted,

/s/ Elizabeth L. DeRieux

Matthew J. Antonelli
Texas Bar No. 24068432
matt@ahtlawfirm.com

Zachariah S. Harrington
Texas Bar No. 24057886
zac@ahtlawfirm.com

Larry D. Thompson, Jr.
Texas Bar No. 24051428
larry@ahtlawfirm.com

Cory C. Johnson
Texas Bar No. 24046162
cory@ahtlawfirm.com

Califf T. Cooper
Texas Bar No. 24055345
califf@ahtlawfirm.com

ANTONELLI, HARRINGTON &
THOMPSON LLP
4200 Montrose Blvd., Ste. 430
Houston, TX 77006
(713) 581-3000

S. Calvin Capshaw, III
State Bar No. 03783900
Email: ccapshaw@capshawlaw.com
Elizabeth L. DeRieux
State Bar No. 05770585
Email: ederieux@capshawlaw.com
D. Jeffrey Rambin
State Bar No. 00791478
Email: jrambin@capshawlaw.com
CAPSHAW DERIEUX, LLP
114 E. Commerce Ave.
Gladewater, Texas 75647
Telephone: (903) 236-9800
Facsimile: (903) 236-8787

ATTORNEYS FOR PLAINTIFF
BLUEBONNET TELECOMMUNICATIONS L.L.C.