

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

NEXUS DISPLAY TECHNOLOGIES LLC,	§	Case No.: 2:14-cv-00766
	§	
Plaintiff,	§	
	§	Jury Trial Requested
v.	§	
	§	
NEC CORP. AND NEC DISPLAY	§	
SOLUTIONS OF AMERICA, INC.,	§	
	§	
Defendants.	§	
	§	
	§	
	§	
	§	

NEXUS DISPLAY TECHNOLOGIES LLC'S
COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Nexus Display Technologies LLC (“NDT” or “Plaintiff”) hereby submits this Complaint against Defendants NEC Corp. and NEC Display Solutions of America, Inc. (collectively “NEC” or “Defendants”) and states as follows:

THE PARTIES

1. NDT is a Texas limited liability company, having a principal place of business at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

2. On information and belief, Defendant NEC Corp. is a corporation organized and existing under the laws of Japan, having a principal place of business at 7-1 Shiba 5-chome, Minato-ku, Tokyo 108-8001 Japan.

3. On information and belief, Defendant NEC Display Solutions of America, Inc. is a corporation organized and existing under the laws of Delaware, having a principal place of business at 500 Park Blvd., Suite 1100, Itasca, Illinois 60143.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.*

5. Venue is proper in this federal district pursuant to 28 U.S.C. §§1391(b)–(c) and 1400(b) in that Defendants have done business in this District, have committed acts of infringement in this District, and continue to commit acts of infringement in this District, entitling NDT to relief.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 7,295,578

6. On November 13, 2007, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. 7,295,578 (“the ’578 Patent”),

entitled “Method And Apparatus For Synchronizing Auxiliary Data And Video Data Transmitted Over A TMDS-Like Link.” NDT holds all rights, title, and interest in and to the ’578 Patent. NEC is not licensed to the ’578 Patent, yet NEC knowingly, actively, and lucratively practices the patents.

7. Upon information and belief, NEC has infringed directly and continues to infringe directly the ’578 Patent. The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of products and/or methods encompassed by the claims of the ’578 Patent. NEC’s infringing products include, but are not limited to, at least the NEC MultiSync and NEC SpectraView series of monitors, the NEC P, NEC V, and NEC X series of displays, the NEC MD series of medical diagnostic displays, and the NEC NP-PA, NEC NP-PX, and NEC NP-PH series of projectors.

8. The acts of infringement by NEC have caused damage to NDT, and NDT is entitled to recover from NEC the damages sustained by NDT as a result of NEC’s wrongful acts in an amount subject to proof at trial. The infringement of NDT’s exclusive rights under the ’578 Patent by NEC has damaged and will continue to damage NDT, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

9. At least as early as its receipt of this Complaint, NEC has had knowledge of the ’578 Patent and written notice of the infringement. NDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding and increased damages under 35 U.S.C. § 284 and to attorneys’ fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT II: INFRINGEMENT OF U.S. PATENT NO. 7,143,328

10. On November 28, 2006, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. 7,143,328 (“the ’328 Patent”), entitled “Auxiliary Data Transmitted Within A Display’s Serialized Data Stream.” NDT holds all rights, title, and interest in and to the ’328 Patent. NEC is not licensed to the ’328 Patent, yet NEC knowingly, actively, and lucratively practices the patents.

11. Upon information and belief, NEC has infringed directly and continues to infringe directly the ’328 Patent. The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of products and/or methods encompassed by the claims of the ’328 Patent. NEC’s infringing products include, but are not limited to, at least the NEC MultiSync and NEC SpectraView series of monitors, the NEC P, NEC V, and NEC X series of displays, the NEC MD series of medical diagnostic displays, and the NEC NP-PA, NEC NP-PX, and NEC NP-PH series of projectors.

12. The acts of infringement by NEC have caused damage to NDT, and NDT is entitled to recover from NEC the damages sustained by NDT as a result of NEC’s wrongful acts in an amount subject to proof at trial. The infringement of NDT’s exclusive rights under the ’328 Patent by NEC has damaged and will continue to damage NDT, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

13. At least as early as its receipt of this Complaint, NEC has had knowledge of the ’328 Patent and written notice of the infringement. NDT intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding and increased damages under 35 U.S.C. § 284 and to attorneys’ fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT III: INFRINGEMENT OF U.S. PATENT NO. 5,835,498

14. On November 10, 1998, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. 5,835,498 (“the ’498 Patent”), entitled “System and Method For Sending Multiple Data Signals Over a Serial Link.” NDT holds all rights, title, and interest in and to the ’498 Patent. NEC is not licensed to the ’498 Patent, yet NEC knowingly, actively, and lucratively practices the patents.

15. Upon information and belief, NEC has infringed directly and continues to infringe directly the ’498 Patent. The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of products and/or methods encompassed by the claims of the ’498 Patent. NEC’s infringing products include, but are not limited to, at least the NEC MultiSync and NEC SpectraView series of monitors, the NEC P, NEC V, and NEC X series of displays, the NEC MD series of medical diagnostic displays, and the NEC NP-PA, NEC NP-PX, and NEC NP-PH series of projectors.

16. The acts of infringement by NEC have caused damage to NDT, and NDT is entitled to recover from NEC the damages sustained by NDT as a result of NEC’s wrongful acts in an amount subject to proof at trial. The infringement of NDT’s exclusive rights under the ’498 Patent by NEC has damaged and will continue to damage NDT, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

17. At least as early as April 9, 2004, NEC has had knowledge of the ’498 Patent. On April 9, 2004, the ’498 Patent was cited by the USPTO as a reference during the prosecution of U.S. Patent Application No. 09/693,772 (“the ’772 Application”), which was assigned to the NEC Corporation and subsequently issued as U.S. Patent No. 6,885,703. On information and belief, based on NEC’s sophistication and experience with the United States patent system and

NEC's responsive papers to the USPTO during the prosecution of the '772 Application, NEC has performed an analysis of the '498 Patent. On information and belief, due to this analysis of the '498 Patent, NEC knew, should have known, or was willfully blind to the fact that its making, using, licensing, selling, offering for sale, and/or importing of NEC's infringing products posed, at the very least, an objectively high likelihood of infringing the '498 Patent. As a result, NEC's infringement of the '498 Patent has been willful and NDT is entitled to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285. Additionally, at least as early as its receipt of this Complaint, NEC has had knowledge of the '498 Patent and written notice of the infringement.

JURY DEMAND

18. NDT hereby demands a trial by jury on all issues.

PRAYER FOR RELIEF

WHEREFORE, NDT requests entry of judgment in its favor and against NEC as follows:

- a. A declaration that NEC has infringed and is infringing the '578, '328, and '498 Patents;
- b. An Order permanently enjoining NEC, its officers, agents, employees, and those acting in privity with it, from further direct and/or indirect infringement of the '578, '328, and '498 Patents;
- c. An award of damages to NDT arising out of NEC's infringement of the '578, '328, and '498 Patents, including enhanced damages pursuant to 35 U.S.C. § 284, together with prejudgment and post-judgment interest, in an amount according to proof;
- d. An award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and,

e. Granting NDT its costs and further relief as the Court may deem just and proper.

Dated: July 11, 2014

Respectfully submitted,

/s/ Demetrios Anaipakos

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