

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FLATFROG LABORATORIES AB,

Plaintiff,

v.

CHEMTRONICS CO., LTD.,

Defendant.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff FlatFrog Laboratories AB (“FlatFrog” or “Plaintiff”) files this Complaint for Patent Infringement against Defendant Chemtronics Co., Ltd. (“Chemtronics”), and alleges as follows:

NATURE OF ACTION

1. This is an action for patent infringement of United States Patent Nos. 11,281,338 (“the ’338 patent”), 10,775,935 (“the ’935 patent”), and 11,281,335 (“the ’335 patent”) (collectively, “the Asserted Patents”) arising under the patent laws of the United States, Title 35, United States Code, §§ 100 *et seq.*, including 35 U.S.C. § 271.

2. This action relates to Chemtronics’ design, development, manufacture, marketing, promotion, offers for sale, and sales of a glass and touch module (hereinafter, “the Chemtronics module”) for the 85" Samsung Flip 2 interactive display, the 75" and 85" Samsung Flip 3 interactive displays, the 75" and 85" Samsung Flip 4 displays, and all reasonably similar products (collectively, the “Accused Products”). On information and belief, the Chemtronics module comprises at least a metal frame, a touch kit, and a cover glass. On further information and belief,

the Chemtronics module is assembled with other components, such as an LCD display, back cover, etc. to make the Accused Products.

PARTIES

3. FlatFrog is a Swedish corporation with its principal place of business at Alfa 2 Scheelevägen 15 A, 223 63 Lund, Sweden.

4. FlatFrog is a pioneer and technology leader for large screen interactive displays, often referred to as “touch screens,” which allow multiple users to work together on a large display, in person or through real time collaboration across the globe. FlatFrog’s award-winning InGlass™ touch technology, when embedded within large displays, allows multiple users to touch and write on display screens with a passive pen or finger and with no annoying lag or latency (unlike conventional touch screens). FlatFrog’s patented InGlass™ experience is as natural as writing on paper, and the user can erase with a finger or fist.

5. FlatFrog’s patented InGlass™ technology also provides the lowest contact detection height (“CDH”) in the touch screen industry. Touch screens enabled with FlatFrog’s patented InGlass™ technology, including its low CDH configuration, prevent the touch screen from picking up user interactions near the touch screen which are not intended by the user to register with the touch screen. Visual artifacts caused by conventional touch screens sold by competitors are noticeable by, for example, hooks at the end of a character or line as the user raises his or her finger (or stylus) from a touch screen. Because of its advantages over conventional touch screen technologies, FlatFrog’s InGlass™ technology has been adopted by the world’s leading touch screen display companies, including Samsung, Sharp, Dell, NEC, Smart, Ricoh, Panasonic, and Google.

6. FlatFrog and products containing FlatFrog's InGlass™ technology have won many industry awards, including Aragon Research Hot Vendor 2019, Rapidus Company of the Year 2018, ISTE Best of Show Award 2017, and Rave Best of Infocomm 2016. Recently, the Google Meet Series One Board 65 with InGlass™ technology was awarded the respected Red Dot Best of the Best 2022 award.

7. Upon information and belief, Defendant Chemtronics Co., Ltd. is a Korean corporation having a principal place of business at 31, Baeil-gil Jeondong-myeon, Sejong-si, Korea.

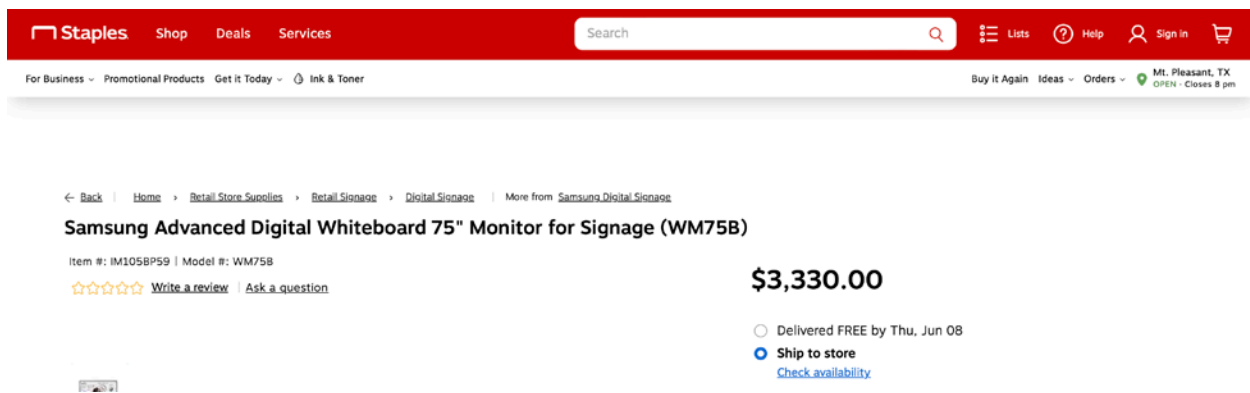
JURISDICTION AND VENUE

10. FlatFrog realleges, and incorporates in full herein, each preceding paragraph.

11. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

12. Venue is proper under 28 U.S.C. §§ 1391(c)(3) and 1400(b).

13. The Accused Products are offered for sale and, on information and belief, sold, in this District.



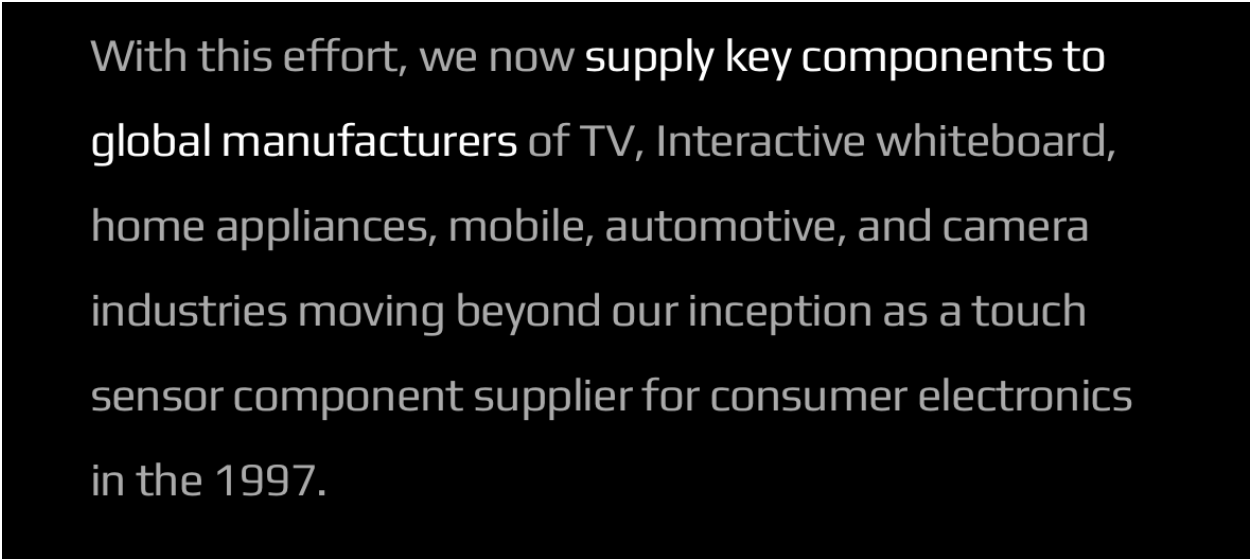
(www.staples.com)

14. This Court also has personal jurisdiction over Chemtronics because, on information and belief, Chemtronics has sold the Chemtronics module for the Accused Products in the stream of commerce with the knowledge that they would be offered for sale and sold in the United States

(including Texas and this District), and by actively inducing others to make, use, sell, offer to sell and/or import the Accused Products in this District. Upon information and belief, such sales are substantial, continuous, and systematic.

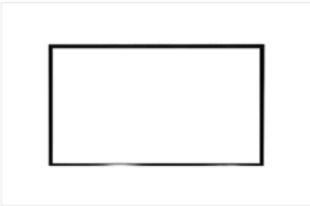
15. Upon information and belief, Defendant Chemtronics operates the website <http://www.chemtronics.co.kr/en/>.

16. The chemtronic.co.kr/en/business/ website promotes Defendant as a supplier of “key components to global manufacturers” of “[i]nteractive whiteboard,” i.e., interactive displays, and further lists Samsung as a customer.

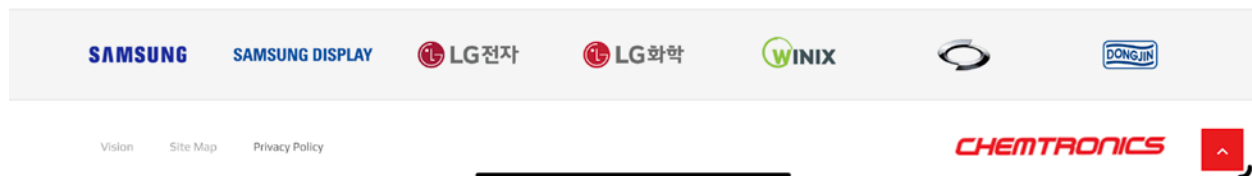


With this effort, we now supply key components to global manufacturers of TV, Interactive whiteboard, home appliances, mobile, automotive, and camera industries moving beyond our inception as a touch sensor component supplier for consumer electronics in the 1997.

(http://www.chemtronics.co.kr/en/business/business_01_intro.php)



Product	Touch Sensor Type : IR LED
Description	- Inch : 55" / 65" / 75" / 85" - Available Touch / Drawing Point : 20 touch / 4drawing - Report Rate : < 5.8ms(172Hz) - Accuracy : ±1.5mm - Available Object Size for Touch : Min. Ø2mm - Operation System : Windows, Mac, Linux
Application	Touch Monitor, Interactive Table, Interactive kiosk, Video wall



(http://www.chemtronics.co.kr/en/business/business_01_apply_whiteboard.php)

17. The chemtronic.co.kr/en/business/ website states that Chemtronics operates production facilities in the United States, and markets itself as a “global electronics” company.

Since its inception in 1983, Chemtronics has grown into a global electronics and chemical company that stably operates world-class production facilities in major hubs throughout the world, including Korea, Vietnam, China, the United States and Europe, via never-ending endeavors and innovations for over 40 years.

(<http://www.chemtronics.co.kr/en/company/ceo.php>)

18. On information and belief, the Chemtronics modules were specifically adapted to the U.S. market and for sale in this District, at least because they were designed for use in existing Samsung product lines that previously used FlatFrog’s modules, and which were already offered for sale and sold here.

19. Chemtronics also has sought and obtained patent protection in the United States, including for technology relating to touch screens. For example, Chemtronics obtained U.S. Patent

No. 8,547,352, entitled “Method, apparatus for sensing moved touch and computer readable record-medium on which program for executing method thereof.”

BACKGROUND

20. On September 22, 2022, FlatFrog’s outside U.S. counsel, Mr. Robert McCauley, sent a cease-and-desist letter to the CEO of Chemtronics, Mr. Kim Bokyun, notifying that Chemtronic’s manufacture and supply of touch components for the Samsung Flip display products infringe the Asserted Patents, and demanding that Chemtronics immediately cease its infringement of FlatFrog’s patents.

21. Prior to Mr. McCauley sending the cease-and-desist letter, FlatFrog’s European and Korean attorneys had written to the CEO of Chemtronics about the infringement of FlatFrog’s patents in June, July, and September 2022, but Chemtronics did not respond to those correspondences.

19. On information and belief, Chemtronics has done nothing to cease their infringing activities with respect to the Accused Products.

COUNT I

INFRINGEMENT OF U.S. PATENT 10,775,935

20. FlatFrog realleges, and incorporates in full herein, each preceding paragraph.

21. The U.S. Patent and Trademark Office issued the ’935 patent on September 15, 2020, titled “Touch Device.” A copy of the ’935 patent is attached hereto as Exhibit A.

22. The ’935 patent is a continuation of U.S. Patent Application No. 16/403,283, filed on May 3, 2019, which is a continuation of U.S. Patent 10,282,035, filed on November 14, 2018, which is a continuation of PCT application number PCT/SE2017/051233, filed on December 7,

2017, as stated on the face of the '935 patent. The U.S. continuation application (U.S. Patent Application No. 16/706,438) which matured into the '935 patent was filed on December 6, 2019.

23. The technology claimed in the '935 patent enables FlatFrog's revolutionary InGlass™ technology, which is the subject of numerous awards from the education and touch screen industries.

24. FlatFrog is the owner of the '935 patent by virtue of assignment.

25. At least by September 22, 2022, Chemtronics had actual knowledge of the '935 patent and FlatFrog's allegations of infringement by the Accused Products.

26. Upon information and belief, the Accused Products meet all the elements of, for example, claim 7 of the '935 patent, as shown in Exhibit D.

27. On information and belief, the 75" Samsung Flip 3 interactive display is representative of all Accused Products at least with respect to claim 7 of the '935 patent. Accordingly, the infringement mappings shown in Exhibit D apply equally to all Accused Products.

28. On information and belief, Chemtronics is liable for induced infringement under 35 U.S.C. § 271(b) by intentionally taking action that has actually induced and continues to induce direct infringement of at least claim 7 of the '935 patent by others (such as Samsung and/or its distributors, resellers, retailers, and other business partners) due to importation, offer for sale, and/or selling of the Accused Products in the United States. On information and belief, Chemtronics knew of the '935 patent before manufacturing and supplying the Chemtronics module for assembly into the Accused Products, and Chemtronics has taken affirmative steps that have encouraged, aided and abetted (and continue to encourage, aid and abet) direct infringement by others in the United States, and Chemtronics has known that its induced acts constitute infringement of the '935 patent

or has been willfully blind to the infringement. These acts of inducement include, but are not limited to, Chemtronics' design, development, marketing, promotion, manufacture, and supply of the Chemtronics module, and on information and belief, its contracts and agreements with Samsung and/or its business partner(s) for supply of the Chemtronics module.

29. On information and belief, Chemtronics has contributed to and continues to contribute to the direct infringement of at least claim 7 of the '935 patent by others (such as Samsung and/or its distributors, resellers, retailers, and other business partners) in the United States under 35 U.S.C. § 271(c). Upon information and belief, Chemtronics manufactures and supplies the Chemtronics module for the Accused Products, which are then imported, offered for sale, or sold in the United States. Upon information and belief, Chemtronics knew or was willfully blind that the Accused Products were both patented and infringing, that the Chemtronics module (which is assembled into the Accused Products) is not a staple article or commodity of commerce, and that the Chemtronics module does not have substantial non-infringing uses.

30. On information and belief, Chemtronics has infringed the '935 patent in an egregious and willful manner and with knowledge of the '935 patent, and at a minimum has been willfully blind to its infringement of that patent.

31. Chemtronics' infringement of the '935 patent has caused and continues to cause damages and irreparable harm to FlatFrog, which has invested significantly in developing its market-leading and patented InGlass™ technology.

COUNT II

INFRINGEMENT OF U.S. PATENT 11,281,335

32. FlatFrog realleges, and incorporates in full herein, each preceding paragraph.

33. The U.S. Patent and Trademark Office issued the '335 patent on March 22, 2022, titled "Touch Device." A copy of the '335 patent is attached hereto as Exhibit B.

34. The '335 patent is a continuation of Patent Application No. 16/190,907, filed on November 14, 2018, now Patent No. 10,282,035, which is a continuation of PCT application No. PCT/SE2017/051233, filed on December 7, 2017, as stated on the face of the '335 patent.

35. The technology claimed in the '335 patent enables FlatFrog's revolutionary InGlass™ technology through an innovative sealing window, that enables FlatFrog's industry-leading low CDH.

36. FlatFrog is the owner of the '335 patent by virtue of assignment.

37. At least by September 22, 2022, Chemtronics had actual knowledge of the '335 patent and FlatFrog's allegations of infringement by the Accused Products.

38. Upon information and belief, the Accused Products meet all the elements of, for example, claim 1 of the '335 patent, as shown in Exhibit E.

39. On information and belief, the 75" Samsung Flip 3 interactive display is representative of all Accused Products at least with respect to claim 1 of the '335 patent. Accordingly, the infringement mappings shown in Exhibit E apply equally to all Accused Products.

40. On information and belief, Chemtronics is liable for induced infringement under 35 U.S.C. § 271(b) by intentionally taking action that has actually induced and continues to induce direct infringement of at least claim 1 of the '335 patent by others (such as Samsung and/or its distributors, resellers, retailers, and other business partners) due to importation, offer for sale, and/or selling of the Accused Products in the United States. On information and belief, Chemtronics knew of the '335 patent before manufacturing and supplying the Chemtronics module for assembly into the Accused Products, and Chemtronics has taken affirmative steps that have encouraged, aided

and abetted (and continues to encourage, aid and abet) direct infringement by others in the United States, and Chemtronics has known that its induced acts constitute infringement of the '335 patent or has been willfully blind to their infringement. These acts of inducement include, but are not limited to, Chemtronics' design, development, marketing, promotion, manufacture, and supply of the Chemtronics module, and on information and belief, its contracts and agreements with Samsung and/or its business partner(s) for supply of the Chemtronics module.

41. On information and belief, Chemtronics has contributed to and continues to contribute to the direct infringement of at least claim 1 of the '335 patent by others (such as Samsung and/or its distributors, resellers, retailers, and other business partners) in the United States under 35 U.S.C. § 271(c). Upon information and belief, Chemtronics manufactures and supplies the Chemtronics module for the Accused Products, which are then imported, offered for sale, or sold in the United States. Upon information and belief, Chemtronics knew or was willfully blind that the Accused Products were both patented and infringing, that the Chemtronics module (which is assembled into the Accused Products) is not a staple article or commodity of commerce, and that the Chemtronics module does not have substantial non-infringing uses.

42. On information and belief, Chemtronics has infringed the '335 patent in an egregious and willful manner and with knowledge of the '335 patent, and at a minimum has been willfully blind to their infringement of that patent.

43. Chemtronics' infringement of the '335 patent has caused and continues to cause damages and irreparable harm to FlatFrog, which has invested significantly in developing its market-leading and patented InGlass™ technology.

COUNT III

INFRINGEMENT OF U.S. PATENT 11,281,338

44. FlatFrog realleges, and incorporates in full herein, each preceding paragraph.

45. The U.S. Patent and Trademark Office issued the '338 patent on March 22, 2022, titled "Touch Sensing Apparatus and Method for Assembly." A copy of the '338 patent is attached hereto as Exhibit C.

46. The '338 patent is a continuation of Patent Application No. 16/834,905, filed on March 30, 2020, now Patent No. 10,739,916, which is a continuation of Patent Application No. 16/191,177, filed on November 14, 2018, now Patent No. 10,606,416, which is a continuation of application No. PCT/SE2018/050109, filed on February 6, 2018, as stated on the face of the '338 patent.

47. The technology claimed in the '338 patent enables FlatFrog's revolutionary InGlass™ technology through an innovative sealing window that enables FlatFrog's industry-leading low CDH.

48. FlatFrog is the owner of the '338 patent by virtue of assignment.

49. At least by September 22, 2022, Chemtronics had actual knowledge of the '338 patent and FlatFrog's allegations of infringement by the Accused Products.

50. Upon information and belief, the Accused Products meet all the elements of, for example, claim 1 of the '338 patent, as shown in Exhibit F.

51. On information and belief, the 75" Samsung Flip 3 interactive display is representative of all Accused Products at least with respect to claim 1 of the '338 patent. Accordingly, the infringement mappings shown in Exhibit F apply equally to all Accused Products.

52. On information and belief, Chemtronics is liable for induced infringement under 35 U.S.C. § 271(b) by intentionally taking action that has actually induced and continues to induce direct infringement of at least claim 1 of the '338 patent by others (such as Samsung and/or its

distributors, resellers, retailers, and other business partners) due to importation, offer for sale, and/or selling of the Accused Products in the United States. On information and belief, Chemtronics knew of the '338 patent before manufacturing and supplying the Chemtronics module for assembly into the Accused Products, and Chemtronics has taken affirmative steps that have encouraged, aided and abetted (and continue to encourage, aid and abet) direct infringement by others in the United States, and Chemtronics has known that its induced acts constitute infringement of the '338 patent or has been willfully blind to the infringement. These acts of inducement include, but are not limited to, Chemtronics' design, development, marketing, promotion, manufacture, and supply of the Chemtronics module, and on information and belief, its contracts and agreements with Samsung and/or its business partner(s) for supply of the Chemtronics module.

53. On information and belief, Chemtronics has contributed to and continues to contribute to the direct infringement of at least claim 1 of the '338 patent by others (such as Samsung and/or its distributors, resellers, retailers, and other business partners) in the United States under 35 U.S.C. § 271(c). Upon information and belief, Chemtronics manufactures and supplies the Chemtronics module for the Accused Products, which are then imported, offered for sale, or sold in the United States. Upon information and belief, Chemtronics knew or was willfully blind that the Accused Products were both patented and infringing, that the Chemtronics module (which is assembled into the Accused Products) is not a staple article or commodity of commerce, and that the Chemtronics module does not have substantial non-infringing uses.

54. On information and belief, Chemtronics has infringed the '338 patent in an egregious and willful manner and with knowledge of the '338 patent, and at a minimum has been willfully blind to their infringement of that patent.

55. Chemtronics' infringement of the '338 patent has caused and continues to cause damages and irreparable harm to FlatFrog, which has invested significantly in developing its market-leading and patented InGlass™ technology.

PRAYER FOR RELIEF

WHEREFORE, FlatFrog respectfully prays that the Court enter judgment in its favor and award the following relief against Chemtronics:

1. Enter a judgment in favor of FlatFrog that Chemtronics has infringed by inducement and/or has contributorily infringed, individually and together, at least claim 7 of the '935 patent, claim 1 of the '335 patent, and claim 1 of the '338 patent, as well as additional claims of the Asserted Patents asserted during the pendency of this action;

2. Preliminary and permanently enjoin Chemtronics, and its officers, directors, employees, agents, licensees, representatives, affiliates, related companies, servants, successors and assigns, and any and all persons acting in privity or in concert with any of them, from further infringing the Asserted Patents;

3. Award FlatFrog actual damages adequate to compensate for infringement by Chemtronics, pursuant to 35 U.S.C. § 284, in an amount to be determined at trial, as a result of their infringement of the Asserted Patents;

4. Award FlatFrog pre- and post-judgment interest on all damages awarded, as well as supplemental damages;

5. Find this to be an exceptional case and award FlatFrog its costs and attorneys' fees under 35 U.S.C. § 285;

6. Find that infringement by Chemtronics has been and continues to be egregious and willful misconduct, and award FlatFrog enhanced damages for willful patent infringement under 35 U.S.C. § 284; and

7. Award and grant FlatFrog such other and further relief as the Court deems just and proper under the circumstances.

DEMAND TRIAL BY JURY

FlatFrog demands a jury trial on all matters triable by a jury.

Respectfully submitted,

Dated: June 26, 2023

PATTON, TIDWELL & CULBERTSON, L.L.P.

/s/ Geoffrey P. Culbertson

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