

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

TRUE SIGHT COMMUNICATIONS LLC,	)	Case No.
	)	
Plaintiff,	)	<u>JURY TRIAL DEMANDED</u>
	)	
v.	)	
	)	
TRANSCEND INFORMATION INC.,	)	
	)	
Defendant.	)	
	)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Truesight Communications LLC (“Truesight” or “Plaintiff”) for its Complaint against Defendant Transcend Information Inc. (“Transcend” or “Defendant”) for patent infringement alleges as follows:

THE PARTIES

1. Truesight is a limited liability company organized and existing under the laws of the State of Texas, with its principal place of business located at 209 East Austin Street, Marshall, TX 75670.

2. Defendant Transcend Information Inc. is a corporation organized and existing under the laws of Taiwan, with its principal place of business at No. 70, XingZhong Road, NeiHu District, Taipei 114, Taiwan. Transcend is a leading manufacturer and seller of memory storage devices in the world and in the United States. Upon information and belief, Transcend does business in Texas, directly or through intermediaries, and offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas, including in the Judicial District of the Eastern District of Texas.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant. Defendant regularly conducts business and has committed acts of patent infringement and/or has induced acts of patent infringement by others in this Judicial District and/or has contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United States.

5. Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1391 because, among other things, Defendant is not a resident in the United States, and thus may be sued in any judicial district pursuant to 28 U.S.C. § 1391(c)(3).

6. Defendant is subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial business in this State and Judicial District, including (a) at least part of its past infringing activities, (b) regularly doing or soliciting business in Texas, and/or (c) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

PATENTS-IN-SUIT

7. On March 10, 2015, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,977,783 (the "'783 Patent") entitled "High-Speed Secure Content Transfer to SD from Kiosk". A true and correct copy of the '783 Patent is available at: <http://pdfpiw.uspto.gov/.piw?Docid=8977783>.

8. Truesight is the sole and exclusive owner of all right, title, and interest in the '783 Patent (the "Patent-in-Suit") and holds the exclusive right to take all actions necessary to enforce its rights to the Patent-in-Suit, including the filing of this patent infringement lawsuit. Truesight

also has the right to recover all damages for past, present, and future infringement of the Patent-in-Suit and to seek injunctive relief as appropriate under the law.

9. Truesight has at all times complied with the marking provisions of 35 U.S.C. § 287 with respect to the Patent-in-Suit. Upon information and belief, prior assignees and licensees have also complied with the marking provisions of 35 U.S.C. § 287.

FACTUAL ALLEGATIONS

10. The '783 Patent relates to methods and apparatuses for quickly and securely transferring media files to an SD card, or equivalent thereof, from a media device, such as mobile phones, tablets, computers, and other devices. The technology described in the '783 Patent was developed by Joseph Zipperer, Mark P. Hahn, and Daniel P. Zipperer. For example, the technology is implemented in infringing memory modules and storage devices, such as SD cards, including, but not limited to, SD cards, microSD Cards, CFexpress cards, CompactFlash Cards, CFast 2.0 cards, and Expansion cards, among other products.

11. Transcend has infringed and is continuing to infringe the Patent-in-Suit by making, using, selling, offering to sell, and/or importing, and by actively inducing others to make, use, sell, offer to sell, and/or importing, products including, but not limited, to memory modules and storage devices.

COUNT I (Infringement of the '783 Patent)

12. Paragraphs 1 through 11 are incorporated by reference as if fully set forth herein.

13. Truesight has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '783 Patent.

14. Defendant has and continues to directly infringe the '783 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making,

using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '783 Patent. Such infringing products include Transcend memory modules and storage devices, including, but not limited to, the Transcend microSDHC Class 10, among other Transcend products.

15. For example, Defendant has and continues to directly infringe at least claim 7 of the '783 Patent by making, using, offering to sell, selling, and/or importing into the United States products that include the Transcend microSDHC Class 10, among other Transcend products.

16. The Transcend microSDHC Class 10 performs a method of quickly and securely transferring media files from a kiosk to a secure digital (SD) card. Transcend microSDHC Class 10 performs the step of identifying a media file for download to the SD card. The Transcend microSDHC Class 10 performs the step of pre-allocating space on the SD card for a playable content portion of the media file, wherein the playable content portion of the media file is encrypted by a content key that is encrypted by a user key. The Transcend microSDHC Class 10 performs the step of writing all directory blocks of the playable content portion of the media file together and, thereafter in time, writing all data blocks sequentially of the playable content portion of the media file. The Transcend microSDHC Class 10 performs the step of writing all data that is to be written to an unsecure area of the SD card, including the encrypted playable content, prior in time to writing any data to a secure area of the SD card, except for the user key.

17. Defendant has and continues to indirectly infringe one or more claims of the '783 Patent by knowingly and intentionally inducing others, including Transcend customers and end-users, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States products that include infringing technology, such as memory modules and storage devices.

18. Defendant, with knowledge that these products, or the use thereof, infringe the '783 Patent at least as of the date of this Complaint, knowingly and intentionally induced, and continues to knowingly and intentionally induce, direct infringement of the '783 Patent by providing these products to end users for use in an infringing manner. Alternatively, on information and belief, Defendant has adopted a policy of not reviewing the patents of others, including specifically those related to Defendant's specific industry, thereby remaining willfully blind to the Patent-in-Suit at least as early as the issuance of the Patent-in-Suit.

19. Defendant has induced infringement by others, including end users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end users, infringe the '783 Patent, but while remaining willfully blind to the infringement. Defendant has and continues to induce infringement by its customers and end-users by supplying them with instructions on how to operate the infringing technology in an infringing manner, while also making publicly available information on the infringing technology via Defendants' website, product literature and packaging, and other publications.

20. Truesight has suffered damages as a result of Defendant's direct and indirect infringement of the '783 Patent in an amount to be proven at trial.

21. Truesight has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '783 Patent, for which there is no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Truesight prays for relief against Defendant as follows:

- a. Entry of judgment declaring that Defendant has directly and/or indirectly infringed one or more claims of each of the Patent-in-Suit;
- b. An order pursuant to 35 U.S.C. § 283 permanently enjoining Defendant, their officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them, from further acts of infringement of one or more of the Patent-in-Suit;
- c. An order awarding damages sufficient to compensate Truesight for Defendant's infringement of the Patent-in-Suit, but in no event less than a reasonable royalty, together with interest and costs;
- d. Entry of judgment declaring that this case is exceptional and awarding Truesight its costs and reasonable attorney fees under 35 U.S.C. § 285; and
- e. Such other and further relief as the Court deems just and proper.

Dated: March 15, 2024

Respectfully submitted,

/s/ Vincent J. Rubino, III

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