

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

PERSONALIZED MEDIA COMMUNICATIONS,
LLC

Plaintiff,

VS.

TOP VICTORY ELECTRONICS (TAIWAN) CO.
LTD., TPV INT'L (USA), INC., ENVISION
PERIPHERALS, INC., TOP VICTORY
ELECTRONICS (FUJIAN) CO. LTD., TPV
ELECTRONICS (FUJIAN) CO. LTD., TPV
TECHNOLOGY LTD., and VIZIO, INC.

Defendants.

Civil Action No.:

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Personalized Media Communications, LLC (“PMC”), by way of this Complaint against Defendants Top Victory Electronics (Taiwan) Co. Ltd., TPV Int’l (USA), Inc., Envision Peripherals, Inc., Top Victory Electronics (Fujian) Co. Ltd., TPV Electronics (Fujian) Co. Ltd., TPV Technology Ltd. (collectively “TPV”), and Vizio, Inc. (“Vizio”), hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.*, for infringement by TPV and Vizio of claims of U.S. Patent No’s. 7,747,217; 7,752,649, 7,752,650, 7,764,685; 7,769,344, 7,783,252, 7,810,115 and 7,856,649 (collectively referred to as the “Patents-in-Suit”).

PARTIES

2. Plaintiff PMC is a limited liability company organized and existing under the laws of the State of Texas, having its principal place of business at 14090 Southwest Freeway, Suite

450, Sugar Land, Texas 77478.

3. On information and belief, Defendant Top Victory Electronics (Taiwan) Co. Ltd. is a corporation organized under the laws of Taiwan with its principal place of business at 10F, No. 230, Liancheng Road, Zhonghe City, Taiwan, Republic of China.

4. On information and belief, Defendant TPV Int'l (USA), Inc. is a corporation organized under the laws of California with its principal place of business at 3737 Executive Center Drive, Suite 261, Austin, Texas 78731, and with a registered agent at 350 North St. Paul Street, Suite 2900, Dallas, Texas 75201.

5. On information and belief, Defendant Envision Peripherals, Inc. is a corporation organized under the laws of California with its principal place of business at 47490 Seabridge Drive, Fremont, California 94538, and with a registered agent at 350 North St. Paul Street, Suite 2900, Dallas, Texas 75201.

6. On information and belief, Defendant Top Victory Electronics (Fujian) Co. Ltd. is a corporation organized under the laws of the People's Republic of China with its principal place of business at Shangzheng Yuanhong Road, Fuqing City, Fujian Province, China, and may be served pursuant to the provisions of the Hague Convention.

7. On information and belief, Defendant TPV Electronics (Fujian) Co. Ltd. is a corporation organized under the laws of the People's Republic of China with its principal place of business at Shangzheng Yuanhong Road, Fuqing City, Fujian Province, China, and may be served pursuant to the provisions of the Hague Convention.

8. On information and belief, TPV Technology Ltd. is a corporation organized under the laws of Bermuda with its principal place of business at Units 1208-16, 12/F, C-Bons

International Center, 108 Wai Yip Street, Kwun Tong, Kowloon, Hong Kong, and may be served pursuant to the provisions of the Hague Convention.

9. On information and belief, the defendants identified in paragraphs 3-8 above (collectively, "TPV") are an interrelated group of companies which together comprise one of the world's largest manufacturers of televisions.

10. On information and belief, Vizio, Inc. is a corporation organized under the laws of California with its principal place of business at 39 Tesla, Irvine, California 92618, and with a registered agent at 350 North St. Paul Street, Suite 2900, Dallas, Texas 75201.

11. Vizio is a leading seller of televisions in the United States.

JURISDICTION AND VENUE

12. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

13. This Court has personal jurisdiction over TPV and Vizio because, *inter alia*, upon information and belief, (i) Defendants TPV and Vizio have done and continue to do business in Texas; (ii) Defendants TPV and Vizio have committed and continue to commit acts of patent infringement in the State of Texas, including making, using, offering to sell, and/or selling accused products in Texas, and/or importing accused products into Texas, including by Internet sales and sales via retail and wholesale stores; and (iii) Defendants TPV and Vizio are registered to do business in Texas. In addition, or in the alternative, this Court has personal jurisdiction over the TPV defendants pursuant to Fed. R. Civ. P. 4(k)(2).

14. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b) because, *inter alia*, upon information and belief, (i) Defendants TPV and Vizio have done and continue to do business in this district; (ii) Defendants TPV and Vizio have committed

and continue to commit acts of patent infringement in this district, including making, using, offering to sell, and/or selling accused products in this district, and/or importing accused products into this district, including by internet sales and sales via retail and wholesale stores; (iii) the TPV defendants are foreign entities; and (iv) this judicial district is familiar with the technology of the Patents-in-Suit having presided over several lawsuits involving patents from the same patent family.

SINGLE ACTION

15. TPV designs, manufactures and assembles televisions. TPV imports, offers to sell, and sells those televisions in the United States, including in the State of Texas generally and this judicial district in particular. In addition, TPV has created a well-established distribution chain for its televisions, and that distribution chain delivers those products into the United States, including the State of Texas generally and this judicial district in particular. Furthermore, TPV knows, expects, and intends that by selling televisions designed for use in the U.S. market, some of those products will be sold in the State of Texas, including in this judicial district.

16. Vizio designs and specifies televisions for sale and use in the United States. Vizio imports, offers for sale, and sells televisions in the United States, including in the State of Texas generally and this judicial district in particular. Vizio has created a well-established distribution chain for its televisions, and that distribution chain delivers those products into the United States, including the State of Texas generally and this judicial district in particular. Furthermore, Vizio knows, expects, and intends that by selling televisions designed for use in the U.S. market, some of those products will be sold in the State of Texas, including in this judicial district.

17. The six TPV defendants identified in paragraphs 3-8 above operate as a unitary business venture and are jointly and severally liable for patent infringement relating to the

televisions made, imported, offered for sale, sold, or used in the United States by any one of them. PMC's right to relief against each of these six defendants arises out of the same transaction, occurrence, or series of transactions or occurrences relating to the importing, offering for sale, and sale of the same accused television units in the United States. Additionally, questions of fact common to all six of these defendants will arise in this action, including whether these same television units infringe the asserted patents. Therefore, joinder of these TPV defendants is proper under 35 U.S.C. § 299.

18. In addition, TPV manufactures and imports into the United States and sells certain accused televisions to Vizio. In turn, Vizio offers to sell and sells these same accused televisions in the United States under its own brand name. TPV and Vizio are jointly and severally liable for patent infringement relating to at least these accused televisions. Further, on information and belief, TPV has contractually indemnified and agreed to defend Vizio against claims of patent infringement, such as those alleged herein, brought against Vizio for TPV supplied televisions. Moreover, PMC's right to relief arises out of the same transaction, occurrence, or series of transactions or occurrences relating to the importing, offering for sale, and selling of the same accused television units in the United States by the Defendants. In addition, questions of fact common to all Defendants will arise in the action. These questions include whether these same televisions, imported and sold by TPV and then sold by Vizio, infringe the asserted patents. Therefore, joinder of these Defendants is proper under 35 U.S.C. §299.

PATENTS-IN-SUIT

19. On June 29, 2010, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,747,217 (the "217 Patent"), entitled "Signal Processing

Apparatus And Methods,” based upon an application filed by inventors John Christopher Harvey and James William Cuddihy.

20. On July 6, 2010, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,752,649 (the “649 Patent”), entitled “Signal Processing Apparatus And Methods,” based upon an application filed by inventors John Christopher Harvey and James William Cuddihy.

21. On July 6, 2010, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,752,650 (the “650 Patent”), entitled “Signal Processing Apparatus And Methods,” based upon an application filed by inventors John Christopher Harvey and James William Cuddihy.

22. On July 27, 2010, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,764,685 (the “685 Patent”), entitled “Signal Processing Apparatus And Methods,” based upon an application filed by inventors John Christopher Harvey and James William Cuddihy.

23. On August 3, 2010, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,769,344 (the “344 Patent”), entitled “Signal Processing Apparatus And Methods,” based upon an application filed by inventors John Christopher Harvey and James William Cuddihy.

24. On August 24, 2010, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,783,252 (the “252 Patent”), entitled “Signal Processing Apparatus And Methods,” based upon an application filed by inventors John Christopher Harvey and James William Cuddihy.

25. On October 5, 2010, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,810,115 (the “115 Patent”), entitled “Signal Processing Apparatus And Methods,” based upon an application filed by inventors John Christopher Harvey and James William Cuddihy.

26. On December 21, 2010, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,856,649 (the “6’649 Patent”), entitled “Signal Processing Apparatus And Methods,” based upon an application filed by inventors John Christopher Harvey and James William Cuddihy.

27. The Patents-in-Suit generally relate to methods and systems for digital signal processing.

28. PMC is the owner of the Patents-in-Suit by assignment and has the right to sue and recover damages for infringement thereof, including the right to sue for and recover all past, present and future damages for infringement of the Patents-in-Suit.

NOTICE

29. Beginning on October 12, 2012, and in meetings and discussions in 2013 and 2014, PMC provided representatives of defendant Vizio with notice of the Patents-in-Suit and of the infringement of those patents by Vizio Digital Televisions.

30. In view of the above, at least defendant Vizio knew of the existence of each of the Patents-in-Suit, and of Vizio’s infringement thereof.

FACTUAL ALLEGATIONS

31. As referred to in this Complaint, and consistent with 35 U.S.C. § 100 (c), the “United States” means “the United States of America, its territories and possessions.”

32. Upon information and belief, including based on products identified on TPV and Vizio websites and described in TPV and Vizio's manuals, TPV and Vizio make, use, offer to sell, and/or sell in the United States, and/or import into the United States products made in accordance with the Patents-in-Suit, including, but not limited to, Vizio Digital Televisions.

33. Upon information and belief, TPV and Vizio actively and knowingly direct, cause, induce and encourage others, including, but not limited to, their distributors, resellers, audio and video integrators and consultants, software developers, customers, end users, and repair providers, to make, use, sell, and/or offer to sell in the United States, and/or import into the United States, products made in accordance with the Patents-in-Suit, including, but not limited to, TPV and Vizio, by, among other things, providing instructions, manuals, and technical assistance relating to the installation, set up, use, operation, and maintenance of said Vizio Digital Televisions.

34. An exemplary, but not exclusive, list of Vizio Digital Televisions made in accordance with the Patents-in-Suit is attached as Exhibit A hereto.

COUNT I: INFRINGEMENT OF THE '217 PATENT

35. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

36. Upon information and belief, TPV and Vizio have infringed at least claim 38 of the '217 Patent pursuant to 35 U.S.C. § 271(a) by making, using, offering to sell, and/or selling in the United States, and/or importing into the United States Vizio Digital Televisions, including but not limited to the Vizio Digital Televisions identified in Exhibit I hereto. Upon information and belief, TPV and Vizio's infringement pursuant to 35 U.S.C. § 271(a) is ongoing.

37. Upon information and belief, TPV and Vizio have induced infringement of one or more claims of the '217 Patent pursuant to 35 U.S.C. § 271(b), by actively and knowingly

inducing, directing, causing, and encouraging others, including, but not limited to, their distributors, resellers, audio and video integrators and consultants, software developers, customers, end users, and repair providers, to make, use, sell, and/or offer to sell in the United States, and/or import into the United States, Vizio Digital Televisions made in accordance with the '217 Patent, including, but not limited to, the Vizio Digital Televisions identified in Exhibit I hereto, by, among other things, providing instructions, manuals, and technical assistance relating to the installation, set up, use, operation, and maintenance of said Vizio Digital Televisions. Upon information and belief, TPV and Vizio's inducement of infringement pursuant to 35 U.S.C. § 271(b) is ongoing.

38. Upon information and belief, Vizio committed the foregoing infringing activities without license from PMC and with notice of the '217 Patent.

39. Vizio knew the '217 Patent existed while committing the foregoing infringing acts, thereby willfully, wantonly and deliberately infringing the '217 Patent. PMC's damages should be trebled pursuant to 35 U.S.C. § 284 because of Vizio's willful infringement of the '217 Patent.

40. The acts of infringement by Vizio have been with the knowledge of the '217 Patent and are willful, wanton and deliberate, thus rendering this action "exceptional" within the meaning of 35 U.S.C. § 285 and entitling PMC to its reasonable attorney's fees and litigation expenses.

41. The acts of infringement by TPV and Vizio will continue unless enjoined by this Court.

42. PMC has been and will continue to be irreparably harmed and damaged by TPV and Vizio's acts of infringement of the '217 Patent and has no adequate remedy at law.

COUNT II: INFRINGEMENT OF THE '649 PATENT

43. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

44. Upon information and belief, TPV and Vizio have infringed at least claim 1 of the '649 Patent pursuant to 35 U.S.C. § 271(a) by making, using, offering to sell, and/or selling in the United States, and/or importing into the United States Vizio Digital Televisions, including but not limited to the Vizio Digital Televisions identified in Exhibit I hereto. Upon information and belief, TPV and Vizio's infringement pursuant to 35 U.S.C. § 271(a) is ongoing.

45. Upon information and belief, TPV and Vizio have induced infringement of one or more claims of the '649 Patent pursuant to 35 U.S.C. § 271(b), by actively and knowingly inducing, directing, causing, and encouraging others, including, but not limited to, their distributors, resellers, software developers, customers, end users, and repair providers, to make, use, sell, and/or offer to sell in the United States, and/or import into the United States Vizio Digital Televisions made in accordance with the '649 Patent, including, but not limited to, the Vizio Digital Televisions identified in Exhibit I hereto, by, among other things, providing instructions, manuals, and technical assistance relating to the installation, set up, use, operation, and maintenance of said Vizio Digital Televisions. Upon information and belief, TPV and Vizio's inducement of infringement pursuant to 35 U.S.C. § 271(b) is ongoing.

46. Upon information and belief, Vizio has committed the foregoing infringing activities without license from PMC and with notice of the '649 Patent.

47. Vizio knew the '649 Patent existed while committing the foregoing infringing acts, thereby willfully, wantonly and deliberately infringing the '649 Patent. PMC's damages should be trebled pursuant to 35 U.S.C. § 284 because of Vizio's willful infringement of the '649 Patent.

48. The acts of infringement by Vizio have been with the knowledge of the '649 Patent and are willful, wanton and deliberate, thus rendering this action "exceptional" within the meaning of 35 U.S.C. § 285 and entitling PMC to its reasonable attorney's fees and litigation expenses.

49. The acts of infringement by TPV and Vizio will continue unless enjoined by this Court.

50. PMC has been and will continue to be irreparably harmed and damaged by TPV and Vizio's acts of infringement of the '649 Patent and has no adequate remedy at law.

COUNT III: INFRINGEMENT OF THE '650 PATENT

51. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

52. Upon information and belief, TPV and Vizio have infringed at least claim 18 of the '650 Patent pursuant to 35 U.S.C. § 271(a) by making, using, offering to sell, and/or selling in the United States, and/or importing into the United States Vizio Digital Televisions, including but not limited to the Vizio Digital Televisions identified in Exhibit I hereto. Upon information and belief, TPV and Vizio's infringement pursuant to 35 U.S.C. § 271(a) is ongoing.

53. Upon information and belief, TPV and Vizio have induced infringement of one or more claims of the '650 Patent pursuant to 35 U.S.C. § 271(b), by actively and knowingly inducing, directing, causing, and encouraging others, including, but not limited to, their distributors, resellers, audio and video integrators and consultants, software developers, customers, end users, and repair providers, to make, use, sell, and/or offer to sell in the United States, and/or import into the United States, Vizio Digital Televisions made in accordance with the '650 Patent, including, but not limited to, the Vizio Digital Televisions identified in Exhibit I hereto, by, among other things, providing instructions, manuals, and technical assistance relating

to the installation, set up, use, operation, and maintenance of said Vizio Digital Televisions. Upon information and belief, TPV and Vizio's inducement of infringement pursuant to 35 U.S.C. § 271(b) is ongoing.

54. Upon information and belief, Vizio have committed the foregoing infringing activities without license from PMC and with notice of the '650 Patent.

55. Vizio knew the '650 Patent existed while committing the foregoing infringing acts, thereby willfully, wantonly and deliberately infringing the '650 Patent. PMC's damages should be trebled pursuant to 35 U.S.C. § 284 because of Vizio's willful infringement of the '650 Patent.

56. The acts of infringement by Vizio have been with the knowledge of the '650 Patent and are willful, wanton and deliberate, thus rendering this action "exceptional" within the meaning of 35 U.S.C. § 285 and entitling PMC to its reasonable attorney's fees and litigation expenses.

57. The acts of infringement by TPV and Vizio will continue unless enjoined by this Court.

58. PMC has been and will continue to be irreparably harmed and damaged by TPV and Vizio's acts of infringement of the '650 Patent and has no adequate remedy at law.

COUNT IV: INFRINGEMENT OF THE '685 PATENT

59. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

60. Upon information and belief, TPV and Vizio have infringed at least claim 63 of the '685 Patent pursuant to 35 U.S.C. § 271(a) by making, using, offering to sell, and/or selling in the United States, and/or importing into the United States Vizio Digital Televisions, including

but not limited to the Vizio Digital Televisions identified in Exhibit I hereto. Upon information and belief, TPV and Vizio's infringement pursuant to 35 U.S.C. § 271(a) is ongoing.

61. Upon information and belief, TPV and Vizio have induced infringement of one or more claims of the '685 Patent pursuant to 35 U.S.C. § 271(b), by actively and knowingly inducing, directing, causing, and encouraging others, including, but not limited to, their distributors, resellers, software developers, customers, end users, and repair providers, to make, use, sell, and/or offer to sell in the United States, and/or import into the United States, Vizio Digital Televisions made in accordance with the '685 Patent, including, but not limited to, the Vizio Digital Televisions identified in Exhibit I hereto, by, among other things, providing instructions, manuals, and technical assistance relating to the installation, set up, use, operation, and maintenance of said Vizio Digital Televisions. Upon information and belief, TPV and Vizio's inducement of infringement pursuant to 35 U.S.C. § 271(b) is ongoing.

62. Upon information and belief, Vizio has committed the foregoing infringing activities without license from PMC and with notice of the '685 Patent.

63. Vizio knew the '685 Patent existed while committing the foregoing infringing acts, thereby willfully, wantonly and deliberately infringing the '685 Patent. PMC's damages should be trebled pursuant to 35 U.S.C. § 284 because of Vizio's willful infringement of the '685 Patent.

64. The acts of infringement by Vizio have been with the knowledge of the '685 Patent and are willful, wanton and deliberate, thus rendering this action "exceptional" within the meaning of 35 U.S.C. § 285 and entitling PMC to its reasonable attorney's fees and litigation expenses.

65. The acts of infringement by TPV and Vizio will continue unless enjoined by this Court.

66. PMC has been and will continue to be irreparably harmed and damaged by TPV and Vizio's acts of infringement of the '685 Patent and has no adequate remedy at law

COUNT V: INFRINGEMENT OF THE '344 PATENT

67. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

68. Upon information and belief, TPV and Vizio have infringed at least claim 1 of the '344 Patent pursuant to 35 U.S.C. § 271(a) by making, using, offering to sell, and/or selling in the United States, and/or importing into the United States Vizio Digital Televisions, including but not limited to the Vizio Digital Televisions identified in Exhibit I hereto. Upon information and belief, TPV and Vizio's infringement pursuant to 35 U.S.C. § 271(a) is ongoing.

69. Upon information and belief, TPV and Vizio have induced infringement of one or more claims of the '344 Patent pursuant to 35 U.S.C. § 271(b), by actively and knowingly inducing, directing, causing, and encouraging others, including, but not limited to, their distributors, resellers, audio and video integrators and consultants, software developers, customers, end users, and repair providers, to make, use, sell, and/or offer to sell in the United States, and/or import into the United States, Vizio Digital Televisions made in accordance with the '344 Patent, including, but not limited to, the Vizio Digital Televisions identified in Exhibit I hereto, by, among other things, providing instructions, manuals, and technical assistance relating to the installation, set up, use, operation, and maintenance of said TPV and Vizio Digital Televisions. Upon information and belief, TPV and Vizio's inducement of infringement pursuant to 35 U.S.C. § 271(b) is ongoing.

70. Upon information and belief, Vizio has committed the foregoing infringing activities without license from PMC and with notice of the '344 Patent.

71. Vizio knew the '344 Patent existed while committing the foregoing infringing acts, thereby willfully, wantonly and deliberately infringing the '344 Patent. PMC's damages should be trebled pursuant to 35 U.S.C. § 284 because of Vizio's willful infringement of the '344 Patent.

72. The acts of infringement by Vizio have been with the knowledge of the '344 Patent and are willful, wanton and deliberate, thus rendering this action "exceptional" within the meaning of 35 U.S.C. § 285 and entitling PMC to its reasonable attorney's fees and litigation expenses.

73. The acts of infringement by TPV and Vizio will continue unless enjoined by this Court.

74. PMC has been and will continue to be irreparably harmed and damaged by TPV and Vizio's acts of infringement of the '344 Patent and has no adequate remedy at law

COUNT VI: INFRINGEMENT OF THE '252 PATENT

75. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

76. Upon information and belief, TPV and Vizio have infringed at least claim 37 of the '252 Patent pursuant to 35 U.S.C. § 271(a) by making, using, offering to sell, and/or selling in the United States, and/or importing into the United States Vizio Digital Televisions, including but not limited to the Vizio Digital Televisions identified in Exhibit I hereto. Upon information and belief, TPV and Vizio's infringement pursuant to 35 U.S.C. § 271(a) is ongoing.

77. Upon information and belief, TPV and Vizio have induced infringement of one or more claims of the '252 Patent pursuant to 35 U.S.C. § 271(b), by actively and knowingly

inducing, directing, causing, and encouraging others, including, but not limited to, their distributors, resellers, software developers, customers, end users, and repair providers, to make, use, sell, and/or offer to sell in the United States, and/or import into the United States, Vizio Digital Televisions made in accordance with the '252 Patent, including, but not limited to, the Vizio Digital Televisions identified in Exhibit I hereto, by, among other things, providing instructions, manuals, and technical assistance relating to the installation, set up, use, operation, and maintenance of said Vizio Digital Televisions. Upon information and belief, TPV and Vizio's inducement of infringement pursuant to 35 U.S.C. § 271(b) is ongoing.

78. Upon information and belief, Vizio has committed the foregoing infringing activities without license from PMC and with notice of the '252 Patent.

79. Vizio knew the '649 Patent existed while committing the foregoing infringing acts, thereby willfully, wantonly and deliberately infringing the '252 Patent. PMC's damages should be trebled pursuant to 35 U.S.C. § 284 because of Vizio's willful infringement of the '252 Patent.

80. The acts of infringement by Vizio have been with the knowledge of the '252 Patent and are willful, wanton and deliberate, thus rendering this action "exceptional" within the meaning of 35 U.S.C. § 285 and entitling PMC to its reasonable attorney's fees and litigation expenses.

81. The acts of infringement by TPV and Vizio will continue unless enjoined by this Court.

82. PMC has been and will continue to be irreparably harmed and damaged by TPV and Vizio's acts of infringement of the '252 Patent and has no adequate remedy at law

COUNT VII: INFRINGEMENT OF THE '115 PATENT

83. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

84. Upon information and belief, TPV and Vizio have infringed at least claims 1 of the '115 Patent pursuant to 35 U.S.C. § 271(a) by making, using, offering to sell, and/or selling in the United States, and/or importing into the United States Vizio Digital Televisions, including but not limited to the Vizio Digital Televisions identified in Exhibit I hereto. Upon information and belief, TPV and Vizio's infringement pursuant to 35 U.S.C. § 271(a) is ongoing.

85. Upon information and belief, TPV and Vizio have induced infringement of one or more claims of the '115 Patent pursuant to 35 U.S.C. § 271(b), by actively and knowingly inducing, directing, causing, and encouraging others, including, but not limited to, their distributors, resellers, audio and video integrators and consultants, software developers, customers, end users, and repair providers, to make, use, sell, and/or offer to sell in the United States, and/or import into the United States, Vizio Digital Televisions made in accordance with the '115 Patent, including, but not limited to, the TPV and Vizio Digital Televisions identified in Exhibit I hereto, by, among other things, providing instructions, manuals, and technical assistance relating to the installation, set up, use, operation, and maintenance of said Vizio Digital Televisions. Upon information and belief, TPV and Vizio's inducement of infringement pursuant to 35 U.S.C. § 271(b) is ongoing.

86. Upon information and belief, Vizio has committed the foregoing infringing activities without license from PMC and with notice of the '115 Patent.

87. Vizio knew the '115 Patent existed while committing the foregoing infringing acts, thereby willfully, wantonly and deliberately infringing the '115 Patent. PMC's damages

should be trebled pursuant to 35 U.S.C. § 284 because of Vizio's willful infringement of the '115 Patent.

88. The acts of infringement by Vizio have been with the knowledge of the '115 Patent and are willful, wanton and deliberate, thus rendering this action "exceptional" within the meaning of 35 U.S.C. § 285 and entitling PMC to its reasonable attorney's fees and litigation expenses.

89. The acts of infringement by TPV and Vizio will continue unless enjoined by this Court.

90. PMC has been and will continue to be irreparably harmed and damaged by TPV and Vizio's acts of infringement of the '115 Patent and has no adequate remedy at law

COUNT VIII: INFRINGEMENT OF THE 6'649 PATENT

91. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

92. Upon information and belief, TPV and Vizio have infringed at least claim 9 of the 6'649 Patent pursuant to 35 U.S.C. § 271(a) by making, using, offering to sell, and/or selling in the United States, and/or importing into the United States Vizio Digital Televisions, including but not limited to the Vizio Digital Televisions identified in Exhibit I hereto. Upon information and belief, TPV and Vizio's infringement pursuant to 35 U.S.C. § 271(a) is ongoing.

93. Upon information and belief, TPV and Vizio have induced infringement of one or more claims of the 6'649 Patent pursuant to 35 U.S.C. § 271(b), by actively and knowingly inducing, directing, causing, and encouraging others, including, but not limited to, their distributors, resellers, software developers, customers, end users, and repair providers, to make, use, sell, and/or offer to sell in the United States, and/or import into the United States, Vizio Digital Televisions made in accordance with the 6'649 Patent, including, but not limited to, the

Vizio Digital Televisions identified in Exhibit I hereto, by, among other things, providing instructions, manuals, and technical assistance relating to the installation, set up, use, operation, and maintenance of said Vizio Digital Televisions. Upon information and belief, TPV and Vizio's inducement of infringement pursuant to 35 U.S.C. § 271(b) is ongoing.

94. Upon information and belief, Vizio has committed the foregoing infringing activities without license from PMC and with notice of the 6'649 Patent.

95. Vizio knew the 6'649 Patent existed while committing the foregoing infringing acts, thereby willfully, wantonly and deliberately infringing the 6'649 Patent. PMC's damages should be trebled pursuant to 35 U.S.C. § 284 because of Vizio's willful infringement of the 6'649 Patent.

96. The acts of infringement by Vizio have been with the knowledge of the 6'649 Patent and are willful, wanton and deliberate, thus rendering this action "exceptional" within the meaning of 35 U.S.C. § 285 and entitling PMC to its reasonable attorney's fees and litigation expenses.

97. The acts of infringement by TPV and Vizio will continue unless enjoined by this Court.

98. PMC has been and will continue to be irreparably harmed and damaged by TPV and Vizio's acts of infringement of the 6'649 Patent and has no adequate remedy at law

PRAYER FOR RELIEF

WHEREFORE, PMC prays for judgment in its favor against TPV and Vizio granting PMC the following relief:

- A. Entry of judgment in favor of PMC against TPV and Vizio on all counts;
- B. Entry of judgment that TPV and Vizio have infringed the Patents-in-Suit;

C. Entry of judgment that TPV and Vizio's infringement of the Patents-in-Suit has been willful;

D. An order permanently enjoining TPV and Vizio together with their officers, directors, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them from infringing the Patents-in-Suit;

E. Award of compensatory damages adequate to compensate PMC for TPV and Vizio's infringement of the Patents-in-Suit, in no event less than a reasonable royalty trebled as provided by 35 U.S.C. § 284;

F. PMC's reasonable fees for expert witnesses and attorneys, as provided by 35 U.S.C. § 285;

G. PMC's costs;

H. Pre-judgment and post-judgment interest on PMC's award; and

I. All such other and further relief as the Court deems just or equitable.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Fed. R. Civ. P., PMC hereby demands trial by jury in this action of all claims so triable.

Dated: July 1, 2015

Respectfully submitted,

By: /s/ S. Calvin Capshaw
S. Calvin Capshaw
Texas Bar No. 03783900
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114 E. Commerce Avenue
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*Attorneys for Personalized Media
Communications, LLC.*

Exhibit A: Example Accused Vizio Digital Televisions

E-Series	M-Series	P-Series
E70-C3	M80-C3	P702ui-B3
E65-C3	M70-C3	P652ui-B2
E65x-C2	M65-C1	P552ui-B2
E60-C3	M60-C3	P502ui-B1
E55-C1	M55-C2	P502ui-B1E
E55-C2	M50-C1	
E50-C1	M49-C1	
E48-C2	M43-C1	
E43-C2		
E40-C2		
E40x-C2		
E390i-B1E		
I390-B1E		
E32h-C1		
E32-C1		
E28h-C1		
E24-C1		

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
Personalized Media Communications, LLC
(b) County of Residence of First Listed Plaintiff
(c) Attorneys (Firm Name, Address, and Telephone Number)
Arun Subramanian, Susman Godfrey L.L.P., 15th Floor, 560 Lexington Ave., New York, NY 10022-6828; Tel: 212-471-8346

DEFENDANTS
Top Victory Electronics (Taiwan) Co. Ltd, TPV Int'l (USA), Inc., Envision Peripherals, Inc., Top Victory Electronics (Fujian) Co. Ltd., TPV Electronics (Fujian Co., Ltd., TPV Technology Ltd., and Vizio, Inc
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District
6 Multidistrict Litigation

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. sections 101, et seq.
Brief description of cause:
Patent Infringement

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$
CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE DOCKET NUMBER

DATE 07/01/2015 SIGNATURE OF ATTORNEY OF RECORD /s/ S. Calvin Capshaw

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE