

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

HILLTOP TECHNOLOGY LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

CIVIL ACTION NO. 2:14-cv-00050

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Hilltop Technology LLC for its Complaint against Apple Inc. (“Apple” or “Defendant”), demands a trial by jury and alleges as follows:

PARTIES

1. Plaintiff Hilltop Technology LLC is a Texas Limited Liability corporation.
2. On information and belief, Defendant Apple Inc. is incorporated under the laws of California with its principal place of business at 1 Infinite Loop, Cupertino, CA 95014. This Defendant is registered to conduct business in Texas and has appointed CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, TX 75201 as its agent for service of process. Apple Inc. regularly conducts and transacts business in Texas, throughout the United States, and within the Eastern District of Texas, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

JURISDICTION AND VENUE

3. This action arises under the Patent Laws of the United States, namely, 35 U.S.C. §§ 1 et seq. This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(2) and (c) and/or 1400(b). On information and belief, Apple has transacted business in this district, and has committed acts of patent infringement in this district, by the making, using and/or selling of devices having touchscreen devices and modules.

5. On information and belief, Apple is subject to this Court's general and specific personal jurisdiction because: Apple has minimum contacts within the State of Texas and the Eastern District of Texas and, pursuant to due process and/or the Texas Long Arm Statute, Apple has purposefully availed itself of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; Apple regularly conducts and solicits business within the State of Texas and within the Eastern District of Texas; and Hilltop Technology LLC's causes of action arise directly from Apple's business contacts and other activities in the State of Texas and in the Eastern District of Texas.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 7,864,503

6. Hilltop Technology LLC is the owner of all rights, title and interest to United States Patent No. 7,864,503 ("the '503 Patent") entitled "Capacitive Type Touch Panel." The '503 Patent was issued on January 4, 2011 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the '503 Patent was filed on April 23, 2008. Attached as Exhibit "A" is a copy of the '503 Patent.

7. The '503 Patent is directed to a capacitive type touch panel having a transparent substrate having opposite top and bottom surfaces; an array of first and second conductors formed on said top surface of said transparent substrate; an array of second conductors; and a plurality of spaced apart conductive first and second bridging lines.

8. On information and belief, Apple has been and now is infringing the '503 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell touch panel devices that incorporate the touch panel structure according to the '503 Patent. On information and belief, examples of Apple's products that infringe the '503 Patent include, but are not limited to, all Apple products having a capacitive type touch panel, including its iPad Air having capacitive-type Touch-On-Lens (TOL) touch panels. Apple is thus liable for infringement of the '503 Patent pursuant to 35 U.S.C. § 271.

9. On information and belief, the capacitive type touch screens in Apple's accused products are known by Apple to be especially made or especially adapted for use in a manner that infringes the '503 Patent and are not staple articles of commerce capable of substantial non-infringing uses. Apple has thereby contributed to and contribute to the infringement of the '503 Patent.

10. On information and belief, Apple, by its sales and/or offers for sale of the accused products to third parties, has induced and continues to induce the acts by third parties that Apple knew or should have known would constitute direct infringement of the '503 Patent. Apple actively induced infringement of the '503 Patent by designing the accused products to be capable of infringement and by promoting and encouraging the use of its products by third parties in ways that infringe the '503 Patent.

11. As a result of Apple's infringement of the '503 Patent, Hilltop Technology LLC has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Apple's infringing activities are enjoined by this Court.

12. Unless a permanent injunction is issued enjoining Apple and its agent, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the '503 Patent, Hilltop Technology LLC will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Hilltop Technology LLC respectfully requests that this Court enter:

A. A judgment in favor of Hilltop Technology LLC that Apple has infringed the '503 Patent;

B. A permanent injunction enjoining Apple and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the '503 Patent;

C. A judgment and order requiring Apple to pay Hilltop Technology LLC its damages, costs, expenses, and prejudgment and post-judgment interest for Apple's infringement of the '503 Patent as provided under 35 U.S.C. § 284;

D. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Hilltop Technology LLC its reasonable attorneys' fees; and

E. Any and all other relief to which Hilltop Technology LLC may show itself to be entitled.

DEMAND FOR JURY TRIAL

Hilltop Technology LLC, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: January 29, 2014

Respectfully submitted,

By: /s/ Winston O. Huff

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**ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF FILING

I hereby certify that on January 29, 2014 I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

/s/ Winston O. Huff

Winston O. Huff