

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PRAGMATUS MOBILE, LLC,)
)
Plaintiff,)
)
v.) C.A. No. _____
)
CASIO COMPUTER CO., LTD) JURY TRIAL DEMANDED
CASIO AMERICA, INC.;)
)
Defendants)

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Pragmatus Mobile, LLC ("Pragmatus") complains and alleges as follows against Defendants Casio Computer Co. Ltd. and Casio America, Inc. (collectively, "Casio"):

THE PARTIES

1. Pragmatus is a limited liability company organized and existing under the laws of the Commonwealth of Virginia with its principal place of business at 601 North King Street, Alexandria, Virginia 22314.

2. Pragmatus is informed and believes that Casio Computer Co. Ltd. is a corporation organized under the laws of Japan and its principal place of business is 6-2, Hon-machi 1-chome, Shibuya-ku, Tokyo 151-8543, Japan.

3. Pragmatus is informed and believes that Casio America, Inc. is a corporation organized under the laws of the New York and its principal place of business is 570 Mount Pleasant Avenue, Dover, New Jersey 07801. Casio America, Inc can be served with process through its registered Delaware agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Upon information and belief, Casio America, Inc. is a wholly owned subsidiary of Casio Computer Co. Ltd.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States, United States Code, 35 U.S.C. § 271 et seq. This Court has subject matter jurisdiction over this action under Tide 28 United States Code, §§ 1331 and 1338.

5. Pragmatus is informed and believes that this Court has personal jurisdiction over Casio because Casio America, Inc. maintains a registered agent within this district, and/or because Casio has committed, and continues to commit, acts of infringement in Delaware.

6. Venue is proper under 28 U.S.C. §§ 1391 and 1400 because Casio has committed acts of infringement in this district and/or is deemed to reside in this district.

THE PATENTS-IN-SUIT

7. On June 18, 2013, the United States Patent and Trademark Office ("USPTO") duly and legally issued United States Patent No. 8,466,795 ("the '795 Patent"), entitled "Personal Security And Tracking System." Pragmatus holds all right, title and interest in and to the '795 Patent. A true and correct copy of the '795 Patent is attached as Exhibit A.

8. On information and belief, Casio had knowledge of at least the '795 Patent no later than October 15, 2013 by virtue of letters sent by Pragmatus to Casio Computer Co. Ltd.'s President, Kazuo Kashio and Casio America, Inc.'s CEO, Toshiharu Okimuro.

COUNT I **(INFRINGEMENT OF THE '795 PATENT)**

9. Pragmatus incorporates by reference herein the averments set forth in paragraphs 1 through 8 above.

10. Casio has and continues to infringe directly one or more claims of the '795 Patent by making, using, offering for sale, selling and/or practicing the inventions covered by at least

claim 27 of the '795 Patent, at least by providing the Casio G'zOne Commando 4G LTE smartphone.

11. Casio has and continues to infringe indirectly one or more claims of the '795 Patent by inducing others to infringe at least claim 27 of the '795 Patent by knowingly and intentionally encouraging or aiding third parties (e.g., Casio's users) to use, *inter alia*, the Casio G'zOne Commando 4G LTE smartphone in a way that infringes and will continue to infringe the '795 Patent. Casio, through at least its online user manuals, marketing materials and help materials actively induced and continues to induce its users of, *inter alia*, the Casio G'zOne Commando 4G LTE smartphone to infringe the '795 Patent.

12. Casio has and continues to contributorily infringe one or more claims of the '795 Patent, including at least claim 27, by offering to users of, *inter alia*, the Casio G'zOne Commando 4G LTE smartphone components that embody a material part of the inventions described in the '795 Patent that are known by Casio to be especially made or especially adapted for use in infringement of the '795 Patent and are not staple articles or commodities suitable for substantial, non-infringing use. Pragmatus is informed and believes that the third party users of, *inter alia*, the Casio G'zOne Commando 4G LTE smartphone have infringed and will continue to infringe the '795 Patent by using the Casio G'zOne Commando 4G LTE smartphone.

13. Pragmatus has provided Casio written notice of Casio's infringement prior to the filing of this suit, and Casio also has written notice of its infringement by virtue of the filing and service of this Complaint. Pragmatus is informed and believes that from the time that Casio received notice of its infringement of the '795 patent on or about October 15, 2013 in letters from William Marino to Kazuo Kashio and Toshiharu Okimuro, Casio knew that users of, *inter alia*, the Casio G'zOne Commando 4G LTE smartphone infringed the '795 patent and knew that

it facilitated infringement by providing the Casio G'zOne Commando 4G LTE smartphone to end users and encouraged infringement by providing online user manuals, marketing materials and help materials that explain how to infringe the '795 Patent. In addition to identifying the '795 Patent in the letters received on October 15, 2013, Mr. Marino also included representative claim comparisons showing how the '795 Patent reads on the Casio G'zOne Commando 4G LTE smartphone.

14. Pragmatus is informed and believes that following notice Casio did nothing to remedy its infringement and continues to infringe to this day. Casio has continued to infringe despite an objectively high likelihood that its, *inter alia*, Casio G'zOne Commando 4G LTE smartphone infringes the '795 Patent. Moreover, this risk was either known or so obvious that it should have been known to Casio. Accordingly, Casio has willfully infringed the '795 Patent.

15. As a result of Casio's acts of infringement, Pragmatus has suffered and will continue to suffer damages in an amount to be proved at trial.

PRAYER FOR RELIEF

WHEREFORE, Pragmatus respectfully requests the following relief:

- a) A judgment that Casio has infringed one or more claims of United States Patent No. 8,466,795;
- b) A judgment that United States Patent No. 8,466,795 is valid and enforceable;
- c) Pragmatus be awarded damages adequate to compensate Pragmatus for Casio's infringement of United States Patent No. 8,466,795 up until the date such judgment is entered, including prejudgment and post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary, to adequately compensate Pragmatus for Casio's infringement, an accounting;

- d) A judgment that Pragtmutus be awarded attorney fees, costs, and expenses incurred in prosecuting this action;
- e) A judgment that Pragtmutus be awarded such further relief at law or in equity as the Court deems just and proper; and
- f) A judgment permanently enjoining Casio from further infringement of United States Patent No. 8,466,795.
- g) A judgment that Casio's infringement of United States Patent No. 8,466,795 was willful and enhancing Pragtmutus' damages to three times its actual damages as a result.

DEMAND FOR JURY TRIAL

Pragtmutus hereby demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: October 15, 2013

FARNAN LLP

By: /s/ Brian E. Farnan

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