

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PRAGMATUS MOBILE, LLC,)
)
 Plaintiff,)
)
 v.) C.A. No. _____
)
 SONY MOBILE COMMUNICATIONS)
 (USA), INC.;) JURY TRIAL DEMANDED
 SONY MOBILE COMMUNICATIONS AB;)
 SONY CORPORATION,)
)
 Defendants)

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Pragmatum Mobile, LLC ("Pragmatum") complains and alleges as follows against Defendants Sony Mobile Communications (USA), Inc., Sony Mobile Communications AB, and Sony Corporation ("Sony"):

THE PARTIES

1. Pragmatum 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. Pragmatum is informed and believes that Sony Corporation is a corporation organized under the laws of Japan and its principal place of business is 1-7-1 Konan, Minato-ku, Tokyo 108-0075, Japan.

3. Pragmatum is informed and believes that Sony Mobile Communications AB is a corporation organized under the laws of Sweden and its principal place of business is located at Sölvegatan 51, 223 62 Lund, Sweden (mailing address) and Mobilvägen 4, 221 88 Lund, Sweden

(visiting address). Upon information and belief, Sony Mobile Communications AB is a wholly owned subsidiary of Sony Corporation.

4. Pragmatus is informed and believes that Sony Mobile Communications (USA), Inc is a corporation organized under the laws of the Delaware and its principal place of business is 3333 Piedmont Rd Ne #600 Atlanta, GA, 30305 United States. Upon information and belief, Sony Mobile Communications (USA), Inc. is a wholly owned subsidiary of Sony Corporation.

JURISDICTION AND VENUE

5. 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 Title 28 United States Code, §§ 1331 and 1338.

6. Pragmatus is informed and believes that this Court has personal jurisdiction over Sony because Sony Mobile Communications (USA), Inc. is incorporated within this district, and/or because Sony has committed, and continues to commit, acts of infringement in Delaware. Pragmatus is informed and believes that Sony Mobile Communications (USA), Inc. also maintains a registered agent in Delaware, namely Capitol Services, Inc., 1675 S State Street Suite B, Dover, DE 19901.

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

THE PATENTS-IN-SUIT

8. On April 3, 2012, the United States Patent and Trademark Office ("USPTO") duly and legally issued United States Patent No. 8,149,124 ("the '124 Patent"), entitled "Personal Security And Tracking System." Pragmatus holds all right, title and interest in and to the '124 Patent. A true and correct copy of the '124 Patent is attached as Exhibit A.

9. 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." Pragmatius 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 B.

10. On information and belief, Sony had knowledge of at least the '124 Patent and the '795 Patent no later than October 24, 2013 by virtue of letters sent by Pragmatius to Sony Corporation's EVP and General Counsel, Nicole Seligman, Sony Mobile Communications AB's President and CEO, Kunimasa Suzuki, and Sony Mobile Communications (USA), Inc's President, Ravi Nookla.

COUNT I

(INFRINGEMENT OF THE '124 PATENT)

11. Pragmatius incorporates by reference herein the averments set forth in paragraphs 1 through 10 above.

12. Sony has and continues to infringe directly one or more claims of the '124 Patent by making, using, offering for sale, selling and/or practicing the inventions covered by at least claim 1 of the '124 Patent, at least by providing the Sony Xperia Z smartphone.

13. Sony has and continues to infringe indirectly one or more claims of the '124 Patent by inducing others to infringe at least claim 1 of the '124 Patent by knowingly and intentionally encouraging or aiding third parties (e.g., Sony's users) to use, *inter alia*, the Sony Xperia Z smartphone in a way that infringes and will continue to infringe the '124 Patent. Sony, through at least its online user manuals, marketing materials and help materials actively induced and continues to induce its users of, *inter alia*, the Sony Xperia Z smartphone to infringe the '124 Patent.

14. Sony has and continues to contributorily infringe one or more claims of the '124 Patent, including at least claim 1, by offering to users of, *inter alia*, the Sony Xperia Z smartphone components that embody a material part of the inventions described in the '124 Patent that are known by Sony to be especially made or especially adapted for use in infringement of the '124 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 Sony Xperia Z smartphone have infringed and will continue to infringe the '124 Patent by using the Sony Xperia Z smartphone.

15. Pragmatus has provided Sony written notice of Sony's infringement prior to the filing of this suit, and Sony 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 Sony received notice of its infringement of the '124 patent on or about October 24, 2013 in letters from William Marino to Nicole Seligman, Kunimasa Suzuki, and Ravi Nookla, Sony knew that users of, *inter alia*, the Sony Xperia Z smartphone infringed the '124 patent and knew that it facilitated infringement by providing the Sony Xperia Z smartphone to end users and encouraged infringement by providing online user manuals, marketing materials and help materials that explain how to infringe the '124 Patent. In addition to identifying the '124 Patent in the letters received on or about October 24, 2013, Mr. Marino also included representative claim comparisons showing how the '124 Patent reads on the Sony Xperia Z smartphone.

16. Pragmatus is informed and believes that following notice Sony did nothing to remedy its infringement and continues to infringe to this day. Sony has continued to infringe despite an objectively high likelihood that its, *inter alia*, Sony Xperia Z smartphone infringes the

'124 Patent. Moreover, this risk was either known or so obvious that it should have been known to Sony. Accordingly, Sony has willfully infringed the '124 Patent.

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

COUNT II
(INFRINGEMENT OF THE '795 PATENT)

18. Pragmatius incorporates by reference herein the averments set forth in paragraphs 1 through 10 above.

19. Sony 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 Sony Xperia Z smartphone.

20. Sony 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., Sony's users) to use, *inter alia*, the Sony Xperia Z smartphone in a way that infringes and will continue to infringe the '795 Patent. Sony, through at least its online user manuals, marketing materials and help materials actively induced and continues to induce its users of, *inter alia*, the Sony Xperia Z smartphone to infringe the '795 Patent.

21. Sony 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 Sony Xperia Z smartphone components that embody a material part of the inventions described in the '795 Patent that are known by Sony 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. Pragmatius is informed and believes that the third party users of, *inter alia*,

the Sony Xperia Z smartphone have infringed and will continue to infringe the '795 Patent by using the Sony Xperia Z smartphone.

22. Pragmatus has provided Sony written notice of Sony's infringement prior to the filing of this suit, and Sony 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 Sony received notice of its infringement of the '795 patent on or about October 24, 2013 in letters from William Marino to Nicole Seligman, Kunimasa Suzuki, and Ravi Nookla, Sony knew that users of, *inter alia*, the Sony Xperia Z smartphone infringed the '795 patent and knew that it facilitated infringement by providing the Sony Xperia Z 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 or about October 24, 2013, Mr. Marino also included representative claim comparisons showing how the '795 Patent reads on the Sony Xperia Z smartphone.

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

24. As a result of Sony'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 Sony has infringed one or more claims of United States Patent Nos. 8,149,124 and 8,466,795;

- b) A judgment that United States Patent Nos. 8,149,124 and 8,466,795 are valid and enforceable;
- c) Pragmatus be awarded damages adequate to compensate Pragmatus for Sony' s infringement of United States Patent Nos. 8,149,124 and 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 Sony' s infringement, an accounting;
- d) A judgment that Pragmatus be awarded attorney fees, costs, and expenses incurred in prosecuting this action;
- e) A judgment that Pragmatus be awarded such further relief at law or in equity as the Court deems just and proper; and
- f) A judgment permanently enjoining Sony from further infringement of each of United States Patent Nos. 8,149,124 and 8,466,795.
- g) A judgment that Sony's infringement of United States Patent Nos. 8,149,124 and 8,466,795 was willful and enhancing Pragmatus' damages to three times its actual damages as a result.

DEMAND FOR JURY TRIAL

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

Respectfully submitted,

Dated: October 28, 2013

FARNAN LLP

By: /s/ Brian E. Farnan

Brian E. Farnan (Bar No. 4089)
919 North Market Street, 12th Floor
Wilmington, Delaware 19801
(302) 777-0300
(302) 777-0301 (Fax)
bfarnan@farnanlaw.com

Attorneys for Plaintiff
PRAGMATUS MOBILE, LLC

Of Counsel:

Anthony Grillo
MARINO AND GRILLO
437 Midland Avenue
Wayne, PA 19087
Telephone: (610) 989-0143
Fax: (610) 549-2385
agrillo@marinogrillo.com