

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

FILED

MLR, LLC,)
Plaintiff,)
v.)
ARCHOS S.A. AND ARCHOS INC.,)
Defendants.)

2013 OCT 24 P 4: 35

CLERK US DISTRICT COURT
COMPLAINANT ALEXANDRIA, VIRGINIA

JURY DEMANDED

1:13-cv-1322

Plaintiff MLR, LLC complains of Defendants Archos S.A. and Archos Inc. as follows:

JURISDICTION AND VENUE

1. Title 28 of the United States Code Section 1338(a) confers subject matter jurisdiction on this Court because Defendants have infringed plaintiff's patents. The Patent Act of 1952, as amended, 35 U.S.C. § 271, *et seq.*, makes patent infringement illegal and actionable through a private cause of action.

2. Defendants have transacted business in this judicial district by making, using, selling, or offering to sell and distributing products that infringe MLR's patents either in this judicial district or in the United States.

3. Venue is proper in the Eastern District of Virginia under the general federal venue statute, 28 U.S.C. § 1391(d), and under the specific venue provision relating to patent-infringement cases, 28 U.S.C. § 1400(b).

PARTIES

4. MLR is a Virginia limited liability company with offices at 6190 Hardy Drive, McLean, Virginia 22101. MLR is the assignee and owns all right, title and interest in and has

standing to sue for infringement of United States Patent Nos. 7,386,322, 7,343,173, 6,934,558, 6,134,453, and 5,854,985 (“the MLR Patents”).

5. Archos S.A. (“Archos SA”) is a French multinational corporation with its principal place of business at 12, rue Ampere, 91430 Igny, France. Archos SA has previously and is presently making, using, selling, offering for sale, and/or importing into the United States portable wireless products that infringe one or more claims of the MLR Patents. Archos SA has infringed the MLR Patents either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

6. Archos Inc. (“Archos US”) is a United States subsidiary of Archos SA with its principal place of business at 7951 E. Maplewood Avenue #260, Greenwood Village, CO 80111. Archos US has previously and is presently making, using, selling, offering for sale, and/or importing into the United States portable wireless products that infringe one or more claims of the MLR Patents. Archos US has infringed the MLR Patents either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

BACKGROUND

7. MLR is the owner of patent rights, which cover commercially significant technologies related to the control of multi-mode, multi-frequency, and multi-protocol networks for electronic communications devices. The MLR patents, for example, cover portable wireless devices, such as cellular handsets and portable computers, which can access different cellular or wireless networks to facilitate wireless voice and/or data communications.

8. Defendants design, manufacture, and sell portable wireless devices, including portable computing devices, which infringe the MLR Patents.

PATENT INFRINGEMENT

9. Defendants have infringed and continue to infringe the MLR Patents both directly and indirectly (through acts of contributory infringement or inducement).

10. Defendants' infringing products include Wi-Fi enabled, broadband-capable portable computers, tablets, pads and smartphones. Infringing portable devices include without limitation those Archos SA and Archos US models listed in Exhibit A to this complaint.

11. Defendants' infringement, contributory infringement and/or inducement to infringe has injured MLR and it, therefore, is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

12. Defendants' infringement, contributory infringement and/or inducement to infringe has been willful because it has known of the MLR Patents and has nonetheless injured and will continue to injure MLR, unless and until this Court enters an injunction, which prohibits further infringement and specifically enjoins further manufacture, use, sale and/or offer for sale of products or services that come within the scope of the MLR Patents.

JURY DEMAND

MLR demands a trial by jury on all issues presented that can properly be tried to a jury.

REQUEST FOR RELIEF

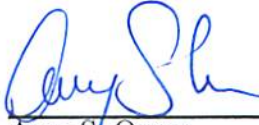
MLR asks this Court to enter judgment against Defendants and against its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with Defendants, granting the following relief:

- A. An award of damages adequate to compensate MLR for the infringement that has occurred, together with prejudgment interest from the date infringement began;
- B. All other damages permitted by 35 U.S.C. § 284;
- C. A finding that Archos SA's and Archos US's infringement has been willful;

- D. A finding that this case is exceptional and an award to MLR of its attorneys' fees and costs as provided by 35 U.S.C. § 285;
- E. A permanent injunction prohibiting further infringement, inducement and contributory infringement of the MLR Patents; and
- F. Such other and further relief as this Court or a jury may deem proper and just.

Dated: October 24, 2013

Respectfully submitted,



Amy S. Owen
aowen@cochranowen.com
Cochran & Owen
8000 Towers Crescent Drive, Suite 160
Vienna, VA 22182
Tel: 703-847-4480
Fax: 703-847-4499

ATTORNEYS FOR PLAINTIFF, MLR, LLC

William W. Flachsbart
wwf@fg-law.com
Michael R. La Porte
mrl@fg-law.com
Flachsbart & Greenspoon, LLC
333 N. Michigan Ave., 27th Floor
Chicago, IL 60601
Tel: 312-551-9500
Fax: 312-551-9501
Of Counsel

Exhibit A

Archos Infringing Portable Devices

Elements Series	Gen9 Series	ARCHOS @ Home
Platinum	80 G9	Home Connect
97b Platinum HD	101 G9	3s home connect
101 Platinum		Smart Home Phone
80b Platinum	PC Tablets	3s smart home phone
97 Platinum HD	9 PC Tablet	
80 Platinum		Themed Series
Titanium	Smartphones	GamePad
70 Titanium	Platinum	GamePad 2
70b Titanium	50 Platinum	80 ChildPad
80 Titanium	53 Platinum	ChefPad
97 Titanium HD		FamilyPad 2
97b Titanium	Android Tablets	
101 Titanium	Gen10 XS Series	
80 Cobalt	101 xs	
97 Xenon	80 xs	
80 Xenon		
97 Carbon		
Arnova Branded Tablets:	G3 Android Tablets	G4 Android Tablets
	SoundPad	101
2011 releases	FamilyPad	97
Arnova 7	GBOOK	90
Arnova 8	ChildPad	
Arnova 8.4	90	G2 Android Tablets
Arnova 10	10d	7
	10c	7b
	10b	7c
	9	7e Dual Touch
	8c	8
	8	8b
	7i	9
	7h	10
	7f	10b
	7d	
	7c	G1 Android Tablets
	7b	7
	7	8
		10