

1 Kristin L. Holland (CA 187314)
kristin.holland@kattenlaw.com
2 KATTEN MUCHIN ROSENMAN LLP
2029 Century Park East
3 Suite 2600
Los Angeles, California 90067-3012
4 Telephone: 310.788.4400
Facsimile: 310.788.4471

5 *Attorney for Plaintiff Tobii Technology AB*
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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10

11 TOBII TECHNOLOGY AB,) Case No.
12 Plaintiff,)
13 v.) **COMPLAINT FOR PATENT**
14 THE EYE TRIBE APS,) **INFRINGEMENT**
15 Defendant.) **DEMAND FOR JURY TRIAL**

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17 Plaintiff Tobii Technology AB (“Tobii”) hereby brings this action against The Eye Tribe
18 Aps (“The Eye Tribe”) for infringement of United States Patent No. 6,659,611, and alleges as
19 follows:

20 **PARTIES**

21 1. Tobii is a corporation organized and existing under the laws of Sweden with its
22 principal place of business in Danderyd, Sweden. Tobii is the world leader in eye tracking and
23 gaze interaction. Its technology makes it possible for computers to know exactly where users are
24 looking.

25 2. On information and belief, The Eye Tribe is a corporation organized and existing
26 under the laws of Denmark with its principal place of business at Amagerfaelledvej 56, Box 34,
27 2300 Copenhagen S, Denmark.
28

1 eye tracking device, which, on information and belief, is called the Tracker. The identification of
2 products in this Complaint is by way of example only, and on information and belief, the
3 exemplary product identified in this Complaint is representative of all The Eye Tribe products
4 with reasonably similar features, functionality and/or architecture, whether discontinued, current
5 or future.

6 9. The Eye Tribe Tracker has no substantial non-infringing use.

7 10. According to The Eye Tribe’s website and other publicly available documents, and
8 on information and belief, The Eye Tribe’s Tracker is used in the United States, and offered for
9 sale and sold to customers in the United States. Use, sale and offer for sale of The Eye Tribe’s
10 Tracker constitutes direct infringement of the ‘611 Patent.

11 **COUNT I – PATENT INFRINGEMENT**

12 11. Tobii incorporates and realleges the allegations of the preceding paragraphs as
13 though set forth in full herein.

14 12. The Eye Tribe has directly infringed and continues to directly infringe one or more
15 claims of the ‘611 Patent, including claim 14, by making, using, importing, offering for sale or
16 selling The Eye Tribe Tracker in the United States.

17 13. Members of the public, including those within the United States and this District,
18 can pre-order The Eye Tribe’s Tracker from The Eye Tribe’s website (<https://theeyetribe.com>).
19 Specifically, there is an order page (<https://theeyetribe.com/order>) listing the price of The Eye
20 Tribe Tracker with fields for entering billing information. *See* Exhibit B.

21 14. Further, The Eye Tribe has offered the Tracker for pre-sale at trade shows,
22 including within this District. For example, on or about September 11, 2013, The Eye Tribe had a
23 booth at Disrupt SF 2013 at The Concourse at San Francisco Design Center, San Francisco,
24 California, at which The Eye Tribe advertised that attendees could “PRE-ORDER [the Tracker]
25 NOW” for \$99. *See* Exhibit C.

26 15. The Eye Tribe’s actions are in violation of one or more of the provisions of 35
27 U.S.C. § 271.

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Dated: December 18, 2013

Of Counsel:
Pro Hac Vice Application to be Filed

Michael A. Dorfman
michael.dorfman@kattenlaw.com
Katten Muchin Rosenman LLP
525 West Monroe Street
Chicago, Illinois 60661
Telephone: 312.902.5200
Facsimile: 312.902.1061

Respectfully submitted,

KATTEN MUCHIN ROSENMAN LLP

By: /s/Kristin L. Holland
Kristin L. Holland (CA 187314)
kristin.holland@kattenlaw.com
2029 Century Park East
Suite 2600
Los Angeles, California 90067-3012
Telephone: 310.788.4400
Facsimile: 310.788.4471

Attorney for Plaintiff Tobii Technology AB

1 **DEMAND FOR JURY TRIAL**

2 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Tobii hereby demands trial
3 by jury on all issues raised by the Complaint.

4
5 Dated: December 18, 2013

Respectfully submitted,

6 KATTEN MUCHIN ROSENMAN LLP

7
8 Of Counsel:
9 *Pro Hac Vice Application to be Filed*

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10 Michael A. Dorfman
11 michael.dorfman@kattenlaw.com
12 Katten Muchin Rosenman LLP
13 525 West Monroe Street
14 Chicago, Illinois 60661
15 Telephone: 312.902.5200
16 Facsimile: 312.902.1061

Attorney for Plaintiff Tobii Technology AB

Katten
KattenMuchinRosenman LLP
2029 Century Park East, Suite 2600
Los Angeles, CA 90067-3012
310.788.4400 tel | 310.788.4471 fax