

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

**FEGO PRECISION INDUSTRIAL CO.,
LTD.,**

Plaintiff,

v.

SANOFI-AVENTIS U.S. LLC.,

Defendant.

Civil Action No. 2:13-cv-1150

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which FEGO Precision Industrial Co., Ltd. (“FEGO” or “Plaintiff”) makes the following allegations against Sanofi-Aventis U.S. LLC (“Sanofi” or “Defendant”):

PARTIES

1. Plaintiff FEGO is a Taiwanese company, having a principal place of business of 947 Lin-Sen Rd, Wu-Fong Tai-Chung 413, Taiwan ROC.

2. Defendant Sanofi is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business located at 55 Corporate Dr., Bridgewater, NJ 08807. Sanofi may be served via its registered agent for service of process: Corporation Service Company, 2711 Centerville Rd., Ste. 400, Wilmington, DE 19808.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

5. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

COUNT I **INFRINGEMENT OF U.S. PATENT NO. 7,680,629**

6. Plaintiff is the owner by assignment of United States Patent No. 7,680,629 ("the '629 Patent") titled "System and Method for Providing Notes in Measurement Devices." The '629 Patent issued on March 16, 2010. A true and correct copy of the '629 Patent is attached as Exhibit A.

7. Upon information and belief, Defendant has been and is now infringing the '629 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, supplying, distributing, selling, and/or offering for sale apparatuses and systems (including, without limitation, IBGStar and the related applications) for providing a measuring device with

the capabilities of note taking, at least one measuring component, a note control component, and a CPU, adapted to link the measuring event to a note. Defendant is directly infringing, literally infringing, and/or infringing the '629 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '629 Patent pursuant to 35 U.S.C. § 271.

8. On information and belief, to the extent any marking was required by 35 U.S.C. § 287, all predecessors in interest to the '629 Patent complied with any such requirements.

9. As a result of Defendant's infringement of the '629 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court, and Plaintiff will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

10. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '629 Patent, Plaintiff will be greatly and irreparably harmed.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 8,078,430

11. Plaintiff is the owner by assignment of United States Patent No. 8,078,430 ("the '430 Patent") titled "System and Method for Providing Notes in Measurement Devices." The '430 Patent issued on December 13, 2011. A true and correct copy of the '430 Patent is attached as Exhibit B.

12. Upon information and belief, Defendant has been and is now infringing the '430 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing,

supplying, distributing, selling, and/or offering for sale apparatuses and systems (including, without limitation, IBGStar and the related applications) for providing a method of note taking in an electronic measurement device, by receiving and recording a note corresponding to a measuring event of the electronic measurement device input from a note input device, the note information being information other than measurement of the individual measuring event, and linking the note with the individual measuring event. Defendant is directly infringing, literally infringing, and/or infringing the '430 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '430 Patent pursuant to 35 U.S.C. § 271.

13. On information and belief, to the extent any marking was required by 35 U.S.C. § 287, all predecessors in interest to the '430 Patent complied with any such requirements.

14. As a result of Defendant's infringement of the '430 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court, and Plaintiff will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

15. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '430 Patent, Plaintiff will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendant has infringed the '629 and '430 Patents;

2. A permanent injunction enjoining Defendant and its officers, directors, agents servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '629 or '430 Patents, or such other equitable relief the Court determines is warranted;

3. A judgment and order requiring Defendant pay to Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '629 and '430 Patents as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement; and

4. Any and all other relief, at law or equity, to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

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

DATED December 31, 2013.

Respectfully submitted,

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