

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PRAGMATUS MOBILE, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. _____
	)	
ASUSTEK COMPUTER, INC.;	)	JURY TRIAL DEMANDED
ASUS COMPUTER INTERNATIONAL, INC.,	)	
	)	
Defendants	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Pragmatus Mobile, LLC ("Pragmatus") complains and alleges as follows against Defendants ASUSTek Computer, Inc. and ASUS Computer International, Inc. (collectively, "ASUS"):

**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 ASUSTek Computer, Inc. is a corporation organized under the laws of Taiwan and its principal place of business is No.15, Li-Te Rd., Peitou, Taipei 112, Taiwan.

3. Pragmatus is informed and believes that ASUS Computer International, Inc. is a corporation organized under the laws of the California and its principal place of business is 800 Corporate Way, Fremont, CA 94539. ASUS Computer International, Inc can be served with process through its agent C T Corporation System, 818 W Seventh Street, Los Angeles, CA

90017. Upon information and belief, ASUS Computer International, Inc. is a wholly owned subsidiary of ASUSTek Computer, Inc.

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

5. Pragmatus is informed and believes that this Court has personal jurisdiction over ASUS because ASUS has committed, and continues to commit, acts of infringement in Delaware.

6. Venue is proper under 28 U.S.C. §§ 1391 and 1400 because ASUS has committed acts of infringement 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, ASUS had knowledge of at least the '795 Patent no later than October 14, 2013 by virtue of letters sent by Pragmatus to ASUSTek Computer, Inc.'s Chairman, Jonney Shih and ASUS Computer International, Inc.'s President, Steve Chang.

**COUNT I**

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

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

10. ASUS 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 ASUS Transformer TF300TL tablet.

11. ASUS 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., ASUS' s users) to use, *inter alia*, the ASUS Transformer TF300TL tablet in a way that infringes and will continue to infringe the '795 Patent. ASUS, through at least its online user manuals, marketing materials and help materials actively induced and continues to induce its users of, *inter alia*, the ASUS Transformer TF300TL tablet to infringe the '795 Patent.

12. ASUS 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 ASUS Transformer TF300TL tablet components that embody a material part of the inventions described in the '795 Patent that are known by ASUS 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 ASUS Transformer TF300TL tablet have infringed and will continue to infringe the '795 Patent by using the ASUS Transformer TF300TL tablet.

13. Pragmatus has provided ASUS written notice of ASUS's infringement prior to the filing of this suit, and ASUS 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 ASUS received notice of its infringement of the '795 patent on or about October 14, 2013 in letters from William Marino to Jonney Shih and Steve Chang, ASUS knew that users of, *inter alia*, the

ASUS Transformer TF300TL tablet infringed the '795 patent and knew that it facilitated infringement by providing the ASUS Transformer TF300TL tablet 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 14, 2013, Mr. Marino also included representative claim comparisons showing how the '795 Patent reads on the ASUS Transformer TF300TL tablet.

14. Pragmatus is informed and believes that following notice ASUS did nothing to remedy its infringement and continues to infringe to this day. ASUS has continued to infringe despite an objectively high likelihood that its, *inter alia*, ASUS Transformer TF300TL tablet infringes the '795 Patent. Moreover, this risk was either known or so obvious that it should have been known to ASUS. Accordingly, ASUS has willfully infringed the '795 Patent.

15. As a result of ASUS'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 ASUS 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 ASUS' 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 ASUS' 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 ASUS from further infringement of United States Patent No. 8,466,795.
- g) A judgment that ASUS's infringement of United States Patent No. 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 15, 2013

FARNAN LLP

By: /s/ Brian E. Farnan

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