

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

BETTER MOUSE COMPANY, LLC

Plaintiff,

v.

GIGA-BYTE TECHNOLOGY CO., LTD.;
and G.B.T. INC.

Defendants.

CIVIL ACTION NO. 2:14-CV-298

ORIGINAL COMPLAINT
FOR PATENT INFRINGEMENT

JURY TRIAL DEMANDED

Plaintiff Better Mouse Company, LLC (“BMC”) files this original complaint against the above-named defendants, alleging, based on its own knowledge as to itself and its own actions, and based on information and belief as to all other matters, as follows:

PARTIES

1. BMC is a limited liability company formed under the laws of the State of Texas, with a principal place of business in Tyler, Texas.
2. Defendant Giga-Byte Technology Co., Ltd. is organized under the laws of Taiwan, with a principal place of business at No. 6, Bao Chiang Road, Hsin-Tien Dist., New Taipei City 231, Taiwan (R.O.C.). Giga-Byte Technology Co., Ltd. can be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because Giga-Byte Technology Co., Ltd. engages in business in Texas but has not designated or maintained a resident agent for service of process in Texas as required by statute.

3. Alternatively, Giga-Byte Technology Co., Ltd. can be served at its principal place of business at No. 6, Bao Chiang Road, Hsin-Tien Dist., New Taipei City 231, Taiwan (R.O.C.).

4. Defendant G.B.T. Inc. is a California corporation. G.B.T. Inc. can be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because G.B.T. Inc. engages in business in Texas but has not designated or maintained a resident agent for service of process in Texas as required by statute.

5. G.B.T. Inc. is a subsidiary of Giga-Byte Technology Co., Ltd.

JURISDICTION AND VENUE

6. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. § 1331 and § 1338(a).

7. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, defendants have transacted business in this district and have committed acts of patent infringement in this district.

8. Defendants are subject to this Court's specific and general personal jurisdiction under due process and/or the Texas Long Arm Statute due at least to defendants' 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 district.

COUNT I
DIRECT INFRINGEMENT OF U.S. PATENT NO. 7,532,200

9. On May 12, 2009, United States Patent No. 7,532,200 (“the 200 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention titled “Apparatus for Setting Multi-Stage Displacement Resolution of a Mouse.”

10. BMC is the owner of the 200 patent with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the 200 patent against infringers, and to collect damages for all relevant times.

11. Giga-Byte Technology Co., Ltd. and G.B.T. Inc. (together, “Giga-Byte”) made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale computer mice and other devices (including at least the following mouse models: M6800 and M6900) that infringed one or more claims of the 200 patent.

12. BMC has been damaged as a result of the infringing conduct by defendants alleged above. Thus, defendants are liable to BMC in an amount that adequately compensates BMC for such infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

13. BMC and/or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law.

JURY DEMAND

BMC hereby requests a trial by jury on all issues so triable by right.

PRAYER FOR RELIEF

BMC requests that the Court find in its favor and against defendants and that the Court grant BMC the following relief:

a. Judgment that one or more claims of the 200 patent have been infringed,

either literally and/or under the doctrine of equivalents, by defendants;

b. Judgment that defendants account for and pay to BMC all damages to and costs incurred by BMC because of defendants' infringing activities and other conduct complained of herein;

c. A permanent injunction enjoining defendants and their respective officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement of the 200 patent;

d. Pre-judgment and post-judgment interest on the damages caused by defendants' infringing activities and other conduct complained of herein;

e. A declaration by the Court that this is an exceptional case and an award to BMC its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and

f. Other and further relief as the Court may deem just and proper under the circumstances.

Dated: April 4, 2014

Respectfully submitted,

/s/ Larry D. Thompson Jr.

Larry D. Thompson, Jr. (lead attorney)

Texas Bar No. 24051428

larry@ahtlawfirm.com

Matthew J. Antonelli

Texas Bar No. 24068432

matt@ahtlawfirm.com

Zachariah S. Harrington

Texas Bar No. 24057886

zac@ahtlawfirm.com

ANTONELLI, HARRINGTON &
THOMPSON LLP

4200 Montrose Blvd., Ste. 430

Houston, TX 77006

(713) 581-3000

(713) 581-3020 fax

Stafford Davis
State Bar No. 24054605
THE STAFFORD DAVIS FIRM, PC
305 S. Broadway, Suite 406
Tyler, Texas 75702
(903) 593-7000
sdavis@stafforddavisfirm.com

Attorneys for Better Mouse Company, LLC