

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PRAGMATUS MOBILE, LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. _____
)	
LENOVO GROUP LTD;)	JURY TRIAL DEMANDED
LENOVO HOLDING COMPANY, INC.;)	
LENOVO (UNITED STATES) INC.,)	
)	
Defendants)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Pragmatus Mobile, LLC ("Pragmatus") complains and alleges as follows against Defendants Lenovo Group, Ltd., Lenovo Holding Company, Inc., and Lenovo (United States), Inc. (collectively, "Lenovo"):

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 Lenovo Group, Ltd. is a corporation organized under the laws of China and its principal place of business is No. 6 Chuang Ye Road, Shangdi Information Industry Base, Haidan District, Beijing, China 100085.

3. Pragmatus is informed and believes that Lenovo Holding Company, Inc. is a corporation organized under the laws of the Delaware and its principal place of business is 1009 Think Place, Morrisville, North Carolina 27560. Lenovo Holding Company, Inc can be served with process through its agent Corporation Trust Company, Corporation Trust Center, 1209

Orange Street, Wilmington, DE 19801. Upon information and belief, Lenovo Holding Company, Inc. is a wholly owned subsidiary of Lenovo Group, Ltd.

4. Pragmatus is informed and believes that Lenovo (United States), Inc. is a corporation organized under the laws of the Delaware and its principal place of business is 1009 Think Place, Morrisville, North Carolina 27560. Lenovo (United States), Inc can be served with process through its agent Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801. Upon information and belief, Lenovo (United States), Inc. is a wholly owned subsidiary of Lenovo Group, Ltd.

JURISDICTION AND VENUE

5. 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 Tide 28 United States Code, §§ 1331 and 1338.

6. Pragmatus is informed and believes that this Court has personal jurisdiction over Lenovo because Lenovo Holding Company, Inc. and Lenovo (United States), Inc. are incorporated within this district, and/or because Lenovo has committed, and continues to commit, acts of infringement in Delaware. Pragmatus is informed and believes that Lenovo Holding Company, Inc. and Lenovo (United States), Inc. maintain registered agents in Delaware, namely Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

7. Venue is proper under 28 U.S.C. §§ 1391 and 1400 because Lenovo has committed acts of infringement in this district and/or is deemed to reside in this district.

THE PATENTS-IN-SUIT

8. 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.

9. On information and belief, Lenovo had knowledge of at least the '795 Patent no later than October 14, 2013 by virtue of letters sent by Pragmatus to Lenovo Group, Ltd.'s CEO, Yang Yuanging, Lenovo Holding Company, Inc.'s Senior VP Legal, Jay Clemens, and Lenovo (United States), Inc.'s President, Gerry Smith.

COUNT I

(INFRINGEMENT OF THE '795 PATENT)

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

11. Lenovo 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 Lenovo Thinkpad Tablet 2.

12. Lenovo 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., Lenovo's users) to use, *inter alia*, the Lenovo Thinkpad Tablet 2 in a way that infringes and will continue to infringe the '795 Patent. Lenovo, through at least its online user manuals, marketing materials and help materials actively induced and continues to induce its users of, *inter alia*, the Lenovo Thinkpad Tablet 2 to infringe the '795 Patent.

13. Lenovo 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 Lenovo Thinkpad Tablet 2 components that embody a material part of the inventions described in the '795 Patent that are known by Lenovo 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 Lenovo Thinkpad Tablet 2 have infringed and will continue to infringe the '795 Patent by using the Lenovo Thinkpad Tablet 2.

14. Pragmatus has provided Lenovo written notice of Lenovo's infringement prior to the filing of this suit, and Lenovo 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 Lenovo received notice of its infringement of the '795 patent on or about October 14, 2013 in letters from William Marino to Yang Yuangng, Jay Clemens, and Gerry Smith, Lenovo knew that users of, *inter alia*, the Lenovo Thinkpad Tablet 2 infringed the '795 patent and knew that it facilitated infringement by providing the Lenovo Thinkpad Tablet 2 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 Lenovo Thinkpad Tablet 2.

15. Pragmatus is informed and believes that following notice Lenovo did nothing to remedy its infringement and continues to infringe to this day. Lenovo has continued to infringe despite an objectively high likelihood that its, *inter alia*, Lenovo Thinkpad Tablet 2 infringes the '795 Patent. Moreover, this risk was either known or so obvious that it should have been known to Lenovo. Accordingly, Lenovo has willfully infringed the '795 Patent.

16. As a result of Lenovo'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 Lenovo 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 Lenovo'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 Lenovo'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 Lenovo from further infringement of United States Patent No. 8,466,795.
- g) A judgment that Lenovo'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: April 7, 2014

FARNAN LLP

By: /s/ Brian E. Farnan

Brian E. Farnan (Bar No. 4089)
919 North Market Street, 12th Floor
Wilmington, Delaware 19801
(302) 777-0300
(302) 777-0301 (Fax)
bfarnan@farnanlaw.com

Attorneys for Plaintiff
PRAGMATUS MOBILE, LLC

Of Counsel:

Anthony Grillo
MARINO AND GRILLO
150 N. Radnor Chester Rd.
Suite F-200
Radnor, PA 19087
Telephone: (610) 977-2414
Fax: (610) 549-2385
agrillo@marinogrillo.com