

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

Z-DIMENSIONAL, LLC,

Plaintiff,

v.

HTC AMERICA, INC.,

Defendant.

CIVIL ACTION NO.: 2:14-cv-77

JURY TRIAL DEMANDED

SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

1. Z-Dimensional, LLC (“ZD” or “Plaintiff”) files this second amended complaint for patent infringement, as a matter of right under FRCP 15(a)(1), in which ZD makes the following allegations against HTC America, Inc. (“HTC” or “Defendant”).

PARTIES

2. Plaintiff Z-Dimensional, LLC (“Plaintiff” or “ZD”) is a Texas limited liability company with a principal place of business at 1333 W. McDermott Drive, Suite 241, Allen, Texas 75013. Plaintiff’s president is Daniel F. Perez.

3. On information and belief, HTC is a Washington corporation with its principal place of business at 13920 SE Eastgate Way, Suite 400, Bellevue, WA 98005-4440. HTC’s registered agent in Texas appears to be National Registered Agents, Inc., 1999 Bryan St., Ste. 900, Dallas, TX 75201.

JURISDICTION AND VENUE

4. 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).

5. 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 acts of patent infringement in this district.

6. 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. 7,729,530

7. Plaintiff is the owner by assignment of United States Patent No. 7,729,530 ("the '530 Patent") entitled "Method and Apparatus for 3-D Data Input to a Personal Computer with a Multimedia Oriented Operating System" – including all rights to recover for past and future acts of infringement. The '530 Patent issued on June 1, 2010. A true and correct copy of the '530 Patent is attached as Exhibit A.

8. Upon information and belief, the Defendant directly or through intermediaries, including its distributors, employees, divisions, branches, subsidiaries, parents, suppliers and/or customers, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including, but not limited to, the HTC EVO 3D) that infringe one or more claims of the '530 Patent.

DEMAND FOR JURY TRIAL

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

- a. A judgment in favor of Plaintiff that Defendant has directly infringed the ‘530 Patent;
- b. 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 of the ‘530 Patent;
- c. A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendant’s infringement of the ‘530 Patent as provided under 35 U.S.C. § 284;
- d. An award to Plaintiff for enhanced damages resulting from the knowing and deliberate nature of Defendant’s prohibited conduct since at least February 20, 2014 – the date that HTC was served with ZD’s original Complaint – as provided under 35 U.S.C. § 284;
- e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys’ fees; and
- f. Any and all other relief to which Plaintiff may show itself to be entitled.

Dated: May 13, 2014

Respectfully Submitted,

Z-DIMENSIONAL, LLC

By: /s/ Ronald W. Burns

Ronald W. Burns

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ATTORNEY FOR PLAINTIFF

Z-DIMENSIONAL, LLC

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, the foregoing was served on all counsel of record who have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d), all others not deemed to have consented to electronic service will be served with a true and correct copy of the foregoing by email, on this the 13th day of May, 2014.

/s/ Ronald W. Burns _____
Ronald W. Burns, Esq.