

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

**LONG CORNER CONSUMER
ELECTRONICS LLC,**

Plaintiff,

v.

**TOSHIBA AMERICA INFORMATION
SYSTEMS, INC.,**

Defendant.

Case No. 2:14-cv-361

PATENT CASE

JURY TRIAL DEMANDED

AMENDED COMPLAINT

Plaintiff Long Corner Consumer Electronics LLC files this Amended Complaint against Toshiba America Information Systems, Inc., for infringement of United States Patent No. 7,808,483 (the “483 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff Long Corner Consumer Electronics LLC (“Plaintiff” or “Long Corner”) is a Texas limited liability company with its principal office located in the Eastern District of Texas, at 1002 Raintree Circle, Suite 100, Office #178, Allen, Texas 75013.

4. Upon information and belief, Defendant Toshiba America Information Systems, Inc. (“Defendant”) is a California corporation with a principal office located at 9740 Irvine Boulevard, Irvine, California 92618. This Court has personal jurisdiction over Defendant because

Defendant has committed, and continues to commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas.

5. On information and belief, Defendant's products that are alleged herein to infringe were and/or continue to be made, used, imported, offered for sale, and/or sold in the Eastern District of Texas.

VENUE

6. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391(c) and 1400(b) because Defendant is deemed to reside in this district. In addition, and in the alternative, Defendant has committed acts of infringement in this district.

COUNT I
(INFRINGEMENT OF UNITED STATES PATENT NO. 7,808,483)

7. Plaintiff incorporates paragraphs 1 through 6 herein by reference.

8. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

9. Plaintiff is the owner by assignment of the '483 Patent with sole rights to enforce the '483 Patent and sue infringers.

10. A copy of the '483 Patent, titled "System, Device, and Method for Extending a Stroke of a Computer Pointing Device," is attached hereto as Exhibit A.

11. The '483 Patent is valid and enforceable, and it was duly issued in full compliance with Title 35 of the United States Code.

(Direct Infringement)

12. Upon information and belief, Defendant has infringed and continues to directly infringe one or more claims of the '483 Patent, including at least claim 1, by making, using,

importing, selling and/or offering for sale computer systems and computer input devices (which may include, by way of example and without limitation, tablets and/or smartphones) covered by one or more claims of the '483 Patent, including without limitation the Excite Pure Tablet (the "Accused Instrumentalities"). Generally for descriptive purposes, and without limitation in any way, characteristics of the Accused Instrumentalities include a sensor (for example, an accelerometer and/or a gyroscope), an input element (for example, a touch screen), and auto-rotation capability with the ability to inhibit such auto-rotation.

13. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

14. Plaintiff is in compliance with 35 U.S.C. § 287.

DEMAND FOR JURY TRIAL

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court to:

- a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;
- b) Enjoin Defendant, its agents, officers, servants, employees, attorneys and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 7,808,483 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);
- c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

- d) Award Plaintiff pre-judgment and post-judgment interest and costs;
- e) Enter judgment and an 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) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: May 16, 2014

Respectfully submitted,

/s/ Craig Tadlock

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CERTIFICATE OF SERVICE

I hereby certify that counsel for Defendant, Doug Stewart of Bracewell & Giuliani in Seattle, is being served with this Amended Complaint via email, pursuant to the agreement of the parties, on this the 16th day of May, 2014.

/s/ Craig Tadlock

Craig Tadlock