

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

CYPALEO LLC

Plaintiff,

vs.

HTC CORPORATION and  
HTC AMERICA, INC.

Defendants.

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Case No:

**PATENT CASE**

**COMPLAINT**

Plaintiff Cypaleo LLC (“Plaintiff” or “Cypaleo”) files this Complaint against HTC Corporation (“Defendant” or “HTC Corp.”) and HTC America, Inc. (“Defendant” or “HTC America”) (collectively, “Defendants”) for infringement of United States Patent No. 5,638,427 (hereinafter “the ‘427 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 is a Texas limited liability company with its principal office located at 3415 Custer Rd., Suite 120-D, Plano, Texas 75023.

4. On information and belief, HTC Corporation is a Taiwanese corporation with its principal place of business at 23 Xinghau Road, Taoyuan City, Taoyuan 330, Taiwan, R.O.C. and does business in this judicial district by, among other things, committing directly and/or

indirectly the tort of patent infringement giving rise to this complaint. HTC Corporation may be served at its principal place of business at 23 Xinghau Road, Taoyuan City, Taoyuan 330, Taiwan, R.O.C.

5. On information and belief, HTC America, Inc. is a Washington corporation with its principal place of business at 13290 SE Eastgate Way, Suite 400, Bellevue, Washington 98005 and does business in Texas at 5950 Corporate Drive, Houston, Texas 77036 and in this judicial district by, among other things, committing jointly, directly and/or indirectly the tort of patent infringement giving rise to this complaint. HTC America, Inc.'s registered agent for service of process in Texas is Law Offices of Christina C. Hsu, 13706 N. Highway 183, # 201, Austin, Texas 78750.

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

### **VENUE**

7. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391(c) and 1400(b) because Defendants are deemed to reside in this District. In addition, and in the alternative, and upon information and belief, Defendants have committed acts of infringement in this District.

### **COUNT I** **(INFRINGEMENT OF UNITED STATES PATENT NO. 5,638,427)**

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

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

10. Plaintiff is the owner by assignment of the '427 patent with sole rights to

enforce the '427 patent and sue infringers.

11. A copy of the '427 Patent, titled "Operator-controlled Interactive Communication Device," is attached hereto as Exhibit A.

12. At the time relevant to the allegations herein, the '427 Patent was valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. Upon information and belief, Defendant infringed one or more claims, including at least claim 1, of the '427 patent by making, using, importing, selling, and/or offering for sale interactive communication devices, including, for example, the HTC Sensation 4G, covered by one or more claims of the '427 patent. Defendant has infringed the '427 patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

14. Upon information and belief, during the period that the '427 Patent was in force, Defendant sold, offered to sell, and/or used interactive communication devices, including, without limitation, the HTC Sensation 4G, and any similar devices, which infringed at least Claim 1 of the '427 Patent. The HTC Sensation 4G, for example, has a display, an input device, a communication transmission interface, a telephone handset connector, a computer connector, and a remote interactive communication connector. The input device and the remote interactive communication connector provide the interactive communication device with the flexibility to be used with a machine (e.g., a smartphone printer) having a remote interactive communication system and a machine without a remote interactive communication system.

15. Upon information and believe 35 U.S.C. § 287 was complied with at all relevant times.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff asks the Court to:

- (a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;
- (b) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;
- (c) Award Plaintiff pre-judgment and post-judgment interest and costs; and
- (d) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: June 19, 2015

Respectfully submitted,

*/s/ Jay Johnson*

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**JAY JOHNSON**

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**ATTORNEYS FOR PLAINTIFF**

**EXHIBIT A**