

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

CYPALEO LLC

Plaintiff,

vs.

LG ELECTRONICS, INC. and
LG ELECTRONICS U.S.A., INC.,

Defendants.

§
§
§
§
§
§
§
§
§
§

Case No:

PATENT CASE

COMPLAINT

Plaintiff Cypaleo LLC (“Plaintiff” or “Cypaleo”) files this Complaint against LG Electronics, Inc. (“Defendant” or “LG Electronics”) and LG Electronics U.S.A., Inc. (“Defendant” or “LG USA”) (collectively, “LG”) 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, Defendant LG Electronics is a corporation organized under the laws of Korea with its principal place of business at LG Twin Tower 128, Yeoui-daero, Yeongdeungpo-gu, Seoul, Korea.

5. On information and belief, Defendant LG USA is a company organized under the laws of the state of Delaware with its principal place of business at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey. On information and belief, LG USA has a registered agent, United States Corporation Company, located at 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218 USA.

6. On information and belief, Defendants' 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, Defendants 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 LG Nitro HD, covered by one or more claims of the '427 patent. Defendants have 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, Defendants sold, offered to sell, and/or used interactive communication devices, including, without limitation, the LG Nitro HD, and any similar devices, which infringed at least Claim 1 of the '427 Patent. The LG Nitro HD, 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 Defendants' 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 30, 2015

Respectfully submitted,

/s/Jay Johnson

JAY JOHNSON

State Bar No. 24067322

D. BRADLEY KIZZIA

State Bar No. 11547550

ANTHONY RICCIARDELLI

State Bar No. 24070493

KIZZA JOHNSON PLLC

750 N. St. Paul Street, Suite 1320

Dallas, Texas 75201

(214) 613-3350

Fax: (214) 613-3330

jay@brownfoxlaw.com

brad@brownfoxlaw.com

anthony@brownfoxlaw.com

ATTORNEYS FOR PLAINTIFF

EXHIBIT A