

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

MOZLY TECH LLC

Plaintiff,

vs.

HTC CORPORATION and
HTC AMERICA, INC.

Defendants.

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Case No:

PATENT CASE

COMPLAINT

Plaintiff Mozly Tech LLC (“Plaintiff” or “Mozly”) files this Complaint against HTC Corporation and HTC America, Inc. (collectively, “Defendants” or “HTC”) for infringement of United States Patent No. 7,367,044 (hereinafter “the ‘044 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 3400 Silverstone Dr., Suite 191-G, Plano, Texas 75023.

4. On information and belief, Defendant HTC Corporation is a Taiwanese corporation with its principal place of business at 23 Xinghau Road, Taoyuan City, Taoyuan 330, Taiwan, R.O.C. On information and belief, Defendant 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, Defendant HTC America, Inc. is a Washington corporation with its principal place of business at 13290 SE Eastgate Way, Suite 400, Bellevue, Washington 98005. On information and belief, 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, this Court has personal jurisdiction over Defendants because Defendants have committed, and continue to commit, acts of infringement in the state of Texas, have conducted business in the state of Texas, and/or have engaged in continuous and systematic activities in the state of Texas.

7. 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

8. 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, Defendants have committed acts of infringement in this District.

COUNT I **(INFRINGEMENT OF UNITED STATES PATENT NO. 7,367,044)**

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

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

11. Plaintiff is the owner by assignment of the '044 Patent with sole rights to

enforce the '044 Patent and sue infringers.

12. A copy of the '044 Patent, titled "System and Method for Network Operation," is attached hereto as Exhibit A.

13. The '044 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

14. Upon information and belief, Defendants have infringed and continue to infringe one or more claims, including at least Claim 1, of the '044 patent by making, using, importing, selling, and/or offering for sale a contacts management tool, which is covered by one or more claims of the '044 patent. Defendants have infringed and continue to infringe the '044 patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

15. Defendants sells, offer to sell, and/or use contacts management tools including, without limitation, HTC One and HTC Backup, and any similar products, which infringe at least Claim 1 of the '044 Patent. These products allow for the creation and maintenance of a list of contacts and contact information, such as contact phone numbers, for example, for a particular user. The user is associated with the list via a user account. The user account can be associated with a new telephone so that the new telephone can dial the phone numbers for the contacts.

16. Defendants' actions complained of herein will continue unless Defendants are enjoined by this court.

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

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

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) Enter an Order enjoining Defendants, their agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendants who receive notice of the order from further infringement of United States Patent No. 7,367,044 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendants' infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: November 25, 2015

Respectfully submitted,

/s/ Jay Johnson

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EXHIBIT A