

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GOTECH LLC,

Plaintiff,

v.

RAKUTEN COMMERCE LLC,

Defendant.

Civil Action No. 15-cv-

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which GoTech LLC (“Plaintiff”) makes the following allegations against Rakuten Commerce LLC (“Defendant”):

PARTIES

1. GoTech LLC is a New York limited liability company, having a principal place of business of 261 North Brookside Ave., Freeport, New York 11520.

2. Upon information and belief, Defendant Rakuten Commerce LLC is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business located at 1000 Nicollet Mall, Minneapolis, MN 55403. Upon information and belief, Defendant Rakuten Commerce LLC may be served via its registered agent at Corporation Service Company, 2711 Centerville Rd., Ste. 400, Wilmington, DE 19808.

JURISDICTION AND VENUE

3. 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).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, Defendant has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

5. Upon information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the New York 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 New York and in this Judicial District.

U.S. PATENT NO. 9,170,473

6. Plaintiff is the owner by assignment of United States Patent No. 9,170,473 (the "'473 Patent") entitled "Integrated Self-Photographing Apparatus." The '473 Patent issued on October 27, 2015. A true and correct copy of the '473 Patent is attached as Exhibit A.

7. Mr. Zhengliang Li is listed as the inventor of the '473 Patent.

8. Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287, predecessors in interest to the '473 Patent complied with such requirements.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 9,170,473

9. Upon information and belief, Defendant has been and is now infringing at least Claim 1 of the '473 Patent in the State of New York, in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, supplying, distributing, selling, and/or offering for sale self-photographing apparatuses (including, without limitation, at least the PureGear Selfie Stick) which include; an extendable pole; a gripping apparatus used to grip a photographing equipment; wherein said

gripping apparatus includes a support platform for support the photographing equipment: a retractable clamping structure sitting atop of said support platform; wherein said gripping apparatus as a whole is rotatably connected to the upper end of said extendable pole; and wherein said support platform includes an open slot; and said clamping structure includes a curved segment corresponding to the open slot so that said extendable pole can be retracted and folded into said open slot and curved segment, covered by one or more claims of the '473 Patent to the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the '473 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '473 Patent pursuant to 35 U.S.C. § 271.

10. As a result of Defendant's infringement of the '473 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court, and Plaintiff will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

11. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '473 Patent, Plaintiff will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendant has infringed the '473 Patent;
2. 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 '473 Patent, or such other equitable relief the Court determines is warranted;

3. A judgment and order requiring Defendant pay to Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '473 and Patent as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement; and

4. Any and all other relief, at law or equity, to which Plaintiff may show itself to be entitled.

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.

DATED November 25, 2015.

Respectfully submitted,

By: /s/ Lawrence C. Hersh
Lawrence C. Hersh
Attorney at Law
17 Sylvan Street
Suite 102B
Rutherford, New Jersey 07070
201-507-6300 (t)
201-507-6311 (f)
lh@hershlegal.com

Hao Ni (*Pro Haq Vice* to be filed)
Neal G. Massand (*Pro Haq Vice* to be filed)
NI, WANG & MASSAND, PLLC
8140 Walnut Hill Ln., Ste. 500
Dallas, TX 75231
Tel: (972) 331-4600
Fax: (972) 314-0900

**ATTORNEYS FOR PLAINTIFF
GOTECH LLC**