

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

MOBILEEXP, LLC,

Plaintiff,

v.

**WESTERN DIGITAL TECHNOLOGIES,
INC.,**

Defendant.

Civil Action No. 2:16-cv-1339

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which MobileExp, LLC (“Plaintiff”) makes the following allegations against Western Digital Technologies, Inc. (“Defendant”):

PARTIES

1. Plaintiff MobileExp, LLC is a Texas limited liability company, having a principal place of business of 1708 Harrington Dr., Plano, TX 75075.

2. Upon information and belief, Defendant Western Digital Technologies, Inc., is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 951 SanDisk Drive, Milpitas, CA 95035. Defendant may be served via its registered agent for service of process: Corporation Service Company, 2711 Centerville Road, Ste. 400, Wilmington, DE 19808.

JURISDICTION AND VENUE

3. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271(a), 281, and 284 - 85. This Court has subject matter jurisdiction over this action under 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). On information and belief, Defendant has transacted business in this district, and has committed 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 Texas 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 Texas and in this Judicial District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 8,879,246

6. Plaintiff is the owner by assignment of United States Patent No. 8,879,246 ("the '246 Patent") titled "Peripheral Data Storage Device." The '246 Patent issued on November 4, 2014. A true and correct copy of the '246 Patent is attached as Exhibit A.

7. James T. Fahey and Michael Page McGirr are listed as the inventors of the '246 Patent.

8. Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287, predecessors in interest to the '246 Patent complied with such requirements.

9. Defendant directly or through intermediaries, makes, uses, offers to sell, or sells peripheral storage devices which infringe the '246 Patent, shown in Exhibit B.

10. Upon information and belief, Defendant has been and is now infringing claims 1, 2, 6, and 9 of the '246 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, selling, and/or offering for sale peripheral data storage devices, *i.e.*, the SDIX30C-016G-AN6NN,

SDIX30C-032G-AN6NN, SDIX30C-064G-AN6NN, SDIX30C-128G-AN6NE, SDIX-016G-A57 – 16GB, SDIX-032G-A57 – 32GB, SDIX-064G-A57 – 64GB, SDIX-128G-A57 – 128GB, SDIPBNC-032G-GN7, ES SDIPBNC-064G-GN7ES, and SDIPBNC-128G-GN7ES (the “Accused Instrumentalities”), covered by one or more claims of the ’246 Patent to the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the ’246 Patent under the doctrine of equivalents. Defendant is thus liable for direct infringement of the ’246 Patent pursuant to 35 U.S.C. § 271(a).

11. The Accused Instrumentalities infringe claim 1 of the ’246 Patent. They are peripheral storage device for a computing device having a 8 pin connector, said peripheral storage device comprising: (a) an encasement for electronic circuits, (b) a system of electronic circuits mounted inside said encasement, (c) a device software means inside said system of electronic circuits for transmitting and receiving data to and from said computing device, said computing device including a host software means for transmitting and receiving data to and from said system of electronic circuits, and (d) said encasement having a vertical rear wall and a horizontal base attached to said vertical rear wall, wherein said horizontal base includes a 8 pin connector to mate with said connector of said computing device, whereby said peripheral storage device provides said computing device with direct access to additional incremental storage beyond that built in said computing device. *See* Ex. B, Figs. 1-7.

12. The SDIPBNC-032G-GN7, ES SDIPBNC-064G-GN7ES, and SDIPBNC-128G-GN7ES infringe claim 2 of the ’246 Patent. They include an encasement which includes a pass through connector for connection with a computing device peripheral connections such as a charger. Ex. B., Figs 5-7.

13. The Accused Instrumentalities infringe claim 6 of the '246 Patent. They further include an encasement with an eight pin dock connector for transmission and reception of data to and from the computing device directly. Ex. B, Figs. 1-7.

14. The Accused Instrumentalities infringe claim 9 of the '246 Patent. They operate in conjunction with a computing device in the form of an Apple iPhone. *See* Ex. B, Figs. 1-7.

15. As a result of Defendant's infringement of the '246 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.

16. 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 '246 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 '246 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, inducing the infringement of, or contributing to the infringement of the '246 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 '246

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 30, 2016.

Respectfully submitted,

By: /s/ Stevenson Moore

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