

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

REEF MOUNTAIN LLC,

Plaintiff,

v.

**BSH HOME APPLIANCES
CORPORATION,**

Defendant.

No. 1:17-cv-

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Reef Mountain LLC, through its undersigned counsel, files its Original Complaint for Patent Infringement and alleges based on knowledge as to itself and information and belief as to the Defendant as follows.

THE PARTIES

1. Plaintiff Reef Mountain LLC is a Texas limited liability company with a principal office at 5570 FM 423, Suite 250-125, Frisco, Texas 75034.

2. Defendant BSH Home Appliances Corporation is a Delaware corporation with a regular and established place of business at 1901 Main Street, Irvine, CA 92614. Defendant may be served with process via its registered agent: Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808.

JURISDICTION AND VENUE

3. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

4. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

5. Upon information and belief, this Court has personal jurisdiction over Defendant because (i) Defendant conducts business in this Judicial District, directly or through intermediaries, (ii) at least a portion of the alleged infringements occurred in this Judicial District; and (iii) Defendant regularly solicits business, engages in other persistent courses of

conduct, or derives revenue from goods and services provided to individuals in this Judicial District.

6. Venue is proper in this Judicial District under 28 U.S.C. § 1400(b).

THE PATENT-IN-SUIT

7. On August 7, 2012, the U.S. Patent and Trademark Office duly and lawfully issued U.S. Patent No. 8,239,481 (the “481 Patent”), entitled “System and Method for Implementing Open-Control Remote Device Control.” A true and correct copy of the 481 Patent is attached at Exhibit A.

8. The 481 Patent is presumed valid under 35 U.S.C. 282(a).

9. Plaintiff is the owner and assignee of all substantial rights, title, and interest in the 481 Patent.

THE ACCUSED PRODUCT

10. Defendant makes, uses, sells, offers for sale, or imports one or more products that infringe one or more claims of the 481 Patent.

11. Defendant’s Accused Product is its Home Connect application.

COUNT I

DIRECT INFRINGEMENT OF U.S. PATENT NO. 8,239,481

12. Plaintiff incorporates by reference herein each of its foregoing allegations.

13. Plaintiff conducted a pre-filing investigation, comparing the Accused Product to one or more claims of the 481 Patent.

14. Based on Plaintiff’s pre-filing investigation, without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant directly infringes at least the claims of the 481 Patent shown in Exhibit B by, among other things, making, using (including testing), offering for sale, selling, or importing within this District and the United States its Accused Product

15. The claims of the 481 Patent are understandable to a person of ordinary skill in the art who has the requisite education, training, and experience with the technology at issue in this case.

16. A person of ordinary skill in the art understands Plaintiff's theory of how Defendant's Accused Product infringes the claims of the 481 Patent upon a plain reading of this Complaint, the 481 Patent, and Exhibit B.

17. Plaintiff reserves the right to modify its infringement theories as discovery progresses in this case; it shall not be estopped for infringement contention or claim construction purposes by the claim chart it provides with this Complaint. The claim chart is intended to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure; it does not represent Plaintiff's preliminary or final infringement contentions or preliminary or final claim construction positions.

18. Since at least the date that Defendant was served with a copy of this Complaint, Defendant has known that its Accused Product directly infringes one or more claims of the 481 Patent.

PRAYER FOR RELIEF

Plaintiff requests the following relief:

- A. Judgment that Defendant has infringed the 481 Patent under 35 U.S.C. § 271(a);
- B. An accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. An award of damages under 35 U.S.C. § 284 adequate to compensate Plaintiff for Defendant's past and future infringement, including any infringement from the date of filing of this Complaint through the date of judgment, together with interest and costs;
- D. Judgment that this case is exceptional under 35 U.S.C. § 285 and an award of Plaintiff's reasonable attorneys' fees and costs; and
- E. Such further relief at law or in equity that this Court deems just and proper.

JURY TRIAL DEMAND

Plaintiff demands a trial by jury on all claims and issues so triable under Federal Rule of Civil Procedure 38.

Dated: July 24, 2017

Respectfully Submitted,

By: /s/ Timothy Devlin

Timothy Devlin

Delaware Bar No. 4241

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