

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

BETTER MOUSE COMPANY, LLC,

Plaintiff,

v.

RAZER (ASIA-PACIFIC) PTE. LTD.,

Defendant.

CIVIL ACTION NO. 2:17-cv-634

ORIGINAL COMPLAINT
FOR PATENT INFRINGEMENT

JURY TRIAL DEMANDED

Plaintiff Better Mouse Company, LLC (“Better Mouse” or “BMC”) files this original complaint against Razer (Asia-Pacific) Pte. Ltd. (“Razer AP” or “Defendant”), alleging, based on its own knowledge as to itself and its own actions, and based on information and belief as to all other matters, as follows:

PARTIES

1. Better Mouse is a limited liability company formed under the laws of the State of Texas, with a principal place of business in Tyler, Texas.
2. Defendant Razer AP is a private limited company formed under the laws of Singapore, and located at 514, Chai Chee Lane, #07-05, Singapore 469029.
3. Razer AP is the parent of Razer USA Ltd. d/b/a Razer, Inc. (“Razer USA”). Better Mouse has asserted a claim for patent infringement against Razer USA in C.A. No. 2:17-cv-317 (the “Razer USA action”), which is also pending before this Court.
4. Razer and Razer AP are collectively referred to herein as “Razer.”

JURISDICTION AND VENUE

5. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. § 1331 and § 1338(a).

6. In the Razer USA action, Razer USA supported its Reply to its Motion to Dismiss for Improper Venue with a declaration from Lionel Ser. (Dkt. 22-1.) Mr. Ser is a Senior Patent Counsel at Razer AP. (*Id.* at ¶ 1.) Razer AP has been actively involved in Razer USA’s defense in the Razer USA action.

7. Razer AP owns the website RAZERZONE.COM. Razer AP created this website on April 15, 1999, and has owned it ever since.

8. Razer AP has sold computer mice through its website RAZERZONE.COM to customers in this District and elsewhere in Texas.

9. Razer AP has directed Razer USA’s marketing and sale of computer mice in the United States.

10. Razer AP has imported computer mice into the United States, with Razer USA as the receiver for these shipments.

11. Razer has operated a research and development laboratory in Cedar Park, Texas. That laboratory is located at 1460 E. Whitestone Blvd. #101, Cedar Park, TX 78613, property which is owned by Razer USA.

12. Venue is proper in this district under 28 U.S.C. § 1391(c)(3) because Razer AP is Singaporean company not resident in the United States. *See Brunette Machine Works v. Kockum Indus.*, 406 U.S. 706 (1972).

13. Razer AP is subject to this Court's specific and general personal jurisdiction under due process and/or the Texas Long Arm Statute due at least to Razer AP's 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 this District and elsewhere in Texas.

THE TECHNOLOGY

14. The patent-in-suit, U.S. Patent No. 7,532,200 ("the '200 Patent"), titled "Apparatus for Setting Multi-Stage Displacement Resolution of a Mouse," teaches a device capable of setting the resolution for a computer mouse, often measured in "dots-per-inch" (DPI). The resolution determines how much the mouse cursor moves on a computer screen for each corresponding movement of the mouse itself by the user. For example, if the DPI ratio is 1:1, the cursor moves one "dot" on the screen per inch of motion by the mouse. Depending on an individual user's needs, that ratio (resolution) can be adjusted to provide the user with a customized experience. For example, a user playing computer games may wish for more precise control of the cursor and adjust the resolution so that each movement on the screen requires a larger movement of the mouse itself.

15. In the prior art, adjusting the resolution generally required installing a software driver on a connected computer, and changing the resolution within that software program. The user first needed to install the software, which required a separate item such as a CD-ROM. Next, the user needed to locate the installed software on the computer and then determine how to adjust the desired parameter within the software. In contrast, the inventor of the technology described in the '200 Patent developed a mouse that includes a button and/or switch on the

mouse for adjusting the resolution by hand to generate a resolution value, without using a software driver or tool that is external to the mouse. Among other advantages, this approach allows the user to directly adjust the mouse's resolution quickly and easily, without using a software driver or tool on the connected computer.

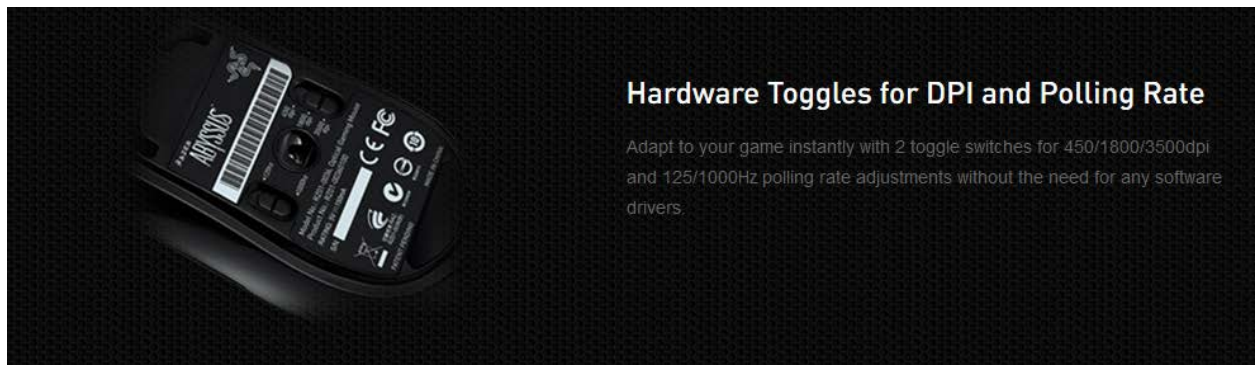
COUNT I: DIRECT INFRINGEMENT OF U.S. PATENT NO. 7,532,200

16. On May 12, 2009, the '200 Patent was duly and legally issued by the United States Patent and Trademark Office.

17. Better Mouse is the owner of the '200 Patent with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the '200 Patent against infringers, and to collect damages for all relevant times.

18. Razer AP made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale computer mice and other devices ("the accused products"), including, for example, at least the Abyssus Mirror, Orochi 2013, and Ouroboros mice, which infringe one or more claims of the '200 Patent.

Razer Abyssus Mirror



Hardware Toggles for DPI and Polling Rate

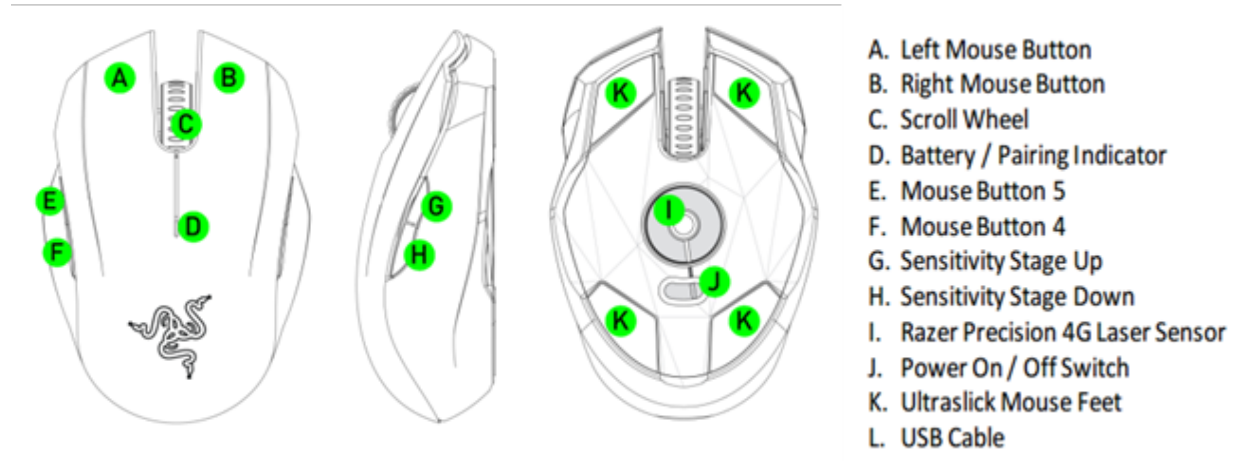
Adapt to your game instantly with 2 toggle switches for 450/1800/3500dpi and 125/1000Hz polling rate adjustments without the need for any software drivers.

(source: <https://www.razerzone.com/gaming-mice/razer-abyssus-mirror>)

RAZER OROCHI 2013:



(source: <http://www.razersupport.com/gaming-mice/razer-orochi-2013/>)



(source: <http://dl.razerzone.com/master-guides/Orochi2013/Orochi2013OMG-ENG.pdf>)

Razer Ouroboros interactive demo - go on, touch it

CUSTOMIZE



Dedicated DPI Clutch-Trigger

Stay on top of the competition and adapt to the situation with the Razer Ouroboros' dedicated DPI clutch-trigger. Hold it down to temporarily increase/decrease the mouse's DPI so you can get the exact sensitivity you need for the moment in-game.

For instance, when you switch to a sniper to take out a target far away, use the clutch to slow your DPI down, and once the enemy has been dispatched with precision, release the clutch to return to your usual lightning fast assault mode.



(source: <https://www.razerzone.com/gaming-mice/razer-ouroboros>)

19. The accused products also include the mice identified in Better Mouse's infringement contentions against Razer USA.

20. By doing so, Razer AP has directly infringed (literally and/or under the doctrine of equivalents) at least Claim 6 of the '200 Patent. Razer AP's infringement in this regard is ongoing.

21. Razer AP has infringed the '200 Patent by making, having made, using, importing, providing, supplying, distributing, selling or offering for sale systems that comprise an apparatus for setting multi-stage displacement resolution of a mouse.

22. The accused products include an X-Y axis plane displacement detector, for sensing a distance and a moving direction generated by the mouse in a two-dimensional space.

23. The accused products include an N-stage switch for setting a resolution value, the N-stage switch circuit having a switching button capable of being manually switched to one of positions 1 to N, and accordingly activating a connected resolution setting pin to indicate a state, where N is a positive integer.

24. The accused products include a mouse micro controller with a register, coupled to the X-Y axis plane displacement detector and the switching circuit, the mouse micro controller determining the resolution value based on the state of the connected resolution setting pins.

25. The accused products include setting a mouse resolution based on the resolution value and storing the resolution value in the register.

26. The accused products include the mouse micro controller responding to the distance and moving direction sensed by the X-Y axis plane displacement detector to provide a control signal to a computer connected to the mouse, thereby moving the mouse cursor on a

screen of the computer, the mouse cursor being moved directly based on the resolution value stored in the register.

27. Better Mouse has been damaged as a result of the infringing conduct by Razer USA alleged above. Thus, Razer USA is liable to Better Mouse in an amount that adequately compensates Better Mouse for such infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

28. Better Mouse and/or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '200 Patent.

JURY DEMAND

Better Mouse hereby requests a trial by jury on all issues so triable by right.

PRAYER FOR RELIEF

Better Mouse requests that the Court find in its favor and against Defendant, and that the Court grant Better Mouse the following relief:

a. Judgment that one or more claims of the '200 Patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant and/or all others acting in concert therewith;

b. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert therewith from infringement of the '200 Patent; or, in the alternative, an award of a reasonable ongoing royalty for future infringement of the '200 Patent by such entities;

c. Judgment that Defendant account for and pay to Better Mouse all damages to and costs incurred by Better Mouse because of Defendant's infringing activities and other conduct

complained of herein, including an award of all increased damages to which Better Mouse is entitled under 35 U.S.C. § 284;

d. Pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;

e. A declaration by the Court that this an exceptional case and an award to Better Mouse its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and

f. Such other and further relief as the Court may deem just and proper under the circumstances.

Dated: September 7, 2017

Respectfully submitted,

/s/ Larry D. Thompson, Jr.

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