

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

PC COMA LLC,

Plaintiff,

v.

XEROX CORPORATION,

Defendant.

CIVIL ACTION NO: 2:18-cv-236

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT

This is an action for patent infringement in which PC Coma LLC (“Plaintiff”) makes the following allegations against Xerox Corporation (“Defendant”):

PARTIES

1. PC Coma LLC is a Texas limited liability company with a principle place of business located at 5068 W. Plano Parkway, Suite 300, Plano, TX 75093.
2. Upon information and belief, Xerox Corporation is a New York corporation, with its principal place of business at 201 Merritt 7, Norwalk, Connecticut, 06851. Upon information and belief, Defendant may be served via officer or director at the above address.

JURISDICTION AND VENUE

3. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271(a), 271(b), 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 Court pursuant to 28 U.S.C. § 1400(b). For example, Defendant has a regular and established place of business at 1303 Ridgeview Dr., Lewisville, TX 75057.

5. 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 Defendant'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 Texas and in this district.

THE 6,684,338 PATENT

1. On January 27, 2004, United States Patent No. 6,684,338 (the "'338 Patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "Apparatus and Method for Power Management of Computer System." A true and correct copy of the '338 Patent is attached hereto as Exhibit A.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,684,338

2. Defendant directly or through its intermediaries has been and is now infringing claim 14, of the '338 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, importing, providing, selling and/or offering for sale products and/or systems (Xerox Phaser 6500 (the "Accused Instrumentality")), covered by one or more claims of the '338 Patent to the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the '338 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '338 Patent pursuant to 35 U.S.C. § 271(a).

3. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems, *i.e.*, the Accused Instrumentality, that infringes claim 14 of the '338 Patent. The Accused Instrumentality is a computer apparatus comprising a power

management system including at least one state selected from among a first power mode (e.g. Ready Mode) and a second power mode (e.g. Sleep Mode); a basic input-output system (e.g. firmware) memory (e.g. Flash memory) for storing a routine for setting the at least one state of said power management system; a PMS state storage unit (e.g. NVRAM) for storing the state of said power management system; and an indicating unit (e.g., a multiple display unit consisting of two LEDs) for indicating the stored state of said power management system, said indicating unit corresponding to at least one selected from among a multicolor unit and a multiple-display unit (e.g. the Wake Up/Power Saver button stays lit when the Accused Instrumentality is in Power Save mode. The Status Indicator light turns off when in Power Saver mode). *See* Ex. A-1, Figs. 1-10.

4. As a result of Defendant's infringement of the '338 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.

JURY DEMAND

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

PRAYER FOR RELIEF

Plaintiff requests that the Court find in their favor and against Defendant, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of the '338 Patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- b. Judgment that Defendant accounts for and pay to Plaintiff all damages and costs incurred by Plaintiff, caused by Defendant's infringing activities and other conduct complained of herein;

c. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;

d. That this Court declare this an exceptional case and award Plaintiff reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and

e. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

DATED May 30, 2018.

Respectfully submitted,

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