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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

Rondevoo Technologies, LLC, a California Limited Liability Company Plaintiff, vs. **HTC America, Inc.**, a Washington Corporation Defendant.	Case Number: **COMPLAINT – JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Rondevoo Technologies, LLC ("Rondevoo"), through its attorney, Nicholas Ranallo, complains of HTC America, Inc., ("HTC"), and alleges the following:

Parties

1. Plaintiff Rondevoo Technologies, LLC is a corporation organized and existing under the laws of California and maintains its principal place of business at 35 Hugus Alley, Suite 210, Pasadena, CA 91103.

2. Defendant HTC America, Inc. is a corporation organized and existing under the laws of Washington that maintains its principal place of business at 13920 SE Eastgate Way, Suite 400, Bellevue, WA 98005.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over HTC because it has engaged in systematic and continuous business activities in the Western District of Washingon. Specifically, HTC provides a full range of products to residents in this District. As described below, HTC has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because HTC has committed acts of patent infringement in this District, has a regular and established place of business in this District, and is incorporated in the state of Washington. In addition, Rondevoo has suffered harm in this district.

THE PATENT-IN-SUIT

7. Rondevoo is the assignee of all right, title and interest in United States Patent No. 6,377,685 (the "'685 Patent," "Patent-in-Suit"), including all rights to enforce and prosecute actions

for infringement and to collect damages for all relevant times against infringers of the '685 Patent. Accordingly, Rondevoo possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by HTC.

The '685 Patent

8. On April 23, 2002, the United States Patent and Trademark Office issued the '685 Patent. The '685 Patent is titled "Cluster Key Arrangement." The application leading to the '685 Patent was filed on April 23, 1999. A true and correct copy of the '685 Patent is attached hereto as Exhibit A and incorporated herein by reference.

9. The '685 Patent is valid and enforceable.

10. The inventors recognized that there was a need for improving cluster key arrangements for mobile devices such as cell-phones. Ex. A, 1:5–67.

11. The invention in the '685 Patent provides an improved cluster key arrangement system. Ex. A, 6:39–52.

12. To this end, the inventors recognized the importance of developing not only button based cluster key arrangements, but also electronically configured cluster key arrangements. Ex. A, 6:39-41 ("The cluster key arrangement may be mechanically configured or electronically configured.").

COUNT I: INFRINGEMENT OF THE '685 PATENT

13. Rondevoo incorporates the above paragraphs herein by reference.

14. **Direct Infringement.** HTC has been and continues to directly infringe at least claim 1 of the '685 Patent in this District and elsewhere in the United States by providing a system, for example, HTC's Desire 300, which include special characters, such as accented letters, that are selected from a primary key. *See* Figure 1, available at: https://www.htc.com/us/smartphones/htc-desire-530/.

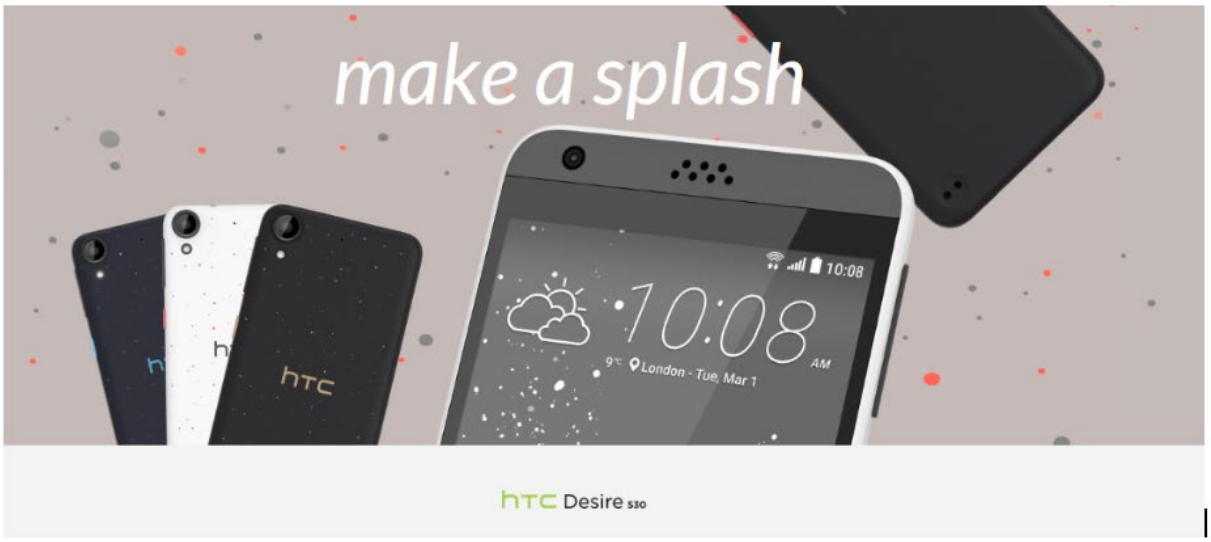

Figure 1. HTC's Desire 300 includes special characters, such as accented letters, that are selected from a primary key.

15. HTC's Desire 300 has claim element 1(a): "at least one cluster key." For example, HTC's Desire 300 has a touchscreen keyboard with a button before and after it is selected. *See* Figure 2, available at: https://www.youtube.com/watch?v=bqY4uT8WN8o.

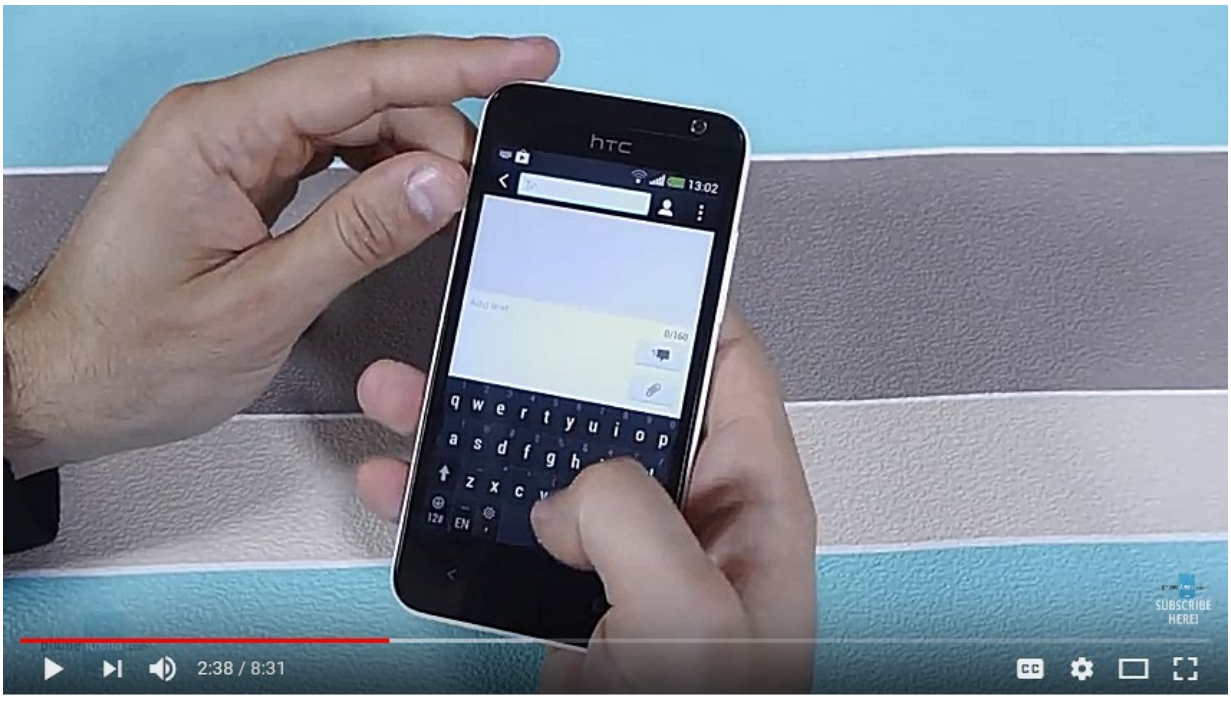

Figure 2. HTC's Desire 300 has a touchscreen keyboard with a button before and after it is selected.

16. HTC's Desire 300 has claim element 1(b): "said cluster key comprising a single primary key." For example, HTC's Desire 300 allows any of the lettered keys to be the primary key as it appears on the primary keyboard. If the primary key is touched and let go before the duration of time, the letter is selected. *See* Figure 2.

17. HTC's Desire 300 has claim element 1(c): "said cluster key comprising at least one secondary key, said secondary key being located immediately adjacent to said primary key of said cluster key." For example, HTC's Desire 300 has an electronic keyboard containing character variants, which occurs after a primary key is selected and after the primary key is touched and held for a duration of time. When the primary key is held down for the duration of time, a number of accented characters appear for selection. The accented key is immediately adjacent to the primary key letter. *See* Figure 3, available at: https://www.htc.com/us/support/htc-desire-530-verizon/howto/805035.html.

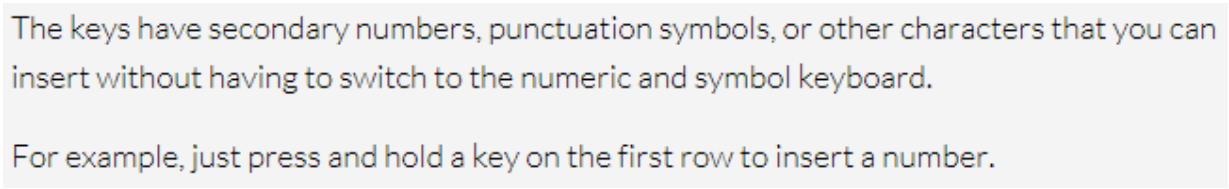

Figure 3. HTC's Desire 300 has an electronic keyboard containing character variants, which displays a number of accented characters to be selected adjacent to the primary key letter.

18. HTC's Desire 300 has claim element 1(d): "mutual exclusivity selecting means for selecting said primary key or said secondary key in a mutually exclusive manner." For example, HTC's Desire 300's electronic keyboard allows the user to select its primary keys by tapping the primary key and permits the user to select its secondary keys by holding the corresponding primary key for a duration of time, and then dragging up to the character adjacent to the primary key in the bar appearing above the primary key. *See* Figures 2, 3.

19. HTC's Desire 300 has claim element 1(e): "wherein when both said primary key and said secondary key have met a threshold for actuation close in time to each other, said mutual exclusivity selecting means includes the use of a difference between said primary and said secondary key other than a difference in order of activation of said primary and said secondary key to select between said primary and said secondary key." For example, HTC's Desire 300 has the primary and secondary keys directly adjacent to one another. The threshold actuation time between primary and secondary keys is virtually zero and determines whether the primary or secondary key is actuated based on the position of the finger or stylus on the touch screen. *See* Figure 3.

20. HTC's Desire 300 has claim element 1(f): "each of said primary and secondary keys is individually actuable." For example, HTC's Desire 300 electronic keyboard allows the user to select either its primary or secondary keys, independently of each other. *See* Figure 3.

21. HTC's Desire 300 has claim element 1(g): "each of said primary key and said secondary key upon actuation move in a direction substantially parallel to the motion of the other of said primary and said secondary key upon actuation." For example, the primary and secondary keys of HTC's Desire 300 are connected to mutually parallel vertical conductors. *See* Figure 3.

22. HTC's Desire 300 has claim element 1(h): "each of said primary key and said secondary key has an associated electrical contact, activation of each said electrical contact sends a signal which indicates an input from said cluster key arrangement, and said mutual exclusivity selecting means selects between said primary key and said secondary key during preprocessing prior to activation of any of said electrical contacts." For example, the primary and secondary keys of the HTC's Desire 300 are each associated with an electrical contact through the touchscreen. Prior to activation of the key selected, the mutual exclusivity selecting means shows which key is selected based on which key is highlighted. *See* Figure 3.

23. **Induced Infringement.** HTC has also actively induced, and continues to induce, the infringement of at least claim 1 of the '685 Patent by actively inducing its customers, including merchants and end-users to use HTC's smartphone in an infringing manner as described above. Upon information and belief, HTC has specifically intended that its customers use its smartphone in a manner that infringes at least claim 1 of the '685 Patent by, at a minimum, providing access to support for, training and instructions for, its smartphone to its customers to enable them to infringe at least claim 1 of the '685 Patent, as described above. Even where performance of the steps required to infringe at least claim 1 of the '685 Patent is accomplished by HTC and HTC's customer jointly, HTC's actions have solely caused all of the steps to be performed.

24. Rondevoo is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

25. Rondevoo will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

Jury Demand

26. Under Rule 38(b) of the Federal Rules of Civil Procedure, Rondevoo respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Rondevoo asks this Court to enter judgment against HTC, granting the following relief:

A. A declaration that HTC has infringed the Patent-in-Suit;

B. An award of damages to compensate Rondevoo for HTC's direct infringement of the Patent-in-Suit;

C. An order that HTC and its officers, directors, agents, servants, employees, successors, assigns, and all persons in active concert or participation with them, be

preliminarily and permanently enjoined from infringing the Patent-in-Suit under 35 U.S.C. § 283;

D. An award of damages, including trebling of all damages, sufficient to remedy HTC's willful infringement of the Patent-in-Suit under 35 U.S.C. § 284;

E. A declaration that this case is exceptional, and an award to Rondevoo of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;

F. An award of prejudgment and post-judgment interest; and

G. Such other relief as this Court or jury may deem proper and just.

Date: November 7, 2018

Respectfully submitted,

/s/ Nicholas Ranallo

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