

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNIVERSAL TRANSDATA, LLC,

Plaintiff,

v.

LENOVO (UNITED STATES), INC.,

Defendant.

CIVIL ACTION FILE

NO. 1:18-cv-02053-RGA

Jury Trial Demanded

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff UNIVERSAL TRANSDATA, LLC. (“Universal” or “Plaintiff”) files this First Amended Complaint for Patent Infringement against Defendant LENOVO (UNITED STATES), INC. (“Lenovo”), and states as follows:

THE PARTIES

1. Plaintiff is a limited liability company organized and existing under the laws of the State of Georgia, having its principal office at The Day Building, Suite 230, 4725 Peachtree Corners Circle, Atlanta, GA 30092.

2. Upon information and belief, Defendant LENOVO (UNITED STATES), INC. is a company organized under the laws of Delaware having a principal place of business at 8001 Development Drive, Morrisville, NC 27650.

Lenovo may be served with process through its registered agent, Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

JURISDICTION AND VENUE

3. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 et seq., including, without limitation, 35 U.S.C. §§ 271, 281, 284, and 285. As a result, this Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant on the grounds that Defendant is an entity formed and existing under the laws of the State of Delaware. Further, Defendant has minimum contacts with the State of Delaware, and Defendant has purposefully availed itself of the privileges of conducting business in the State of Delaware, including through the sale and offer for sale of the Accused Products throughout the State of Delaware and this judicial district at least through various physical and online retailers, including Amazon.com and <https://www.lenovo.com/us/en/>. On information and belief, the Accused Products have been sold in the State of Delaware and in this judicial district.

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1400(b) on the grounds that Defendant is incorporated in the State of Delaware, and, thus resides in this judicial district.

FACTUAL BACKGROUND

6. Plaintiff is the owner by assignment of all right, title and interest in and to United States Patent Number 7,028,114, entitled Universal Serial Bus Hub with Wireless Communication to Remote Peripheral Device (“the ’114 Patent”), including the right to sue for all past, present, and future infringement, which assignment was duly recorded in the United States Patent and Trademark Office (“USPTO”).

7. A true and correct copy of the ’114 Patent is attached hereto as **Exhibit A.**

8. The application that became the ’114 Patent was filed on August 4, 2000, and assigned U.S. patent application number 09/632,466 (“the ’466 Application”).

9. The ’114 Patent issued on April 11, 2006, after full and fair examination by the United States Patent Office.

10. The ’114 Patent is valid and enforceable.

11. The term of the ’114 Patent extends through May 24, 2021.

12. The '114 Patent is directed to “a USB hub with capability to communicate with a plurality of remote wireless peripheral devices without the need to physically connect the peripheral devices to the hub via a cable connection.”

13. The invention of the '114 Patent provides the further advantage of a simple hardware design due to the capability of communicating with multiple remote peripheral devices through a single radio-frequency receiver located on the USB hub.

14. Claim 1 of the '114 Patent claims:

1. A wireless system for operating a computer having a USB port comprising:

a remote wireless peripheral device having a circuit for generating device information causing associated operations to be performed by the computer and an RF transmitter connected to said circuit for transmitting a wireless signal including said device information, said circuit and said RF transmitter being integral to said peripheral device, said RF transmitter being the sole means for communicating said device information from said peripheral device, wherein said associated operations are not triggered by wireless telephony and said peripheral device not having any USB communication capability, said peripheral device being one of a keyboard, a mouse and a joystick; and

a Universal Serial Bus (USB) hub including an upstream USB port adapted to be connected to the computer, and a hub controller connected between said data reception

circuit and said upstream USB port whereby when said upstream USB port is connected to the USB port of the computer and said peripheral device generates said wireless signal to said data reception circuit, said hub controller converts said wireless signal to a USB data signal and passes said USB data signal to said upstream port for causing the associated operations to be performed by the computer.

15. Claim 2 of the '114 Patent claims:

2. The wireless system according to claim 1 wherein said peripheral device is a keyboard and including a mouse having a circuit for generating device information causing associated operations to be performed by the computer and an RF transmitter connected to said circuit for transmitting a wireless signal including said device information, said circuit and said RF transmitter being integral to said mouse, said RF transmitter being the sole means for communicating said device information from said mouse and said mouse not having any USB communication capability, wherein said associated operations are not triggered by wireless telephony and said hub having means to distinguish between said keyboard wireless signal and said mouse wireless signal.

16. Claim 3 of the '114 Patent claims:

3. A wireless system for operating a computer having a USB port comprising:

a remote wireless peripheral device having a circuit for generating device information causing associated operations to be performed by the computer and an RF transmitter connected to said circuit for transmitting a wireless signal including said device information, said circuit and said RF transmitter being integral to said peripheral device, said RF transmitter being the sole means for communicating said device information from said peripheral device, wherein said associated operations

are not triggered by wireless telephony and said peripheral device not having any USB communication capability; and

a Universal Serial Bus (USB) hub including an upstream USB port adapted to be connected to the computer, and a hub controller connected between said data reception circuit and said upstream USB port whereby when said upstream USB port is connected to the USB port of the computer and said peripheral device generates said wireless signal to said data reception circuit, said hub controller converts said wireless signal to a USB data signal and passes said USB data signal to said upstream port for causing the associated operations to be performed by the computer.

17. Claim 4 of the '114 Patent claims:

4. The wireless system according to claim 3 wherein said data reception circuit further includes an RF receiver for receiving said wireless signal from said peripheral device.

18. Claim 5 of the '114 Patent claims:

5. The wireless system according to claim 4 wherein said data reception circuit further includes a signal discriminator connected between said RF receiver and said hub controller for receiving said wireless signal from said RF receiver and presenting said device information in said wireless signal to said hub controller.

19. Claim 6 of the '114 Patent claims:

6. The wireless system according to claim 5 wherein said hub controller further includes a serial interface engine connected to said signal discriminator for converting said device information into USB format to form said USB data signal.

20. Claim 9 of the '114 Patent claims:

9. A wireless Universal Serial Bus (USB) hub and remote wireless peripheral devices for communication with a computer having a USB port comprising: at least two remote wireless peripheral devices each having a circuit for generating device information related to operations performed by said peripheral device and an RF transmitter connected to said circuit for transmitting a wireless signal including said device information, said circuits and said RF transmitters being integral to said peripheral devices, said RF transmitters being the sole means for communicating said device information from said peripheral devices, wherein said associated operations are not triggered by wireless telephony and said peripheral devices not having any USB communication capability, said at least two remote peripheral devices including a keyboard and a mouse;

a data reception circuit for receiving said wireless signals from said RF transmitters; an upstream USB port adapted to be connected to the computer;

and a hub controller connected between said data reception circuit and said upstream USB port whereby when said upstream USB port is connected to the USB port of the computer and said peripheral devices generate said wireless signals to said data reception circuit, said hub controller converts each of said wireless signals to a USB data signal and passes said USB data signal to said upstream port for communication of said device information to the computer for controlling operations of the computer.

21. Plaintiff notified Defendant of the '114 Patent and Defendant's infringement of the '114 Patent prior to filing this action.

22. Plaintiff is the owner by assignment of all right, title and interest in and to United States Patent Number 8,380,901, entitled Universal Serial Bus Hub with Wireless Communication to Remote Peripheral Device (“the ’901 Patent”), including the right to sue for all past, present, and future infringement, which assignment was duly recorded in the United States Patent and Trademark Office (“USPTO”).

23. A true and correct copy of the ’901 Patent is attached hereto as **Exhibit B**.

24. The application that became the ’901 Patent was filed on December 28, 2011, and assigned U.S. patent application number 13/339,355 (“the ’355 Application”).

25. The ’901 Patent issued on February 19, 2013, after full and fair examination by the United States Patent Office.

26. The ’901 Patent is valid and enforceable.

27. The term of the ’901 Patent extends through August 4, 2020.

28. Claim 8 of the ’901 Patent claims:

8. A wireless hub comprising:

a wireless communication module configured to receive wireless transmission of data from a plurality of peripheral devices, the data including error detection information and device information;

a signal discriminator module configured to:

verify, using the error detection information, validity of the data received from the plurality of peripheral devices; and

determine, using the device information, the plurality of peripheral devices; and

a first Universal Serial Bus (USB) connection,

wherein the apparatus is configured to provide the device information, without including the error detection information, to a computing device via the first USB connection.

29. Claim 9 of the '901 Patent claims:

9. The wireless hub of claim 8,

wherein the wireless communication module is further configured to receive the data from the plurality of peripheral devices via a plurality of communication channels.

30. Claim 10 of the '901 Patent claims:

10. The wireless hub of claim 8, wherein the wireless communication module is further configured to:

receive data from a first of the plurality of peripheral devices using a first communication channel; and

in response to detecting interference in the first communication channel, change to using a second communication channel to receive the data from the first peripheral device.

31. Claim 11 of the '901 Patent claims:

11. The wireless hub of claim 10, wherein the wireless communication module is further configured to:

receive data from a second of the plurality of peripheral devices using a third communication channel; and

in response to detecting interference in the third communication channel, change to using a fourth communication channel to receive the data from the second peripheral device.

32. Claim 12 of the '901 Patent claims:

12. The wireless hub of claim 8,

wherein the wireless communication module is further configured to wirelessly receive data using a plurality of communications channels comprising a separate communications channel corresponding to each of the plurality of peripheral devices.

33. Plaintiff is the owner by assignment of all right, title and interest in and to United States Patent Number 8,090,888, entitled Universal Serial Bus Hub with Wireless Communication to Remote Peripheral Device (“the '888 Patent”), including the right to sue for all past, present, and future infringement, which assignment was duly recorded in the United States Patent and Trademark Office (“USPTO”).

34. A true and correct copy of the '888 Patent is attached hereto as

Exhibit C.

35. The application that became the '888 Patent was filed on April 29, 2010, and assigned U.S. patent application number 12/770,636 (“the '636 Application”).

36. The '888 Patent issued on January 3, 2012, after full and fair examination by the United States Patent Office.

37. The '888 Patent is valid and enforceable.

38. The term of the '888 Patent extends through August 4, 2020.

39. Claim 1 of the '888 Patent claims:

1. An apparatus, comprising:

a wireless communication module configured to wirelessly receive data from a plurality of peripheral devices, wherein the wireless communication module includes:

a multichannel receiver configured to:

receive data from a first peripheral device using a first channel, wherein the data received from the first peripheral device includes device information and error detection information; and

in response to detecting interference in the first channel, change to using a second channel to receive the data from the first peripheral device;

a signal discriminator configured to verify, using the error detection information, validity of the data received from the first peripheral device, and to determine a sender of the device information;

and a conversion module configured to provide Universal Serial Bus (USB) compatible data based on the received data from the plurality of peripheral devices;

wherein the apparatus is configured to provide the USB compatible data to a computer via a USB connection as

data that includes the device information without including the error detection information.

40. The '114, '901, and '888 Patents are directed to “a USB hub with capability to communicate with a plurality of remote wireless peripheral devices without the need to physically connect the peripheral devices to the hub via a cable connection.”

41. The invention of the '114, '901, and '888 Patents provides the further advantage of a simple hardware design due to the capability of communicating with multiple remote peripheral devices through a single radio-frequency receiver located on the USB hub.

COUNT I – DIRECT PATENT INFRINGEMENT OF THE '114 PATENT

42. Plaintiff realleges and incorporates by reference the allegations set forth above, as if set forth verbatim herein.

43. Defendant has directly infringed at least claims 1, 2, 3, 4, 5, 6, and 9 of the '114 patent in violation of 35 U.S.C. § 271(a) by making, importing, using, selling, or offering for sale in the United States products that embody the patented invention, and Defendant will continue to do so unless enjoined by this court.

44. Defendant's infringing products include, without limitation, its Ultralim Plus Wireless Keyboard & Mouse, and/or Part Numbers 4X30H56796, 0A34032, GX30N81775, GX30N71805, 4X30M39458, and 4X30M3947,1 and

other as-yet-unknown products that similarly satisfy each element of each asserted claim (collectively, “Accused Products”).

45. The Accused Products, including the of the Ultraslim Plus Wireless Keyboard & Mouse, satisfy each and every element of each asserted claim of the ’114 Patent, as detailed in the exemplary preliminary claim chart attached hereto as **Exhibit D**, and incorporated herein by reference, either literally or under the doctrine of equivalents.

46. Defendant’s infringing activities are and have been without authority or license under the ’114 Patent.

47. Defendant has had actual knowledge of the ’114 Patent and Plaintiff’s claims of infringement prior to the filing of this action, at least since receiving pre-suit notice of the ’114 Patent from Plaintiff.

48. Defendant’s infringement of the ’114 Patent has been, and continues to be, willful and deliberate.

49. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant’s infringing acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court, pursuant to 35 U.S.C. § 284.

50. Defendant's past and continuing infringement of the '114 Patent has irreparably harmed, and continues irreparably to harm, Plaintiff.

51. Defendant's infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

COUNT II – INDUCED PATENT INFRINGEMENT OF THE '114 PATENT

52. Plaintiff realleges and incorporates by reference the allegations set forth above, as if set forth verbatim herein.

53. Defendant has actively and intentionally, with prior knowledge of the '114 Patent and Plaintiff's claims of infringement, induced the direct infringement by others of at least claims 1, 2, 3, 4, 5, 6, and 9 of the '114 Patent in violation of 35 U.S.C. § 271(b), in making, importing, using, selling, or offering for sale in the United States Accused Products that embody the patented invention as described in Count I, above.

COUNT III – DIRECT PATENT INFRINGEMENT OF THE '901 PATENT

54. Plaintiff realleges and incorporates by reference the allegations set forth above, as if set forth verbatim herein.

55. Defendant has directly infringed at least claims 8, 9, 10, 11, and 12 of the '901 patent in violation of 35 U.S.C. § 271(a) by making, importing, using,

selling, or offering for sale in the United States products that embody the patented invention, and Defendant will continue to do so unless enjoined by this court.

56. Defendant's infringing products include, without limitation, its Ultralim Plus Wireless Keyboard & Mouse, and/or Part Numbers 4X30H56796, 0A34032, GX30N81775, GX30N71805, 4X30M39458, and 4X30M3947,1 and other as-yet-unknown products that similarly satisfy each element of each asserted claim (collectively, "Accused Products").

57. The Accused Products, including the of the Ultralim Plus Wireless Keyboard & Mouse, satisfy each and every element of each asserted claim of the '901 Patent, as detailed in the exemplary preliminary claim chart attached hereto as **Exhibit E**, and incorporated herein by reference, either literally or under the doctrine of equivalents.

58. Defendant's infringing activities are and have been without authority or license under the '901 Patent.

59. Defendant's infringement of the '901 Patent has been, and continues to be, willful and deliberate.

60. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's infringing acts in an amount subject to proof

at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court, pursuant to 35 U.S.C. § 284.

61. Defendant's past and continuing infringement of the '901 Patent has irreparably harmed, and continues irreparably to harm, Plaintiff.

62. Defendant's infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

COUNT IV – DIRECT PATENT INFRINGEMENT OF THE '888 PATENT

63. Plaintiff realleges and incorporates by reference the allegations set forth above, as if set forth verbatim herein.

64. Defendant has directly infringed at least claim 1 of the '888 patent in violation of 35 U.S.C. § 271(a) by making, importing, using, selling, or offering for sale in the United States products that embody the patented invention, and Defendant will continue to do so unless enjoined by this court.

65. Defendant's infringing products include, without limitation, its Ultralim Plus Wireless Keyboard & Mouse, and/or Part Numbers 4X30H56796, 0A34032, GX30N81775, GX30N71805, 4X30M39458, and 4X30M3947,1 and other as-yet-unknown products that similarly satisfy each element of each asserted claim (collectively, "Accused Products").

66. The Accused Products, including the of the Ultraslim Plus Wireless Keyboard & Mouse, satisfy each and every element of each asserted claim of the '888 Patent, as detailed in the exemplary preliminary claim chart attached hereto as **Exhibit F**, and incorporated herein by reference, either literally or under the doctrine of equivalents.

67. Defendant's infringing activities are and have been without authority or license under the '888 Patent.

68. Defendant's infringement of the '888 Patent has been, and continues to be, willful and deliberate.

69. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's infringing acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court, pursuant to 35 U.S.C. § 284.

70. Defendant's past and continuing infringement of the '888 Patent has irreparably harmed, and continues irreparably to harm, Plaintiff.

71. Defendant's infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

JURY DEMAND

72. Plaintiff hereby demands a trial by jury of all issues so triable pursuant to Fed. R. Civ. P. 38.

PRAYER FOR RELIEF

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

- A. An adjudication that one or more claims of the '114 Patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- B. A permanent injunction pursuant to 35 U.S.C. § 283, enjoining Defendant from further acts of infringement with respect to the claims of the '114 Patent;
- C. An adjudication that one or more claims of the '901 Patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- D. A permanent injunction pursuant to 35 U.S.C. § 283, enjoining Defendant from further acts of infringement with respect to the claims of the '901 Patent;

- E. An adjudication that one or more claims of the '888 Patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- F. A permanent injunction pursuant to 35 U.S.C. § 283, enjoining Defendant from further acts of infringement with respect to the claims of the '888 Patent;
- G. An accounting and an award to Plaintiff of damages adequate to compensate Plaintiff for the Defendant's acts of infringement, together with pre-judgment and post-judgment interest and costs pursuant to 35 U.S.C. § 284;
- H. That Defendant's infringement be found to be willful, and that the Court award enhanced damages pursuant to 35 U.S.C. § 284;
- I. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and expenses in accordance with 35 U.S.C. § 285; and
- J. Any further relief that this Court deems just and proper.

This 8th day of February, 2019.

STAMOULIS & WEINBLATT LLC

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all attorneys of record.

This 8th day of February, 2019.

STAMOULIS & WEINBLATT LLC

/s/ Stamatios Stamoulis

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