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*Attorneys for Plaintiff
Better Mouse Company, LLC.*

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
OF CALIFORNIA**

BETTER MOUSE COMPANY, LLC,

Plaintiff,

v.

ACER AMERICA CORPORATION,

Defendant.

Civil Action No.

ORIGINAL COMPLAINT

JURY TRIAL DEMANDED

1 **COMPLAINT**

2 Plaintiff Better Mouse Company, LLC (“BMC”) files this original complaint against Acer
3 America Corporation, (“Acer” or “Defendant”), alleging, based on its own knowledge as to itself
4 and its own actions, and based on information and belief as to all other matters, as follows:
5

6 **PARTIES**

7 1. BMC is a limited liability company formed under the laws of the State of Texas,
8 with a principal place of business in Tyler, Texas.

9 2. Defendant Acer America Corporation is a company organized and existing under
10 the laws of the state of California with its principal place of business at 1730 North First Street,
11 Suite 400, San Jose, CA 95112. Acer conducts business in and is doing business in California and
12 in this District and elsewhere in the United States, including, without limitation, using, promoting,
13 offering to sell, importing and/or selling Predator Cetus branded gaming mice, which incorporate
14 DPI-on-the-fly that embody the patented technology, and enabling end-user purchasers to use such
15 devices in this District. Acer may be served through its registered agent: C T Corporation System
16 (C0168406), 818 West Seventh Street, Suite 930, Los Angeles, CA 90017.
17
18

19 **JURISDICTION AND VENUE**

20 3. This is an action for infringement of a United States patent arising under 35 U.S.C.
21 §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action
22 under 28 U.S.C. §§ 1331 and 1338(a).

23 4. Venue is proper in this district under 28 U.S.C. §§ 1400(b). Defendant has a place
24 of business within this District and has committed the acts of which are the subject of this
25 complaint.
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1 '200 Patent developed a mouse that includes a button and/or switch on the mouse for adjusting the
2 resolution by hand to generate a resolution value, without using a software driver or tool that is
3 external to the mouse. Among other advantages, this approach allows the user to directly adjust
4 the mouse's resolution quickly and easily, without using a software driver or tool on the connected
5 computer.
6

7 8. BMC is the owner of the '200 Patent with all substantive rights in and to that patent,
8 including the sole and exclusive right to prosecute this action and enforce the '200 patent against
9 infringers, and to collect damages for all relevant times.
10

11 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,532,200**

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

14 10. BMC is the owner of the '200 Patent with all substantive rights in and to that patent,
15 including the sole and exclusive right to prosecute this action and enforce the '200 Patent against
16 infringers, and to collect damages for all relevant times.
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18 11. Acer made, had made, used, imported, provided, supplied, distributed, sold, and/or
19 offered for sale computer mice and other devices ("the accused products"), including, for example,
20 at least the Predator Cetus 330 Gaming Mouse; Predator Cetus 320 Gaming Mouse; and Predator
21 Cetus 310 Gaming Mouse, which infringe one or more claims of the '200 Patent.
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PREDATOR CESTUS 330 GAMING MOUSE - PMW920



Predator Cestus 330

Model Name: Predator Cestus 330 Gaming Mouse - PMW920
Part Number: NP.MCE11.00V

\$ 64.99

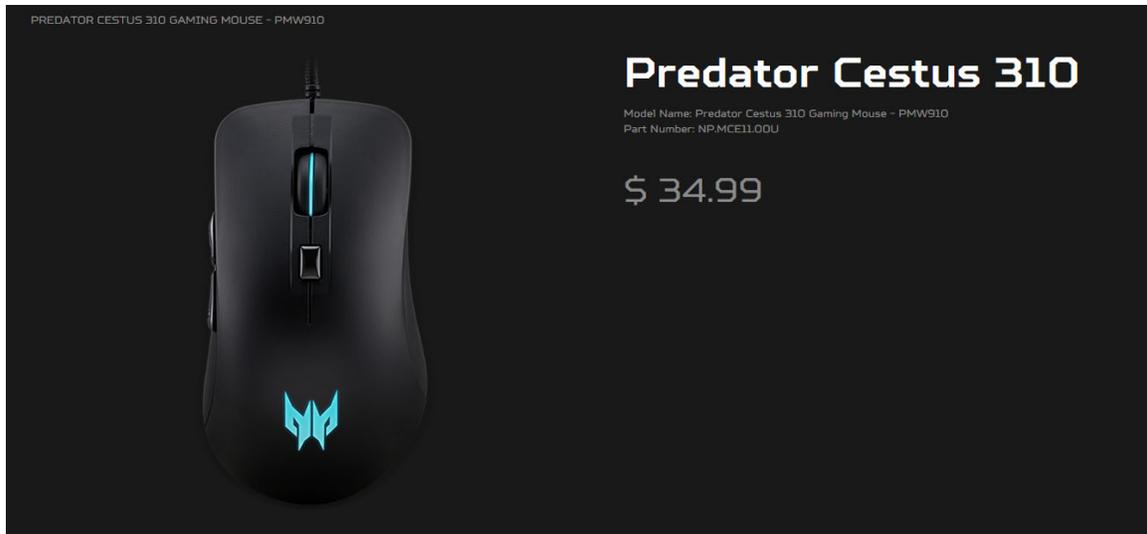
[BUY NOW](#)

TRACKING ACCURACY

Different games call on for different playstyles – which means different settings. Make use of five DPI settings from the Pixart 3335 sensor which will switch at the click of a button.



<https://www.acer.com/ac/en/US/content/predator-model/NP.MCE11.00V>



21 <https://www.acer.com/ac/en/US/content/predator-model/NP.MCE11.00U>

22
23 12. By doing so, Defendant has directly infringed (literally and/or under the doctrine
24 of equivalents) at least Claim 6 of the '200 Patent. Defendant's infringement in this regard is
25 ongoing.

1 13. Defendant has infringed the '200 Patent by making, having made, using, importing,
2 providing, supplying, distributing, selling or offering for sale systems that comprise an apparatus
3 for setting multi-stage displacement resolution of a mouse generated by the mouse in a two-
4 dimensional space.

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

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

Miscellaneous	
Additional Information	Battery / power consumption: NA/53 mA ±15% DPI setting:5 level IPS:400 Onboard Profile Settings:5 Acceleration:40g USB Polling Rate:1ms/1000Hz Color:16.8 millions RGB color Optional weight: N/A Sensor: Pixart 3335 Software: PredatorQuarterMaster
General Information	
Product Name	Cestus 330 Mouse
Product Model	PMW920
Packaged Quantity	1
Package Type	Retail
Product Type	Gaming Mouse

17. 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.

18. BMC has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to BMC in an amount that adequately compensates BMC 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.

19. BMC 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.

PRAYER FOR RELIEF

WHEREFORE, BMC respectfully requests:

A. That Judgment be entered that Defendant has infringed at least one or more claims of the '200 Patent, directly and/or indirectly, literally and/or under the doctrine of equivalents;

B. An award of damages sufficient to compensate BMC Lock for Defendant's infringement under 35 U.S.C. § 284, including an enhancement of damages on account of Defendant's willful infringement;

C. That the case be found exceptional under 35 U.S.C. § 285 and that BMC be awarded its reasonable attorneys' fees;

D. Costs and expenses in this action;

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

F. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, BMC Lock respectfully demands a trial by jury on all issues triable by jury.

Dated: November 9, 2020

INSIGHT, PLC

/s/ Steven W. Ritcheson

STEVEN W. RITCHESON

Attorney for Plaintiff

Better Mouse Company, LLC