

FILED

08 MAR 24 PM 12:39

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY: CP DEPUTY

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10 Attorneys for Plaintiff, DataQuill Limited, a British Virgin Islands Company

11  
12 UNITED STATES DISTRICT COURT  
13 SOUTHERN DISTRICT OF CALIFORNIA

14 DATAQUILL LIMITED,  
15 Plaintiff,

16 v.

17 HIGH TECH COMPUTER CORP.,  
18 Defendant.

Case No. 08 CV 0543 IEG LSP  
COMPLAINT FOR PATENT  
INFRINGEMENT

19  
20 1. This is an action for patent infringement arising under 35 U.S.C. § 271. This Court  
21 has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 (federal question) and 1338(a)  
22 (patent).

23 2. Plaintiff DataQuill Limited is a limited company organized under the laws of the  
24 British Virgin Islands. DataQuill owns an exclusive right, title and interest in United States Patent  
25 No. 6,058,304, entitled "Data Entry System," issued May 2, 2000 in regard to this action; and United  
26 States Patent No. 7,139,591, entitled "Hand Held Telecommunications and Data Entry Device,"  
27 issued November 21, 2006 (collectively referred to herein as "the patents in suit"). DataQuill has  
28 standing herein to sue for infringement of the patents in suit.

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1 11. HTC received letters on behalf of Plaintiff notifying it of the '304 patent and/or '591  
2 patent and of accused products, such letters being dated April 15, 2006, October 16, 2006, and  
3 February 15, 2007.

4 12. On information and belief, after reasonable opportunity for further discovery, the  
5 evidence will likely support that despite having notice of the 304 patent and '591 patent, HTC has  
6 continued its infringement.

7 13. HTC's infringement has caused monetary damage and irreparable injury to DataQuill.  
8 Unless and until HTC's infringement is enjoined by this Court, it will continue to cause monetary  
9 damage and irreparable injury to DataQuill.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff DataQuill respectfully requests that this Court enter  
12 judgment against Defendants, granting the following relief:

13 a. Award damages adequate to fully compensate DataQuill for the infringement that has  
14 occurred, including prejudgment and post-judgment interest;

15 b. Award any applicable enhanced damages as supported by discovery and permitted  
16 pursuant to 35 U.S.C. § 284;

17 c. Award any applicable attorneys' fees and expenses as supported by discovery of this  
18 being an exceptional case pursuant to 35 U.S.C. § 285;

19 d. Permanently enjoin HTC, its direct and indirect subsidiaries, their customers, and all  
20 those acting in concert or participation with them from further acts of infringement; and

21 e. Award such other and further relief as is allowed or just.

22 **JURY DEMAND**

23 DataQuill demands trial by jury on all issues so triable in this action.

24 Dated: March 24, 2008

**RESPECTFULLY SUBMITTED,  
HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP**

25  
26  
27 By: \_\_\_\_\_

  
Gregory S. Markow  
Attorneys for Plaintiff, DataQuill Limited

**UNITED STATES  
DISTRICT COURT**  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION

**# 149041 - KD**

**March 24, 2008  
12:42:18**

**Civ Fil Non-Pris**

USAO #: 08CV0543

Judge.: IRMA E GONZALEZ

Amount.: \$350.00 CK

Check#: BC6329

**Total-> \$350.00**

**FROM: CIVIL FILING  
DATAQUILL LTD. V. HIGH TECH CO**

JS 44 (Rev. 11/04)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

DATAQUILL LIMITED

(b) County of Residence of First Listed Plaintiff British Virgin ISLAND  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Hecht Solberg Robinson Goldberg & Bagley LLP  
600 W. Broadway, 8th Floor

**DEFENDANTS**

HIGH TECH COMPUTER CORP

CLERK, U.S. DISTRICT COURT  
County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED

Attorneys (If Known) **'08 CV U543 IEG LSP**

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
FEDERAL TAX SUITS	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609			

**V. ORIGIN** (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

35 U.S.C. 271

Brief description of cause:  
Patent Infringement

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ \_\_\_\_\_  
CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: 03/24/2008 SIGNATURE OF ATTORNEY OF RECORD: *Joshua J. [Signature]*

FOR OFFICE USE ONLY

RECEIPT # 149041 AMOUNT \$320 APPLYING IFF to 3/24/08 JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

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