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Of Attorneys for Plaintiff, Broadband Graphics, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**BROADBAND GRAPHICS, LLC, a
Washington limited liability company,**

Plaintiff,

vs.

**FXDIRECTDEALER, LLC a Delaware
limited liability company,**

Defendant.

CV 11-153 KI
No. _____

COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiff, Broadband Graphics Holding, LLC ("Broadband Graphics") alleges as follows:

I. NATURE OF LAWSUIT

1. This is a patent infringement lawsuit brought under the patent laws of the United States, 35 U.S.C. §§ 271, 281, 283-285.

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II. THE PARTIES

2. Broadband Graphics is a Washington limited liability company with its principal place of business in Vancouver, Washington.

3. Upon information and belief, Defendant FXDIRECTDEALER, LLC (“FXDD”) is a Delaware limited liability company with its principal business address at 7 World Trade Center, 250 Greenwich Street, 32nd Floor, New York, NY 10007.

III. JURISDICTION AND VENUE

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

5. This Court has personal jurisdiction over FXDD because FXDD maintains an interactive website at www.fxdd.com, conducts interactive business on its website through which it offers and provides its MTXtreme trading platform software and other products and related services, the website maintained by FXDD is accessed by users of the MTXtreme trading platform software who use it in this district, and the sale, offer for sale and use of MTXtreme trading platform software has damaged Broadband Graphics in this district.

6. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), 1391(c), and/or 1400(b).

IV. BACKGROUND

7. Broadband Graphics is the owner of the entire right, title and interest in U.S. Patent No. 7,313,765 (“the ‘765 Patent”), entitled “Cell Based EUI Methods & Apparatuses,” issued December 25, 2007 (attached as Exhibit A). All maintenance fees have been paid.

8. The ‘765 patent is generally directed to automatically shifting or resizing cells nested within a host display container to adjust available space in a cell based end-user interface, known as an “EUI.”

9. Broadband Graphics is the owner of all right, title and interest in U.S. Patent No. 7,539,947 (“the ‘947 Patent”), entitled “Display Container Cell Modification in a Cell Based EUI,” issued May 26, 2009 (attached as Exhibit B). All maintenance fees have been paid.

10. The ‘947 patent is generally directed to automatically shifting or resizing cells nested within a host display container to adjust available space in a cell based end user interface.

11. FXDD provides software products and services to others, including products and services relating to online foreign exchange currency trading, known generally as “forex.”

12. FXDD’s MTXtreme software includes the ability to automatically shift and/or downsize display container cells in a cell-based end user interface.

13. FXDD transacts business and has provided to customers in this district software products, including MTXtreme, that embody the patented inventions of the ‘765 Patent and the ‘947 Patent. FXDD’s software products infringe and/or enable infringement of one or more claims of the ‘765 Patent and one or more claims of the ‘947 Patent.

V. FXDD INFRINGES THE ‘765 PATENT

14. Upon information and belief, FXDD has been and is directly infringing one or more claims of the ‘765 Patent under 35 U.S.C. § 271(a) by making, using, selling and/or offering for sale its MTXtreme software products.

15. The MTXtreme software products infringe one or more claims of Broadband Graphics’ ‘765 Patent, and on information and belief, the use of these products by FXDD’s customers and others directly infringes one or more claims of the ‘765 Patent under 35 U.S.C. § 271(a). FXDD offers to sell and/or sells the MTXtreme product which is a material or apparatus for use in practicing a patented process constituting a material part of the invention of one or more claims of the ‘765 Patent, knowing the same to be especially made or especially adapted for use in an infringement of the ‘765 patent, which is not a staple article or commodity of commerce suitable for substantial noninfringing use. FXDD is thus a contributory infringer of the ‘765 Patent under 35 U.S.C. § 271(c).

16. FXDD's infringement of the '765 Patent has injured and will continue to injure Broadband Graphics unless and until the Court enters an injunction enjoining further infringement of the '765 Patent.

VI. FXDD INFRINGES THE '947 PATENT

17. Upon information and belief, FXDD has been and is directly infringing one or more claims of the '947 Patent under 35 U.S.C. § 271(a) by making, using, selling and/or offering for sale its MTXtreme software products.

18. The MTXtreme software products infringe one or more claims of Broadband Graphics' '947 Patent, and on information and belief, the use of these products by FXDD's customers and others directly infringes one or more claims of the '947 Patent under 35 U.S.C. § 271(a). FXDD offers to sell and/or sells MTXtreme, which is a material or apparatus for use in practicing a patented process constituting a material part of the invention of one or more claims of the '947 Patent, knowing the same to be especially made or especially adapted for use in an infringement of the '947 patent, which is not a staple article or commodity of commerce suitable for substantial noninfringing use. FXDD is thus a contributory infringer of the '947 Patent under 35 U.S.C. § 271(c).

19. FXDD's infringement of the '947 Patent has injured and will continue to injure Broadband Graphics unless and until the Court enters an injunction enjoining further infringement of the '947 Patent.

VII. JURY DEMAND

20. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Broadband Graphics requests a trial by jury of all issues so triable.

VIII. PRAYER FOR RELIEF

WHEREFORE, Broadband Graphics asks this Court to enter judgment against FXDD and against its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with FXDD granting the following relief:

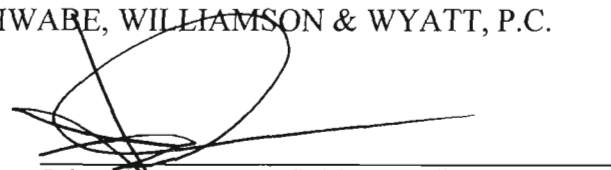
- A. A judgment or order declaring that FXDD has infringed the '765 Patent;
- B. A judgment or order declaring that FXDD has infringed the '947 Patent;
- C. A judgment, order, and award of damages adequate to compensate Broadband Graphics for FXDD's infringement of the '765 Patent, in no event less than a reasonable royalty, together with prejudgment interest from the date infringement of the '765 Patent began;
- D. A judgment, order, or award of damages adequate to compensate Broadband Graphics for FXDD's infringement of the '947 Patent, in no event less than a reasonable royalty, together with prejudgment interest from the date infringement of the '947 Patent began;
- E. A preliminary and/or permanent injunction prohibiting FXDD and its subsidiaries, affiliates, parents, successors, assigns, officers, employees, attorneys, agents, and all other persons acting with FXDD or on its behalf from infringing the '765 Patent;
- F. A preliminary and/or permanent injunction prohibiting FXDD and its subsidiaries, affiliates, parents, successors, assigns, officers, employees, attorneys, agents, and all other persons acting with FXDD or on its behalf from infringing the '947 Patent;
- G. An accounting to determine information relevant to establishing the extent of FXDD's infringement and amount of Broadband Graphic's damages;
- H. An award of costs and attorneys' fees, pursuant to 35 U.S.C. § 285 to the extent the Court finds this case to be exceptional;
- I. An order trebling the damage award under 35 U.S.C. § 284, together with prejudgment interest; and
- J. Such other and further relief as this Court may deem proper and just.

Dated this 7th day of February, 2011

Respectfully submitted,

SCHWABE, WILLIAMSON & WYATT, P.C.

By:



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