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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HARALD RICHTER,)	
)	Case No: 2:10-cv-1352
Plaintiff,)	
)	
vs.)	<u>COMPLAINT</u>
)	(JURY TRIAL DEMANDED)
MIO TECHNOLOGY USA LTD.; MITAC USA,)	
INC.; and MITAC INTERNATIONAL CORP.,)	
)	
Defendants.)	
)	

The plaintiff, HARALD RICHTER, states as his Complaint the following:

JURISDICTION AND VENUE

1. This is an action for injunctive and monetary relief from patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

Accordingly, this Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338.

2. This Court has personal jurisdiction over Defendants. Defendants manufacture, distribute and sell the infringing products and are engaged in business dealings with customers as evidenced by their infringing products being offered for sale at industry trade shows and sold at many retail store locations, including multiple locations in this district.

3. Venue is proper in this district pursuant to 28 U.S.C. §1391 and §1400 in that Defendants are doing business in this district.

Parties

4. Plaintiff HARALD RICHTER is a German citizen having an address at Höhenstrasse 32, 75331 Engelsbrand (DE), Germany (hereinafter "Plaintiff" or "Harald Richter").

5. On information and belief, Mio Technology USA Ltd. and MiTAC USA, Inc. are California corporations both having an address at 47988 Fremont Blvd., Fremont, California 94538.

6. On information and belief, MiTAC International Corp. is a Taiwan corporation having an address at No. 200 Wen Hwa 2nd Rd., Kuei Shan Hsiang, Taoyuan, Taiwan, ROC. Upon information and belief, all of the defendants Mio Technology USA Ltd., MiTAC USA, Inc. and MiTAC International Corp. (hereinafter collectively referred to as

“MiTAC” or “Defendants”) are related in some way or have some common ownership. MiTAC is a regular exhibitor at major industry tradeshows in this district.

Claim for Relief

7. Plaintiff Harald Richter is the president and CEO of Herbert Richter GmbH & Co. KG (hereinafter “Herbert Richter”).

8. Herbert Richter is a manufacturer and distributor of a wide array of automobile accessory products including in the field of electronics accessories. Herbert Richter is an innovator of new accessory products used in the automobile industry. One group of products where Herbert Richter specializes includes mounts and similar devices for supporting electronics products in automobiles.

9. On February 20, 2007, United States Patent No. 7,178,771 (“the ‘771 patent”), entitled “Support Console With Pivotal Support Plate,” was issued to Harald Richter. A Reexamination Certificate was issued with respect to the ‘771 patent on February 2, 2010.

10. Beginning in or about 2004, Herbert Richter has manufactured and sold support consoles in accordance with the construction claimed in the ‘771 patent. These support consoles have been sold in the United States and worldwide.

11. Beginning in approximately April 2007, those support consoles sold in the United States have been sold bearing the marking of the ‘771 patent. These products are currently being offered for sale and sold by Herbert Richter and its affiliated companies worldwide.

12. Beginning in 2007, MiTAC started purchasing support consoles from a supplier, Supa Technology. At least one mount that was purchased from Supa Technology is referred to by Supa as its Model No. GO 700. The GO 700 mount of Supa Technology is an infringement of the '771 patent. It is not yet known whether MiTAC purchased other infringing products from Supa Technology or any other third party manufacturers or themselves had manufactured any infringing mounts.

13. Upon information and belief, MiTAC has been on notice that one or more of its support consoles offered for sale with its Mio products in the United States infringe the '771 patent as a result of communications beginning in the Summer 2007 between Harald Richter and MiTAC.

14. The support console products identified above and that are distributed and sold by the Defendants, including those sold with the Mio C230 GPS, infringe one or more of the claims of the '771 patent. These infringing activities violate 35 U.S.C. §271. Upon information and belief, such infringement has been and continues to be willful.

15. As a consequence of the foregoing infringing activities of the Defendants regarding the '771 patent as complained of herein, Plaintiff has suffered monetary damages in an amount not yet determined, and Plaintiff will continue to suffer such damages in the future unless and until the Defendants' infringing activities are enjoined by this Court.

Requested Relief

WHEREFORE, Plaintiff prays for judgment against the Defendants as follows:

- A. That Defendants be declared to have infringed one or more of the claims of the '771 patent;
- B. That Defendants, their officers, agents, servants, employees, attorneys, parents, subsidiaries, affiliates, successors, and all others in active concert or participation with them or acting in their behalf be permanently enjoined from further infringement of the '771 patent;
- C. That Defendants be ordered to account for and pay to Plaintiff all damages caused to Plaintiff by reason of the Defendants' infringement of the '771 patent pursuant to 35 U.S.C. §284, including any enhanced damages;
- D. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to it by reason of the Defendants' infringement of the '771 patent;
- E. That this be declared an exceptional case pursuant to 35 U.S.C. §285, and that Defendants be ordered to pay Plaintiff's attorneys fees and costs; and
- F. That Plaintiff be granted such other and further relief as this Court may require and that the Court may deem just and proper.

Jury Demand

Plaintiff demands a jury trial on all issues triable to a jury in this matter.

Respectfully submitted,

Date: 8/10/2010

By:  _____

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