

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATA DRIVE THRU, INC.	§	
	§	
Plaintiff	§	
	§	
v.	§	C.A. NO. 2:08-cv-00485-TJW
	§	
RADIOSHACK CORPORATION,	§	
TARGUS, INC., SAMSUNG	§	
ELECTRONICS AMERICA, INC.,	§	JURY TRIAL DEMANDED
ACCO BRANDS CORPORATION	§	
Defendants		

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff, Data Drive Thru, Inc. ("Plaintiff"), files this Original Complaint against Defendants, RadioShack Corporation ("RadioShack"), Targus, Inc. ("Targus"), Samsung Electronics America, Inc. ("Samsung"), and ACCO Brands Corporation (ACCO), and alleges as follows:

THE PARTIES

1. Data Drive Thru, Inc. is a Texas corporation with a principal place of business at 100 Crescent Court, Suite 700, Dallas, Texas 75201.
2. RadioShack, on information and belief, is a corporation organized under the laws of the State of Delaware. RadioShack is doing business in Texas, and, on information and belief, has a principal place of business at 300 RadioShack Circle, Forth Worth, Texas 76102-1964. RadioShack may be served with process by serving its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701-3232.

3. Targus, on information and belief, is a corporation organized under the laws of the State of New York, is doing business in Texas, and, on information and belief, has a principal place of business at 1211 North Miller Street, Anaheim, CA 92806. Targus may be served with process by serving its registered agent, CSC Corporation 1711 W. 6th Street, Austin, TX 78703-4702.
4. Samsung, on information and belief, is a corporation organized under the laws of the State of New York, is doing business in Texas, and, on information and belief, has a principal place of business at 105 Challenger Road, Ridgefield Park, NJ 07660-2101. Samsung may be served with process by serving its registered agent, CT Corporation System, 350 N. St. Paul St., Dallas, Texas 75201-4240.
5. ACCO, on information and belief, is a corporation organized under the laws of the State of Delaware, is doing business in Texas, and, on information and belief, has a principal place of business at 300 Tower Parkway, Lincolnshire, Illinois, 60069. ACCO may be served with process by serving its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701-3232.

JURISDICTION & VENUE

6. This is an action for infringement of at least one United States patent. Accordingly, this action arises under the patent laws of the United States of America, 35 U.S.C. § 1 et. seq., and jurisdiction is properly based on Title 35 United States Code, particularly § 271, and title 28 United States Code, particularly § 1338(a).

7. RadioShack, upon information and belief, transacts business in this judicial district by selling devices as described and claimed in United States Patent No. 7,108,191 (“the ‘191 patent”), the patent at issue in this lawsuit, and by conducting other business in this judicial district.
8. Targus, upon information and belief, transacts business in this judicial district by selling devices as described and claimed in the ‘191 patent, the patent at issue in this lawsuit, and by conducting other business in this judicial district.
9. Samsung, upon information and belief, transacts business in this judicial district by selling devices as described and claimed in the ‘191 patent, the patent at issue in this lawsuit, and by conducting other business in this judicial district.
10. ACCO, upon information and belief, transacts business in this judicial district by selling devices as described and claimed in the ‘191 patent, the patent at issue in this lawsuit, and by conducting other business in this judicial district.
11. Venue is proper in this court under Title 28 U.S.C. §§ 1391(b) and 1400(b).

PATENT INFRINGEMENT COUNT

12. On September 19, 2006, the ‘191 patent, entitled “Intelligent Computer Cabling,” was issued to Paul Andrus and has been assigned to Plaintiff, Data Drive Thru, Inc. A true and correct copy of the ‘191 patent is attached as Exhibit A.
13. Pursuant to 35 U.S.C. § 282, the ‘191 patent is presumed valid.
14. The claims of the ‘191 patent are directed toward a USB device adapted for facilitating the transfer of data between two electronic data processing (“EDP”) devices through the automatic loading and executing of software on each EDP device.

15. On information and belief, RadioShack sells products that infringe at least one of the claims of the '191 patent, including specifically the Gigaware USB Transfer Cable, and any other product or products functioning in accordance with the '191 patent.
16. On information and belief, Targus sells products that infringe at least one of the claims of the '191 patent, including specifically the Targus High Speed File Share Cable, and any other product or products functioning in accordance with the '191 patent.
17. On information and belief, Samsung sells products that infringe at least one of the claims of the '191 patent, including specifically the Samsung USB Data Cable, and any other product or products functioning in accordance with the '191 patent.
18. On information and belief, ACCO sells products that infringe at least one of the claims of the '191 patent, including specifically the Kensington Media Sharing Cable, and any other product or products functioning in accordance with the '191 patent.
19. The infringement alleged above has injured Plaintiff and thus, it is entitled to recover damages adequate to compensate it for the infringement, which in no event can be less than a reasonable royalty.
20. Due to RadioShack's infringement of the '191 patent, Plaintiff is entitled to a reasonable royalty based on RadioShack's revenue from the sale of infringing data transfer devices.
21. Due to Targus' infringement of the '191 patent, Plaintiff is entitled to a reasonable royalty based on Targus' revenue from the sale of infringing data transfer devices.
22. Due to Samsung's infringement of the '191 patent, Plaintiff is entitled to a reasonable royalty based on Samsung's revenue from the sale of infringing data transfer devices.

23. Due to ACCO's infringement of the '191 patent, Plaintiff is entitled to a reasonable royalty based on ACCO's revenue from the sale of infringing data transfer devices.

DEMAND FOR JURY TRIAL

24. Plaintiff hereby demands a jury trial on all claims and issues.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for entry of judgment:

- A. that Defendant, RadioShack, has infringed one or more claims of the '191 patent;
- B. that Defendant, Targus, has infringed one or more claims of the '191 patent;
- C. that Defendant, Samsung, has infringed one or more claims of the '191 patent;
- D. that Defendant, ACCO, has infringed one or more claims of the '191 patent;
- E. that Defendant, RadioShack, account for and pay to Plaintiff all damages caused by the infringement of the '191 patent, which by statute can be no less than a reasonable royalty;
- F. that Defendant, Targus, account for and pay to Plaintiff all damages caused by the infringement of the '191 patent, which by statute can be no less than a reasonable royalty;
- G. that Defendant, Samsung, account for and pay to Plaintiff all damages caused by the infringement of the '191 patent, which by statute can be no less than a reasonable royalty;
- H. that Defendant, ACCO, account for and pay to Plaintiff all damages caused by the infringement of the '191 patent, which by statute can be no less than a reasonable royalty;
- I. that Defendant, RadioShack, its officers, agents, employees, representatives, assigns and those acting in privity or concert with RadioShack be permanently enjoined from further infringement of the '191 patent;

- J. that Defendant, Targus, its officers, agents, employees, representatives, assigns and those acting in privity or concert with Targus be permanently enjoined from further infringement of the '191 patent;
- K. that Defendant, Samsung, its officers, agents, employees, representatives, assigns and those acting in privity or concert with Samsung be permanently enjoined from further infringement of the '191 patent;
- L. that Defendant, ACCO, its officers, agents, employees, representatives, assigns and those acting in privity or concert with ACCO be permanently enjoined from further infringement of the '191 patent;
- M. that Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to him by reason of Defendants' infringement of the '191 patent;
- N. that Plaintiff be granted its attorneys' fees in this action;
- O. that costs be awarded to Plaintiff; and
- P. that Plaintiff be granted such other and further relief as the Court may deem just and proper under the current circumstances.

Respectfully submitted,

Date: December 31, 2008

/s/ Edward W. Goldstein
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