

JURISDICTION AND VENUE

5. This is an action for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 271, *et seq.*

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400(b).

FACTS

8. Plaintiff is a Marshall, Texas-based company that owns U.S. Patent No. 6,979,210 (“the ‘210 patent”). The ‘210 patent is attached as *Exhibit A*.

9. The ‘210 patent relates to memory storage devices that contain retractable USB (universal serial bus) connectors.

10. The ‘210 patent is valid and enforceable.

11. Defendants manufacture, import, sell, and offer for sale products that infringe the ‘210 patent, including but not limited to the 4GB Retractable Flash Drive PA3708U-1M4B.

12. Defendants have engaged in acts of direct infringement in this judicial district.

CAUSE OF ACTION

A. Infringement of the ‘210 Patent

13. Plaintiff incorporates the foregoing paragraphs as if fully set forth here.

14. Defendants have been, and are now, directly infringing the ‘210 patent in the State of Texas, in this judicial district, and elsewhere within the United States by, among other things, selling, offering for sale, or importing products and services covered by one or more claims of the ‘210 patent, all to the injury of Plaintiff.

15. Defendants acts of infringement have been willful, deliberate, and in reckless disregard of Plaintiff's patent rights, and will continue unless permanently enjoined by this Court.

16. Plaintiff has been damaged by Defendants infringement of the '210 patent in an amount to be determined at trial, and has suffered and will continue to suffer irreparable loss and injury unless Defendants are permanently enjoined from infringing the '210 patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Anu IP LLC respectfully prays for the following relief against Defendants Toshiba Corporation and Toshiba America, Inc.

- A. A judgment in favor of Plaintiff that Defendants have infringed the '210 patent;
- B. A permanent injunction, enjoining Defendants, along with its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, and parents from infringing, inducing the infringement of, or contributing to the infringement of the '210 patent;
- C. A judgment and order requiring Defendants to pay Plaintiff damages for its infringement of the '210 patent, together with interest (both pre- and post-judgment), costs and disbursements as fixed by this Court under 35 U.S.C. § 284;
- D. A judgment and order finding Defendants infringement willful and awarding treble the amount of damages and losses sustained by Plaintiff as a result of Defendants infringement under 35 U.S.C. § 284;
- E. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees; and
- F. Such other and further relief in law or in equity to which Plaintiff may be justly entitled.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of any and all issues triable of right before a jury.

Respectfully submitted,

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