

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

**GELLYFISH TECHNOLOGY OF TEXAS,  
LLC**

**Plaintiff,**

**v.**

**SNAPTRACS, INC., and  
QUALCOMM, INC.,**

**Defendants.**

**Case No. 2:12-cv-353**

**JURY TRIAL DEMANDED**

**PLAINTIFF'S ORIGINAL COMPLAINT**

1. Plaintiff GELLYFISH TECHNOLOGY OF TEXAS, LLC ("GFT") files this Original Complaint against the above-named Defendant, alleging as follows:

**NATURE OF THE ACTION**

2. This is a patent infringement action to stop each Defendant's infringement of GFT's United States Patent No. 6,067,018 entitled "Lost Pet Notification System" ("the '018 patent, a copy of which is attached hereto as Exhibit A).

**THE PARTIES**

3. GFT is a Texas Limited Liability Company with its principal place of business at 104 East Houston Street, Suite 165, Marshall, Texas 75670.

4. Upon information and belief, Defendant Snaptracs, Inc. ("Snaptracs") is a California corporation with its principal place of business in San Diego, California.

5. Upon information and belief, Defendant Qualcomm, Inc. ("Qualcomm") is a California corporation with its principal place of business in San Diego, California.

**JURISDICTION AND VENUE**

6. This is an action for patent infringement of arising under 35 U.S.C. §§ 271 *et seq.*, among others. This Court has subject matter jurisdiction of this action under Title 28 U.S.C. §1331 and §1338(a).

7. The Court has general and specific personal jurisdiction over each Defendant, and venue is proper pursuant to 28 U.S.C. §§ 1391 and 1400(b).

8. On information and belief, each Defendant has substantial contacts with the forum as a result of conducting substantial business within the State of Texas and within this District. Upon information and belief, each Defendant regularly solicits business in the State of Texas and in this District, and derives substantial revenue from products and/or services provided to individuals, residing in the State of Texas and in this District. Each Defendant, directly and/or through intermediaries, has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the expectation that they will be purchased by consumers in the Eastern District of Texas. These products have been and continue to be purchased by consumers in the Eastern District of Texas. Each Defendant, directly and/or through intermediaries, has committed the tort of patent infringement within the State of Texas, and, more particularly, within the Eastern District of Texas.

9. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§1391 and 1400(b).

**COUNT I**

**INFRINGEMENT OF U.S. PATENT NO. 6,067,018**

10. GFT refers to and incorporates herein the allegations of Paragraphs 1-8 above.

11. The '018 patent was duly and legally issued by the United States Patent and Trademark Office on May 23, 2000 after full and fair examination. GFT is the assignee of all

rights, title and interest in and to the '018 Patent and possess all substantial right of recovery under the '018 patent, including the right to sue for past infringement.

12. Upon information and belief, each Defendant has infringed and continues to infringe, directly and/or indirectly, by way of inducing and/or contributing to the infringement of the '018 patent by making, using, providing, offering to sell, selling (directly or through intermediaries), and importing in this district and elsewhere in the United States, lost pet notification systems which use or embody the patented invention. For example, and without limitation, the infringing devices include the TAGG pet tracker system.

13. GFT is entitled to recover from Defendant the damages sustained by GFT as a result of each Defendant's wrongful acts in an amount subject to proof at trial.

14. Upon information and belief, each Defendant's infringement of the '018 patent has been willful and deliberate, entitling GFT to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

15. Each Defendant's infringement of GFT's exclusive rights under the '018 patent will continue to damage GFT's business, causing irreparable harm for which there is no adequate remedy at law, unless it is enjoined by this Court.

**JURY DEMAND**

16. GFT demands a trial by jury on all issues.

**PRAYER FOR RELIEF**

Plaintiff respectfully requests this Court to enter judgment in its favor against each Defendant, granting the following relief:

A. An adjudication that each Defendant has infringed and continues to infringe claims of the '018 patent;

- B. An award to GFT of damages adequate to compensate for each Defendant's acts of infringement together with prejudgment interest;
- C. An award to GFT of enhanced damages, up to and including trebling of GFT's damages pursuant to 35 U.S.C. § 284, for each Defendant's willful infringement;
- D. An award of GFT's costs of suit and reasonable attorneys' fees pursuant to 35 U.S.C. §285 due to the exceptional nature of this case, or as otherwise permitted by law;
- E. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining each Defendant from further acts of infringement; and
- F. Any further relief that this Court deems just and proper.

Dated: June 21, 2012

Respectfully Submitted,

**GELLYFISH TECHNOLOGY OF  
TEXAS, LLC**

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