

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

_____	)	
TLC ACQUISITION CORPORATION, LLC,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 3:06CV1976 (MRK)
v.	)	
	)	
BEST BUY STORES, L.P.	)	<b>JURY TRIAL DEMANDED</b>
	)	
Defendant.	)	
_____	)	

**FIRST AMENDED COMPLAINT FOR INFRINGEMENT OF PATENT**

Plaintiff for its complaint against Defendant, alleges as follows:

**The Parties**

1. Plaintiff, TLC Acquisition Corporation LLC, ("TLC") is a Connecticut limited liability company having a principal place of business at 9 Lovell's Lane, Newtown, Connecticut 06470.
2. Upon information and belief, Defendant Best Buy Stores, L.P. ("Best Buy") is a Virginia limited partnership having a principal place of business at 7601 Penn Avenue South, Richfield, Minnesota 55423.

**Jurisdiction**

3. This is a civil action arising under the patent laws of the United States, particularly Title 35 U.S.C. section 1, et seq. This Court has subject matter jurisdiction pursuant to 28 U.S.C. sections 1331 and 1338 (a) in that this Complaint raises federal questions under United States Code, Title 35.

4. Personal jurisdiction over Best Buy is vested in the United States Court for the District of Connecticut in that Defendant transacts business in Connecticut and has sold infringing products in Connecticut.

5. Venue is proper in this district under 28 U.S.C. sections 1391 and 1400.

**Facts Applicable to Causes of Action**

6. Plaintiff TLC is the exclusive licensee of U.S. Patent No. 4,951,425 ("425 Patent"), entitled "Computer and Video Game Cleaning Cartridge", which was duly and legally issued by the United States Patent and Trademark Office on August 28, 1990 in the name of the inventor, Herschel Naghi, and assigned to Mobi Technologies, Inc. ("Mobi"). A copy of the '425 Patent is attached as Exhibit A. TLC is the exclusive licensee to the '425 patent and holds the entire right to bring suit for infringement thereof. Neither Mobi nor Plaintiff TLC assigned any of its title or rights to the '425 Patent to any other party and together retain all rights, title, and interest to the '425 Patent.

7. TLC imports, offers for sale, and sells a line of slot cleaners, which are used to clean electronic contacts in the memory card slots of electronic devices, and which embody the claimed invention of the '425 patent.

8. TLC's slot cleaners sold under the license of the '425 patent are clearly marked with the patent number, e.g. marked with "Patent #4,951,425". Products sold under the patent have been so marked since approximately the issuance of the '425 patent.

9. The '425 patent is valid, subsisting, enforceable, and unrevoked and Plaintiff TLC has the right to sue for and recover and obtain damages and all other available remedies for infringement of the '425 Patent.

10. Defendant has not been given a right, license, or other authorization or consent from Plaintiff to make, use, offer to sell, or otherwise carry out any of the activities alleged herein that constitute infringement of the '425 Patent under 35 U.S.C. § 271.

11. Upon information and belief, Defendant has been infringing and is continuing to infringe the '425 patent by making, using, selling, and/or offering for sale cleaning kits including Best Buy's Dynex All-in-One Cleaning Kit with model number DX-DA101431 ("Cleaning Kit") that infringe or fall within the scope of one or more claims of the '425 Patent. Photographs of Defendant's Cleaning Kit is attached as Exhibit B.

### **Count I - Patent Infringement**

12. Plaintiff repeats the allegations contained in paragraphs 1-11 as if fully set forth herein.

13. Upon information and belief, Defendant has been and still is infringing one or more claims of the '425 patent through their sale of Cleaning Kits.

14. Upon information and belief, Defendant's infringement of the '425 patent has been and continues to be willful.

15. Plaintiff has been damaged by loss of sales and customers by the Defendant's infringement of the '425 patent, and claims all damages, including but not limited to reasonable royalties, to which it is entitled.

16. The acts of Defendant complained of herein are continuing in nature and will continue unless and until enjoined and restrained by the Court. Moreover, TLC has suffered and will continue to suffer irreparable harm, damage, and injury by reason of the complained of acts for which TLC has no adequate remedy at law.

17. Plaintiff has been damaged by loss of sales and customers by Defendant's infringement of the '425 Patent including, but not limited to, all lost profits and/or reasonable royalties, to which they are entitled.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays for judgment as follows:

A. That a permanent injunction be entered against the Defendant, its officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with the Defendant who receive actual notice of the injunction by personal service or otherwise, from any further infringement of the '425 patent pursuant to 35 U.S.C. § 283;

B. That Plaintiff be awarded its damages, suffered by reason of the infringements by Defendant, together with prejudgment interest;

C. That the damages awarded to Plaintiff be trebled pursuant to 35 U.S.C. § 284 due to the willful acts of infringement complained of herein;

D. That this be declared an exceptional case pursuant to 35 U.S.C. § 285;

E. That Plaintiff be awarded its attorneys fees and costs; and

F. That Plaintiff be awarded any other and further relief that this Court may deem just and proper.

Respectfully submitted,

Date: Feb. 7, 2007



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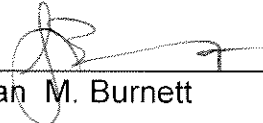
**CERTIFICATE OF SERVICE**

I hereby certify that true copies of the foregoing First Amended Complaint and Exhibits A and B thereto were served by first class mail, postage prepaid, upon the following:

Emmett McMahon  
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Attorneys for Defendants

Date: February 7, 2007

  
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Joan M. Burnett