

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

REC SOFTWARE USA, INC., a Virginia
corporation,

Plaintiff,

v.

LG ELECTRONICS U.S.A., INC., a
Delaware corporation; LG ELECTRONICS
MOBILE RESEARCH U.S.A., L.L.C., a
California limited liability company; and LG
ELECTRONICS MOBILECOMM U.S.A.,
INC., a California corporation,

Defendants.

Case No. 2:14-cv-01053

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiff REC Software USA, Inc. (“REC” or “Plaintiff”), for its complaint against
defendants LG Electronics U.S.A., Inc., LG Electronics Mobile Research U.S.A., L.L.C., and LG
Electronics MobileComm U.S.A., Inc. (collectively, “Defendants”), alleges as follows:

NATURE OF THE ACTION

1. This is an action for infringement of U.S. Patent No. 5,854,936 (the “ ‘936
Patent”), a true and correct copy of which is attached hereto as Exhibit A. Plaintiff undertakes
this action pursuant to the patent laws of the United States, 35 U.S.C. §§ 271 and 281, and seeks
damages resulting from Defendants’ unauthorized manufacture, use, sale, offers to sell, and/or
importation into the United States of products, methods, processes, services, and/or systems that

1 infringe one or more claims of the '936 Patent.

2 **PARTIES**

3 2. Plaintiff REC is a corporation organized and existing under the laws of the
4 Commonwealth of Virginia, with its principal place of business located in Arlington, Virginia.

5 3. Defendant LG Electronics U.S.A., Inc. ("LGUSA") is a corporation organized
6 and existing under the laws of the state of Delaware, with its principal place of business located
7 at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. LGUSA conducts business in the
8 state of Washington and has a registered agent for service of process, Corporation Service
9 Company, located in Tumwater, Washington. LGUSA has made, used, sold, offered for sale,
10 and/or imported into the United States certain products that infringe one or more claims of the
11 '936 Patent.

12 4. Defendant LG Electronics Mobile Research U.S.A., L.L.C. ("LGEMR") is a
13 limited liability company organized and existing under the laws of the state of California, with its
14 principal place of business located at 10225 Willow Creek Road, San Diego, California 92131.
15 LGEMR conducts business in the state of Washington and has a registered agent for service of
16 process, National Registered Agents, Inc., located in Olympia, Washington. LGEMR has made,
17 used, sold, offered for sale, and/or imported into the United States certain products that infringe
18 one or more claims of the '936 Patent.

19 5. Defendant LG Electronics MobileComm U.S.A., Inc. ("LGEMC") is a
20 corporation organized and existing under the laws of the state of California, with its principal
21 place of business located at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey 07632.
22 LGEMC conducts business in the state of Washington and has an office located in Bellevue,
23 Washington. LGEMC has made, used, sold, offered for sale, and/or imported into the United
24 States certain products that infringe one or more claims of the '936 Patent.

25 **JURISDICTION AND VENUE**

26 6. This action arises under the patent laws of the United States, Title 35 of the

1 United States Code, 35 U.S.C. §§ 271 and 281. This Court has original subject matter
2 jurisdiction over this patent infringement action under 28 U.S.C. §§ 1331 and 1338(a).

3 7. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b). Defendants
4 have transacted business in this district, have committed acts of patent infringement in this
5 district, and have placed their infringing products and services into the stream of commerce
6 throughout the United States with the expectation that they will be used by consumers in this
7 judicial district.

8 8. Defendants are subject to personal jurisdiction in the state of Washington and this
9 judicial district and are doing business in this judicial district.

10 **COUNT I**

11 **INFRINGEMENT OF THE '936 PATENT**

12 9. Plaintiff repeats and realleges the allegations of paragraphs 1 through 8 as if fully
13 set forth herein.

14 10. On December 29, 1998, the U.S. Patent and Trademark Office duly and lawfully
15 issued the '936 Patent.

16 11. Plaintiff is the exclusive licensee of the '936 Patent and the invention described
17 and claimed therein, with all substantial rights with respect thereto. Plaintiff has the legal right
18 to enforce the '936 Patent, including the right to pursue an action for infringement of the '936
19 Patent and the right to seek damages, equitable relief, and any other remedies for, or with respect
20 to, any infringement of the '936 Patent.

21 12. Without license or authorization and in violation of 35 U.S.C. § 271(a),
22 Defendants have infringed the '936 Patent by making, using, selling, offering for sale, and/or
23 importing methods and/or products forming an association in the manner claimed by the '936
24 Patent, including, but not limited to, the LG Optimus (T-Mobile) mobile phone.

25 13. Pursuant to 35 U.S.C. § 284, Plaintiff is entitled to recover damages from
26 Defendants to compensate Plaintiff for Defendants' infringement.

JURY DEMAND

Plaintiff demands a trial by jury of all matters to which it is entitled to trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court enter judgment against Defendants as follows:

A. An adjudication that that Defendants have infringed the '936 patent;

B. As provided under 35 U.S.C. § 284, an award of damages to be paid by Defendants to Plaintiff adequate to compensate Plaintiff for Defendants' infringement of the '936 Patent, including pre- and post-judgment interest, costs, expenses, and an order for an accounting of all infringing acts; and

C. An award to Plaintiff of such further relief at law or in equity as the Court deems just and proper.

DATED this ____ day of July, 2014.

STOLL STOLL BERNE LOKTING & SHLACHTER P.C.

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