

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

REC SOFTWARE USA, INC., a Virginia
corporation,

Plaintiff,

v.

MOTOROLA MOBILITY, LLC, a Delaware
limited liability company,

Defendant.

Case No. 2:14-cv-01056

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiff REC Software USA, Inc. (“REC” or “Plaintiff”), for its complaint against
defendant Motorola Mobility, LLC, (“MMLLC” or “Defendant”), 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 Defendant’s unauthorized manufacture, use, sale, offers to sell, and/or
importation into the United States of products, methods, processes, services, and/or systems that
infringe one or more claims of the ‘936 Patent.

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PARTIES

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

3. Defendant MMLLC is a limited liability company organized and existing under the laws of the state of Delaware, with its principal place of business located at 600 North U.S. Highway 45, Libertyville, Illinois 60048. MMLLC conducts business in the state of Washington and has a registered agent for service of process, CT Corporation System, located in Olympia, Washington. MMLLC has made, used, sold, offered for sale, and/or imported into the United States certain products that infringe one or more claims of the '936 Patent.

JURISDICTION AND VENUE

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

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

6. Defendant is subject to personal jurisdiction in the state of Washington and this judicial district and is doing business in this judicial district.

COUNT I

INFRINGEMENT OF THE '936 PATENT

7. Plaintiff repeats and realleges the allegations of paragraphs 1 through 6 as if fully set forth herein.

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

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1 9. Plaintiff is the exclusive licensee of the '936 Patent and the invention described
2 and claimed therein, with all substantial rights with respect thereto. Plaintiff has the legal right
3 to enforce the '936 Patent, including the right to pursue an action for infringement of the '936
4 Patent and the right to seek damages, equitable relief, and any other remedies for, or with respect
5 to, any infringement of the '936 Patent.

6 10. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant
7 has infringed the '936 Patent by making, using, selling, offering for sale, and/or importing
8 methods and/or products forming an association in the manner claimed by the '936 Patent,
9 including, but not limited to, the Motorola Charm (T-Mobile) mobile phone.

10 11. Pursuant to 35 U.S.C. § 284, Plaintiff is entitled to recover damages from
11 Defendant to compensate Plaintiff for Defendant's infringement.

12 **JURY DEMAND**

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

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff requests that this Court enter judgment against Defendant as
16 follows:

17 A. An adjudication that that Defendant has infringed the '936 patent;

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

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

3 DATED this 11th day of July, 2014.

4 STOLL STOLL BERNE LOKTING & SHLACHTER P.C.

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