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

9 REC SOFTWARE USA, INC., a Virginia
10 corporation,

11 Plaintiff,

12 v.

13 SONY MOBILE COMMUNICATIONS
(USA) INC., a Delaware corporation,

14 Defendant.

Case No. 2:14-cv-01060

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

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16 Plaintiff REC Software USA, Inc. (“REC” or “Plaintiff”), for its complaint against
17 defendant Sony Mobile Communications (USA) Inc., (“SMC” or “Defendant”), alleges as
18 follows:

19 **NATURE OF THE ACTION**

20 1. This is an action for infringement of U.S. Patent No. 5,854,936 (the “ ‘936
21 Patent”), a true and correct copy of which is attached hereto as Exhibit A. Plaintiff undertakes
22 this action pursuant to the patent laws of the United States, 35 U.S.C. §§ 271 and 281, and seeks
23 damages resulting from Defendant’s unauthorized manufacture, use, sale, offers to sell, and/or
24 importation into the United States of products, methods, processes, services, and/or systems that
25 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 SMC is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 3333 Piedmont Road, Suite 600, Atlanta, Georgia 30305. SMC conducts business in the state of Washington and has a registered agent for service of process, Capitol Corporate Services, Inc., located in Tumwater, Washington. SMC 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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9. Plaintiff is the exclusive licensee of the '936 Patent and the invention described and claimed therein, with all substantial rights with respect thereto. Plaintiff has the legal right to enforce the '936 Patent, including the right to pursue an action for infringement of the '936 Patent and the right to seek damages, equitable relief, and any other remedies for, or with respect to, any infringement of the '936 Patent.

10. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed the ‘936 Patent by making, using, selling, offering for sale, and/or importing methods and/or products forming an association in the manner claimed by the ‘936 Patent, including, but not limited to, the Sony Ericsson Xperia PLAY 4G (AT&T) mobile phone.

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

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

B. As provided under 35 U.S.C. § 284, an award of damages to be paid by Defendant to Plaintiff adequate to compensate Plaintiff for Defendant's infringement of the '936 Patent, including pre- and post-judgment interest, costs, expenses, and an order for an accounting of all 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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6 By: s/Timothy S. DeJong

Timothy S. DeJong, WSBA No. 20941

209 SW Oak Street, Suite 500

Portland, OR 97204

Telephone: (503) 227-1600

Facsimile: (503) 227-6840

Email: tdejong@stollberne.com

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10 **Attorneys for Plaintiff REC Software USA, Inc.**

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12 *Of Counsel*

Kevin L. Russell

13 Email: kevin@chernofflaw.com

CHERNOFF VILHAUER MCCLUNG

14 AND STENZEL LLP

601 SW 2nd Ave., Suite 1600

15 Portland, OR 97204

Telephone: (503) 227-5631

16 Facsimile: (503) 228-4373