

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

REC SOFTWARE USA, INC., a Virginia
corporation,

Plaintiff,

v.

ZTE (USA) INC., a New Jersey corporation,

Defendant.

Case No. 2:14-cv-01062

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiff REC Software USA, Inc. ("REC" or "Plaintiff"), for its complaint against
defendant ZTE (USA) Inc., ("ZTE" 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 ZTE is a corporation organized and existing under the laws of the state of New Jersey, with its principal place of business located at 2425 N. Central Expressway, Suite 323, Richardson, Texas 75080. ZTE conducts business in the state of Washington and has a registered agent for service of process, Incorp Services Inc., located in Seattle, Washington. ZTE 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 ZTE Warp (Boost Mobile) 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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