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20 V-DOT TECHNOLOGIES LLC

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

V-DOT TECHNOLOGIES LLC,

Plaintiff,

vs.

ACER, INC., ACER AMERICA CORP.,
ACER AMERICAN HOLDING CORP.,
GATEWAY, INC., AND HEWLETT-
PACKARD CO.,

Defendants.

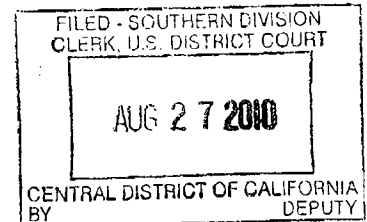
Case No. CV10-6436 CAS(CWX)

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Discovery Cutoff: None Set
Motion Cutoff: None Set
Trial Date: None Set

COPY



COMPLAINT

Plaintiff V-DOT Technologies LLC (“V-DOT” or “Plaintiff”), brings this action against Defendants Acer, Inc., Acer America Corp., Acer American Holding Corporation, Gateway, Inc., and Hewlett-Packard Co. (collectively, “Defendants”), and for its causes of action alleges:

THE PARTIES

1. V-DOT is a limited liability company organized and existing under the laws of the State of Texas with its principal place of business at 100 E. Ferguson, Suite 602B, Tyler, Texas 75702.

2. Upon information and belief, Acer Incorporation is a company organized and existing under the laws of Taiwan with a principal place of business at 8F, 88, Sec.1, Hsin Tai Wu Rd., Hsichih, Taipei 221, Taiwan, R.O.C.

3. Upon information and belief, Acer America Corporation is a company organized and existing under the laws of the State of California with a principal place of business at 333 West San Carlos St., Ste. 1500, San Jose, CA 95110.

4. Upon information and belief, Acer America Holding Corporation (collectively, Acer Corporation, Acer America Corporation, and Acer America Holding Corporation shall be referred to as the “Acer Defendants”) is a company organized and existing under the laws of the State of California with a principal place of business at 333 West San Carlos St., Ste. 1500, San Jose, CA 95110.

5. Upon information and belief, Gateway, Incorporated (“Gateway”) is a company organized and existing under the laws of the State of Delaware with a principal place of business at 7565 Irvine Center Drive, Irvine, CA, 92618.

6. Upon information and belief, Hewlett-Packard Company, (“Hewlett-Packard”) is a company organized and existing under the laws of the State of Delaware with a principal place of business at 3000 Hanover St., Palo Alto, CA 94304.

JURISDICTION

7. This is an action for infringement of several United States patents. This

1 Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a)
2 because such an action arises under the patent laws of the United States, Title 35,
3 United States Code, including 35 U.S.C. § 271 et seq. Upon information and belief, the
4 Court has personal jurisdiction over the Defendants in that each Defendant has
5 established minimum contacts with the forum. The exercise of jurisdiction over said
6 Defendants would not offend traditional notions of fair play and substantial justice.

7 VENUE

8 8. Venue is proper in this district pursuant to 28 U.S.C. §§ 1331, 1338(a),
9 1391(b), 1391(c), 1391(d) and 1400(b). Upon information and belief, each Defendant
10 has transacted business in this district or has committed, contributed to, and/or induced
11 others to commit acts of patent infringement in this district.

12 INFRINGEMENT OF U.S. PATENT NO. 5,970,100

13 9. On October 19, 1999, United States Patent No. 5,970,100 ("the '100
14 patent"), which is entitled "System for controlling and shaping the spectrum and
15 redundancy of signal-point limited transmission," was duly and legally issued.

16 10. Plaintiff V-DOT is the current owner of the '100 patent and has the
17 exclusive right to enforce the '100 patent against Defendants.

18 11. Upon information and belief, Defendants have infringed and continue to
19 infringe the '100 patent. The infringing acts include at least the manufacture, use, sale,
20 and/or offer for sale of computer products, and inducing and contributing to the
21 infringement of the '100 patent by others. Defendants have also been given notice of
22 their respective infringement of the '100 patent prior to the filing of this Complaint.
23 Defendants are therefore liable for infringement of the '100 patent pursuant to 35
24 U.S.C. § 271.

25 12. By way of example, the Acer Defendants infringe the '100 patent through
26 the sale of and with respect to the Aspire 5735 model computer. The Acer Defendants
27 sell other products which infringe the '100 patent, and those products will be
28 specifically identified in discovery.

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1 13. By way of example, Defendant Gateway infringes the '100 patent through
2 the sale of and with respect to the M-153XL computer. Defendant Gateway sells other
3 products which infringe the '100 patent, and those products will be specifically
4 identified in discovery. Upon information and belief, one or more of the Acer
5 Defendants acquired Defendant Gateway in 2007 and is also liable for the infringing
6 conduct of Defendant Gateway.

7 14. By way of example, Defendant Hewlett-Packard infringes the '100 patent
8 through the sale of and with respect to the Pavilion dv4 computer. Defendant Hewlett-
9 Packard sells other products which infringe the '100 patent, and those products will be
10 specifically identified in discovery.

11 15. Defendants' acts of infringement of the '100 patent have caused damage to
12 V-DOT, and V-DOT is entitled to recovery from Defendants the damages sustained by
13 V-DOT as a result of Defendants' wrongful acts in an amount subject to proof at trial.

14 16. Upon information and belief, Defendants' infringement of the '100 patent
15 is willful and deliberate, entitling V-DOT to increased damages under 35 U.S.C. § 284
16 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C.
17 § 285.

18 **INFRINGEMENT OF U.S. PATENT NO. 6,332,009**

19 17. On December 28, 2001, United States Patent No. 6,332,009 ("the '009
20 patent"), which is entitled "Method and apparatus for generating a line impairment
21 learning signal for a data communication system," was duly and legally issued.

22 18. Plaintiff V-DOT is the current owner of the '009 patent and has the
23 exclusive right to enforce the '009 patent against Defendants.

24 19. Upon information and belief, Defendants have infringed and continue to
25 infringe the '009 patent. The infringing acts include at least the manufacture, use, sale,
26 and/or offer for sale of computer products, and inducing and contributing to the
27 infringement of the '009 patent by others. Defendants have also been given notice of
28 their respective infringement of the '009 patent prior to the filing of this Complaint.

1 Defendants are therefore liable for infringement of the '009 patent pursuant to 35
2 U.S.C. § 271.

3 20. By way of example, the Acer Defendants infringe the '009 patent through
4 the sale of and with respect to the Aspire 5735 model computer. The Acer Defendants
5 sell other products which infringe the '009 patent, and those products will be
6 specifically identified in discovery.

7 21. By way of example, Defendant Gateway infringes the '009 patent through
8 the sale of and with respect to the M-153XL computer. Defendant Gateway sells other
9 products which infringe the '009 patent, and those products will be specifically
10 identified in discovery. Upon information and belief, one or more of the Acer
11 Defendants acquired Defendant Gateway in 2007 and is also liable for the infringing
12 conduct of Defendant Gateway.

13 22. By way of example, Defendant Hewlett-Packard infringes the '009 patent
14 through the sale of and with respect to the Pavilion dv4 computer. Defendant Hewlett-
15 Packard sells other products which infringe the '009 patent, and those products will be
16 specifically identified in discovery.

17 23. Defendants' acts of infringement of the '009 patent have caused damage to
18 V-DOT, and V-DOT is entitled to recovery from Defendants the damages sustained by
19 V-DOT as a result of Defendants' wrongful acts in an amount subject to proof at trial.

20 24. Upon information and belief, Defendants' infringement of the '009 patent
21 is willful and deliberate, entitling V-DOT to increased damages under 35 U.S.C. § 284
22 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C.
23 § 285.

24 **INFRINGEMENT OF U.S. PATENT NO. 6,504,886**

25 25. On January 7, 2003, United States Patent No. 6,504,886 ("the '886
26 patent"), which is entitled "Communication of an impairment learning sequence
27 according to an impairment learning sequence descriptor," was duly and legally issued.

28 26. Plaintiff V-DOT is the current owner of the '886 patent and has the

1 exclusive right to enforce the '886 patent against Defendants.

2 27. Upon information and belief, Defendants have infringed and continue to
3 infringe the '886 patent. The infringing acts include at least the manufacture, use, sale,
4 and/or offer for sale of computer products, and inducing and contributing to the
5 infringement of the '886 patent by others. Defendants have also been given notice of
6 their respective infringement of the '886 patent prior to the filing of this Complaint.
7 Defendants are therefore liable for infringement of the '886 patent pursuant to 35
8 U.S.C. § 271.

9 28. By way of example, the Acer Defendants infringe the '886 patent through
10 the sale of and with respect to the Aspire 5735 model computer. The Acer Defendants
11 sell other products which infringe the '886 patent, and those products will be
12 specifically identified in discovery.

13 29. By way of example, Defendant Gateway infringes the '886 patent through
14 the sale of and with respect to the M-153XL computer. Defendant Gateway sells other
15 products which infringe the '886 patent, and those products will be specifically
16 identified in discovery. Upon information and belief, one or more of the Acer
17 Defendants acquired Defendant Gateway in 2007 and is also liable for the infringing
18 conduct of Defendant Gateway.

19 30. By way of example, Defendant Hewlett-Packard infringes the '886 patent
20 through the sale of and with respect to the Pavilion dv4 computer. Defendant Hewlett-
21 Packard sells other products which infringe the '886 patent, and those products will be
22 specifically identified in discovery.

23 31. Defendants' acts of infringement of the '886 patent have caused damage to
24 V-DOT, and V-DOT is entitled to recovery from Defendants the damages sustained by
25 V-DOT as a result of Defendants' wrongful acts in an amount subject to proof at trial.

26 32. Upon information and belief, Defendants' infringement of the '886 patent
27 is willful and deliberate, entitling V-DOT to increased damages under 35 U.S.C. § 284
28 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C.

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1 § 285.

2 **INFRINGEMENT OF U.S. PATENT NO. 6,163,570**

3 33. On December 19, 2000, United States Patent No. 6,163,570 (“the ‘570
4 patent”), which is entitled “Methods and apparatus for verifying transmit power levels
5 in a signal point limited transmission system,” was duly and legally issued.

6 34. Plaintiff V-DOT is the current owner of the ‘570 patent and has the
7 exclusive right to enforce the ‘570 patent against Defendants.

8 35. Upon information and belief, Defendants have infringed and continue to
9 infringe the ‘570 patent. The infringing acts include at least the manufacture, use, sale,
10 and/or offer for sale of computer products, and inducing and contributing to the
11 infringement of the ‘570 patent by others. Defendants have also been given notice of
12 their respective infringement of the ‘570 patent prior to the filing of this Complaint.
13 Defendants are therefore liable for infringement of the ‘570 patent pursuant to 35
14 U.S.C. § 271.

15 36. By way of example, the Acer Defendants infringe the ‘570 patent through
16 the sale of and with respect to the Aspire 5735 model computer. The Acer Defendants
17 sell other products which infringe the ‘570 patent, and those products will be
18 specifically identified in discovery.

19 37. By way of example, Defendant Gateway infringes the ‘570 patent through
20 the sale of and with respect to the M-153XL computer. Defendant Gateway sells other
21 products which infringe the ‘570 patent, and those products will be specifically
22 identified in discovery. Upon information and belief, one or more of the Acer
23 Defendants acquired Defendant Gateway in 2007 and is also liable for the infringing
24 conduct of Defendant Gateway.

25 38. By way of example, Defendant Hewlett-Packard infringes the ‘570 patent
26 through the sale of and with respect to the Pavilion dv4 model computer. Defendant
27 Hewlett-Packard sells other products which infringe the ‘570 patent, and those products
28 will be specifically identified in discovery.

39. Defendants' acts of infringement of the '570 patent have caused damage to V-DOT, and V-DOT is entitled to recovery from Defendants the damages sustained by V-DOT as a result of Defendants' wrongful acts in an amount subject to proof at trial.

40. Upon information and belief, Defendants' infringement of the '570 patent is willful and deliberate, entitling V-DOT to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

INFRINGEMENT OF U.S. PATENT NO. 6,570,932

41. On May 27, 2003, United States Patent No. 6,570,932 ("the '932 patent"), which is entitled "Calculation and verification of transmit power levels in a signal point transmission system," was duly and legally issued.

42. Plaintiff V-DOT is the current owner of the '932 patent and has the exclusive right to enforce the '932 patent against Defendants.

43. Upon information and belief, Defendants have infringed and continue to infringe the '932 patent. The infringing acts include at least the manufacture, use, sale, and/or offer for sale of computer products, and inducing and contributing to the infringement of the '932 patent by others. Defendants have also been given notice of their respective infringement of the '932 patent prior to the filing of this Complaint. Defendants are therefore liable for infringement of the '932 patent pursuant to 35 U.S.C. § 271.

44. By way of example, the Acer Defendants infringe the '932 patent through the sale of and with respect to the Aspire 5735 model computer. The Acer Defendants sell other products which infringe the '932 patent, and those products will be specifically identified in discovery.

45. By way of example, Defendant Gateway infringes the '932 patent through the sale of and with respect to the M-153XL computer. Defendant Gateway sells other products which infringe the '932 patent, and those products will be specifically identified in discovery. Upon information and belief, one or more of the Acer

1 Defendants acquired Defendant Gateway in 2007 and is also liable for the infringing
2 conduct of Defendant Gateway.

3 46. By way of example, Defendant Hewlett-Packard infringes the '932 patent
4 through the sale of and with respect to the Pavilion dv4 computer. Defendant Hewlett-
5 Packard sells other products which infringe the '932 patent, and those products will be
6 specifically identified in discovery.

7 47. Defendants' acts of infringement of the '932 patent have caused damage to
8 V-DOT, and V-DOT is entitled to recovery from Defendants the damages sustained by
9 V-DOT as a result of Defendants' wrongful acts in an amount subject to proof at trial.

10 48. Upon information and belief, Defendants' infringement of the '932 patent
11 is willful and deliberate, entitling V-DOT to increased damages under 35 U.S.C. § 284
12 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C.
13 § 285.

14 **INFRINGEMENT OF U.S. PATENT NO. 7,062,022**

15 49. On June 13, 2006, United States Patent No. 7,062,022 ("the '022' patent"),
16 which entitled "Method and apparatus for fast V.90 modem startup" was duly and
17 legally issued.

18 50. Plaintiff V-DOT is the current owner of the '022 patent and has the
19 exclusive right to enforce the '022 patent against Defendants.

20 51. Upon information and belief, Defendants have infringed and continue to
21 infringe the '022 patent. The infringing acts include at least the manufacture, use, sale,
22 and/or offer for sale of computer products, and inducing and contributing to the
23 infringement of the '022 patent by others. Defendants have also been given notice of
24 their respective infringement of the '022 patent prior to the filing of this Complaint.
25 Defendants are therefore liable for infringement of the '022 patent pursuant to 35
26 U.S.C. § 271.

27 52. By way of example, the Acer Defendants infringe the '022 patent through
28 the sale of and with respect to the Aspire 5735 model computer. The Acer Defendants

1 sell other products which infringe the '022 patent, and those products will be
2 specifically identified in discovery.

3 53. By way of example, Defendant Gateway infringes the '022 patent through
4 the sale of and with respect to the M-153XL computer. Defendant Gateway sells other
5 products which infringe the '022 patent, and those products will be specifically
6 identified in discovery. Upon information and belief, one or more of the Acer
7 Defendants acquired Defendant Gateway in 2007 and is also liable for the infringing
8 conduct of Defendant Gateway.

9 54. By way of example, Defendant Hewlett-Packard infringes the '022 patent
10 through the sale of and with respect to the Pavilion dv4 computer. Defendant Hewlett-
11 Packard sells other products which infringe the '022 patent, and those products will be
12 specifically identified in discovery.

13 55. Defendants' acts of infringement of the '022 patent have caused damage to
14 V-DOT, and V-DOT is entitled to recovery from Defendants the damages sustained by
15 V-DOT as a result of Defendants' wrongful acts in an amount subject to proof at trial.

16 56. Upon information and belief, Defendants' infringement of the '022 patent
17 is willful and deliberate, entitling V-DOT to increased damages under 35 U.S.C. § 284
18 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C.
19 § 285.

20 **IRREPARABLE HARM TO PLAINTIFF**

21 57. V-DOT has been irreparably harmed by Defendants' infringement of its
22 valuable patent rights. Moreover, Defendants' unauthorized, infringing use of systems
23 and methods covered by the asserted patents has threatened the value of this intellectual
24 property because Defendants' conduct results in V-DOT's loss of its lawful patent
25 rights to exclude others from making, using, selling, offering to sell and/or importing
26 the patented inventions.

27 58. Defendants' disregard for V-DOT's property rights similarly threatens V-
28 DOT's relationships with the actual and potential licensees of this intellectual property.

1 Defendants will derive a competitive advantage over any of V-DOT's current or future
2 licensees from using V-DOT's patented technology without paying compensation for
3 such use. Accordingly, unless and until Defendants' continued acts of infringement are
4 enjoined, V-DOT will suffer further irreparable harm for which there is no adequate
5 remedy at law.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, V-DOT prays for judgment against Defendants, granting
8 V-DOT the following relief:

9 A. For judgment that Defendants have infringed and/or continue to infringe
10 the '100 Patent, the '009 Patent, the '886 Patent, the '570 Patent, the '932 Patent, and
11 the '022 Patent;

12 B. That this Court permanently enjoin the aforesaid acts of infringement by
13 Defendants, their officers, agents, servants, employees, subsidiaries, successors,
14 assigns, and attorneys, and those persons acting in concert or participation with the
15 Defendants, including related individuals and entities, customers, representatives,
16 OEMs, dealers, distributors, and importers;

17 C. That this Court order an accounting to determine the damages to be
18 awarded to Plaintiff as a result of Defendants' infringement;

19 D. That this Court enter an award to Plaintiff of such damages as it shall
20 prove at trial against Defendants that are adequate to compensate Plaintiff for said
21 infringement, said damages to be no less than a reasonable royalty together with interest
22 and costs;

23 E. That this Court enter an award to Plaintiff for enhanced damages pursuant
24 to 35 U.S.C. § 284;

25 F. That this Court assess pre-judgment and post-judgment interest and costs
26 against Defendants, together with an award of such interest and costs;

27 G. That this Court declare this case to be exceptional and direct Defendants to
28 pay Plaintiff's attorneys' fees incurred in connection with this lawsuit pursuant to 35

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1 U.S.C. § 285 or as otherwise permitted by law; and

2 H. Grant to Plaintiff such other, further, and different relief as may be just and
3 proper.

4
5 DATED: August 27, 2010

THEODORA ORINGHER MILLER & RICHMAN PC

6
7 By: 

Todd C. Theodora
Attorneys for Plaintiff
V-DOT TECHNOLOGIES LLC

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11 **DEMAND FOR JURY TRIAL**

12 Pursuant to Fed. R. Civ. P. 38 and Local Rule 38-1, V-DOT demands a
13 trial by jury for this action.

14
15 DATED: August 27, 2010

THEODORA ORINGHER MILLER & RICHMAN PC

16
17 By: 

Todd C. Theodora
Attorneys for Plaintiff
V-DOT TECHNOLOGIES LLC

18
19 816289.1/02683.01001

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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

V-DOT TECHNOLOGIES LLC,

Plaintiff,

vs.

ACER, INC., ACER AMERICA CORP., ACER AMERICAN
 HOLDING CORP., GATEWAY, INC., AND HEWLETT-
 PACKARD CO.,

Defendants.

CASE NUMBER

CV10-6436 CAS(CWX)

SUMMONS

TO:

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, CARLINEO, SPICER & KEE LLC, whose address is 2003 S. Easton Road, Suite 208, Doylestown, Pennsylvania 18901. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 8-27-10

By: 

Deputy Clerk

(Seal of the Court)

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3))

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

COPY

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> V-DOT TECHNOLOGIES LLC	DEFENDANTS ACER, INC., ACER AMERICA CORP., ACER AMERICAN HOLDING CORP., GATEWAY, INC., HEWLETT-PACKARD CO.
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Please see Attachment A.	Attorneys (If Known) Not known at this time.

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> <td style="width: 40%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)
☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ To be determined at trial.

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
28 U.S.C. §§ 1331, 1338(a); 35 U.S.C. § 271 et seq. (Cause of Action for Patent Infringement)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FOREFEITURE - PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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CV10-6436 CAS(CWX)

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	V-DOT TECHNOLOGIES LLC., (TEXAS)

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
GATEWAY, INC. (ORANGE COUNTY)	ACER, INC. (TAIWAN); ACER AMERICA CORP. (SANTA CLARA COUNTY); ACER AMERICAN HOLDING CORP. (SANTA CLARA COUNTY); HEWLETT-PACKARD CO. (SANTA CLARA COUNTY)

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
ORANGE COUNTY (Each Defendant has transacted business in this district or has committed, contributed to, and/or induced others to commit acts of patent infringement in this district.)	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER): TODD C. THEODORA Date August 27, 2010

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))