

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

OGMA, LLC,

Plaintiff,

v.

APPLE, INC.; HTC CORPORATION; HTC
AMERICA, INC.; LG ELECTRONICS, INC.; LG
ELECTRONICS MOBILECOMM U.S.A., INC.;
MOTOROLA MOBILITY, INC.; SONY ERICSSON
MOBILE COMMUNICATIONS AB; SONY
ERICSSON MOBILE COMMUNICATIONS (USA),
INC., T-MOBILE USA, INC.

Defendants.

CASE NO.:

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiff Ogma, LLC (“Ogma”) hereby alleges for its Complaint against defendants Apple, Inc.; HTC Corporation; HTC America, Inc.; LG Electronics MobileComm U.S.A., Inc.; Motorola Mobility, Inc.; Sony Ericsson Mobile Communications AB; Sony Ericsson Mobile Communications (USA), Inc., T-Mobile USA, Inc. (collectively the “Defendants”) on personal knowledge as to its own actions and on information and belief as to the actions of others, as follows:

THE PARTIES

1. Plaintiff Ogma is a Texas limited liability company with a place of business at 3301 W. Marshall Ave., Suite 303, Longview, TX 75604.

2. On information and belief, Defendant Apple, Inc. (“Apple”) is a California corporation with a principal place of business at 1 Infinite Loop, Cupertino, CA 95014.

3. On information and belief, Defendant HTC Corporation (“HTC”) is a Taiwanese corporation with a principal place of business at 23 Xinghua Rd. Taoyuan 330, Taiwan. On further information and belief, Defendant HTC America, Inc. (“HTC America”) is a Washington

corporation with a principal place of business at 13920 SE Eastgate Way, Suite 400 Bellevue, WA 98005. HTC and HTC America will be referred to herein individually and collectively as the “HTC Defendants.”

4. On information and belief, Defendant LG Electronics, Inc. (“LGE”) is a South Korean corporation with a principal place of business at LG Twin Towers, 20 Yeouido-dong, Yeongdeungpo-gu, Seoul 150-721, South Korea. On further information and belief, Defendant LG Electronics MobileComm U.S.A., Inc. (“LG Mobile”) is a California corporation with a principal place of business at 10101 Old Grove Road, San Diego, CA 92131. LGE and LG Mobile will be referred to herein individually and collectively as the “LG Defendants.”

5. On information and belief, Defendant Motorola Mobility, Inc. (“Motorola”) is a Delaware corporation with a principal place of business at 600 North U.S. Highway 45, Libertyville, IL 60048.

6. On information and belief, Defendant Sony Ericsson Mobile Communications AB (“Sony Ericsson”) is a Swedish corporation with a principal place of business at Nya Vattentorget SE-221, 88 Lund, Sweden. On further information and belief, Defendant Sony Ericsson Mobile Communications (USA), Inc. (“Sony Ericsson USA”) is a Delaware corporation with a principal place of business at 3333 Piedmont Road, Suite 600, Atlanta, GA 30305. Sony Ericsson and Sony Ericsson USA will be referred to herein individually and collectively as the “Sony Ericsson Defendants.”

7. On information and belief, Defendant T-Mobile USA, Inc. (“T-Mobile”) is a Delaware Corporation with a principal place of business at 12920 SE 38th Street, Bellevue, WA 98006.

JURISDICTION AND VENUE

8. This action arises under the patent laws of the United States, Title 35 of the United States Code, §§ 271 and 281, *et seq.* because each of the Defendants has committed acts of patent infringement within the United States and this judicial district. Accordingly, this Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9. Personal jurisdiction and venue are proper in this Court pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b), in that the defendants are subject to personal jurisdiction in this district. At a minimum, each of the defendants has delivered infringing products into the stream of commerce with the expectation that they will be purchased by consumers in Texas, including those located in the Eastern District of Texas.

THE '427 PATENT

10. On October 20, 1998, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 5,825,427 ("the '427 Patent"), entitled "Image Display System," to Kenneth J. Macleod. A copy of the '427 Patent is attached to the Complaint as Exhibit A.

11. By reason of an assignment dated January 25, 2011, Plaintiff Ogma owns all rights, title and interest in the '427 Patent.

FIRST CAUSE OF ACTION **(Infringement of the '427 Patent)** **(35 U.S.C. § 271)**

12. Plaintiff repeats and incorporates by reference each of the allegations contained in Paragraphs 1 through 11 above, and further alleges as follows:

13. On information and belief, without a license or permission from Plaintiff, Defendant Apple has infringed, induced others to infringe, and/or contributorily infringed, literally or under the doctrine of equivalents, one or more claims of the '427 Patent. Defendant Apple did so by importing, making, using, offering to sell, and/or selling products and devices that embody and/or practice the patented invention. Without limitation, several examples of Apple's infringing products are the iPhone (original), iPhone 3G, iPhone 3GS, iPhone 4, iPod Touch (1st, 2nd, 3rd, 4th generations), and related families of products. Defendant Apple's infringement of the '427 Patent has caused substantial damage to Plaintiff.

14. On information and belief, without a license or permission from Plaintiff, the HTC Defendants have infringed, induced others to infringe, and/or contributorily infringed, literally or under the doctrine of equivalents, one or more claims of the '427 Patent. The HTC Defendants did so by importing, making, using, offering to sell, and/or selling products and

devices that embody and/or practice the patented invention. Without limitation, several examples of the HTC Defendants' infringing products are Droid Eris, Aria, Hero, and related families of products. The HTC Defendants' infringement of the '427 Patent has caused substantial damage to Plaintiff.

15. On information and belief, without a license or permission from Plaintiff, the LG Defendants have infringed, induced others to infringe, and/or contributorily infringed, literally or under the doctrine of equivalents, one or more claims of the '427 Patent. Defendant did so by importing, making, using, offering to sell, and/or selling products and devices that embody and/or practice the patented invention. Without limitation, several examples of the LG Defendants' infringing products are the Optimus M, Optimus S, Vortex, Optimus T, and related families of products. The LG Defendants' infringement of the '427 Patent has caused substantial damage to Plaintiff.

16. On information and belief, without a license or permission from Plaintiff, Defendant Motorola has infringed, induced others to infringe, and/or contributorily infringed, literally or under the doctrine of equivalents, one or more claims of the '427 Patent. Defendant Motorola did so by importing, making, using, offering to sell, and/or selling products and devices that embody and/or practice the patented invention. Without limitation, several examples of Defendant Motorola's infringing products are the Droid Pro, Backflip, Flipside, and related families of products. Defendant Motorola's infringement of the '427 Patent has caused substantial damage to Plaintiff.

17. On information and belief, without a license or permission from Plaintiff, the Sony Ericsson Defendants have infringed, induced others to infringe, and/or contributorily infringed, literally or under the doctrine of equivalents, one or more claims of the '427 Patent. The Sony Ericsson Defendants did so by importing, making, using, offering to sell, and/or selling products and devices that embody and/or practice the patented invention. Without limitation, one example of the Sony Ericsson Defendants' infringing products is the Xperia X8/X8i. The

Sony Ericsson Defendants' infringement of the '427 Patent has caused substantial damage to Plaintiff.

18. On information and belief, without a license or permission from Plaintiff, Defendant T-Mobile has infringed, induced others to infringe, and/or contributorily infringed, literally or under the doctrine of equivalents, one or more claims of the '427 Patent. Defendant T-Mobile did so by importing, making, using, offering to sell, and/or selling products and devices that embody and/or practice the patented invention. Without limitation, several examples of T-Mobile's infringing products are the myTouch 3G, myTouch Jack, myTouch 3G Slide, G2, G2 Touch, Pulse, and related families of products. Defendant T-Mobile's infringement of the '427 Patent has caused substantial damage to Plaintiff.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Ogma prays for relief as follows:

- A. Declaring that the Patent-in-Suit is valid and enforceable, and that each Defendant has infringed one or more claims of the Patent-in-Suit;
- B. Awarding Plaintiff damages in an amount adequate to compensate Plaintiff for each defendant's infringement, in accordance with 35 U.S.C. § 284;
- C. Awarding Plaintiff its costs of suit, including reasonable attorney fees, because this is an exceptional case under 35 U.S.C. § 285; and
- D. Granting such other and further relief as this Court may deem just and appropriate.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff Ogma, LLC demands a trial by jury of this action.

Dated: March 14, 2011

Respectfully submitted,

By: /s/ Andrew W. Spangler
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