

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CASCADES COMPUTER
INNOVATION, LLC.,

Plaintiff,

v.

ACER AMERICA CORP.,

Defendant.

Civil Action No. 11-cv-7228

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Cascades Computer Innovation, LLC. ("Cascades") alleges the following:

PARTIES

1. Cascades is an Illinois limited liability company having its principal place of business at 500 Skokie Boulevard, Suite 350, Northbrook, Illinois 60062.

2. Acer America Corp. ("Acer") is a California corporation with an office located at 333 West San Carlos St., Suite 1500, San Jose, California 95110. It is a wholly-owned subsidiary of Acer Inc., a Taiwanese corporation, that manufactures accusing infringing products in Taiwan and imports them into the United States through the defendant Acer America Corp.

3. Acer uses, sells, offers for sale, and/or receives imports into the United States of wireless portable communication devices, including specifically cellular telephones, tablet computers and netbooks.

JURISDICTION

4. Cascades' claim for patent infringement against defendants arises under the patent laws of the United States, including 35 U.S.C. §§271 and 281.

Consequently, this Court has original subject matter jurisdiction over this suit pursuant to 28 U.S.C. §§1331 and 1338.

5. Acer is subject to the specific and general personal jurisdiction of this Court because, among other things, it has established continuous and systematic contacts with Illinois and with this judicial district, it has committed acts within Illinois and this judicial district giving rise to this action, and it has minimum contacts with the forum such that the exercise of jurisdiction over it would not offend traditional notions of fair play and substantial justice. For instance, Acer has established distribution networks placing products that infringe Cascades' patent into the stream of commerce such that those products flow into Illinois and this district. Acer has also committed acts of patent infringement and/or contributed to others' acts of patent infringement within this district.

6. Venue is proper under 28 U.S.C. §§ 1391 and/or 1400(b).

PATENTS AT ISSUE

7. On June 20, 2006, United States Patent No. 7,065,750 (the "'750 patent"), entitled "Method and Apparatus for Preserving Precise Exceptions in Binary Translated Code," was duly and legally issued by the United States Patent and Trademark Office. Cascades owns the exclusive license and right to sue for past, present and future infringement of the '750 patent.

8. Acer is now and has been infringing and/or contributorily infringing the '750 patent, literally and under the doctrine of equivalents, by, among other things, using, offering to sell, selling, re-selling and/or receiving imported products from its parent, Acer, Inc., that infringe one or more claims of the '750 patent. Such infringing products include, but are not limited to, cell phone products such as Liquid E Ferrari and ICONIA SMART Smartphones and the Acer Iconia Tab A500 tablet computer.

9. Cascades has been and continues to be damaged by Acer's actions.

PRAYER FOR RELIEF

WHEREFORE, Cascades prays for the following relief:

- A. A judgment finding Acer has infringed and contributorily infringed the '750 patent;
- B. A judgment that the '750 patent is valid and enforceable;
- C. A permanent injunction enjoining Acer, its agents, officers, assigns and others acting in concert with them, from infringing, inducing infringement of, and/or contributing to infringement of the '750 patent;
- D. An award of damages adequate to compensate Cascades for the infringement of the '750 patent that has occurred;
- E. An award of pre-judgment interest and post-judgment interest on the damages awarded;
- F. A determination that this is an exceptional case and an award of Cascades' attorneys' fees pursuant to 35 U.S.C. § 285 and any other applicable statute or law, and an award to Cascades of its costs; and,
- G. Such other relief as the Court deems equitable under the circumstances.

JURY DEMAND

Plaintiff demands a trial by jury on all issues triable to a jury.

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