

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

CDD TECHNOLOGIES, LLC,)
)
 Plaintiff,)
) Civil Action No. _____
 v.)
) **JURY TRIAL DEMANDED**
 ACER AMERICA CORPORATION,)
)
 Defendant.)
 _____)

COMPLAINT

For its Complaint, Plaintiff CDD Technologies, LLC ("CDD Technologies"), by and through the undersigned counsel, alleges as follows:

THE PARTIES

1. CDD Technologies is a Texas limited liability company with a place of business located at 719 West Front Street, Suite 242, Tyler, Texas 75702.
2. Defendant Acer America Corporation ("Acer") is a California corporation with, upon information and belief, a place of business located at 333 West San Carlos Street, Suite 1500, San Jose, California 95110.

JURISDICTION AND VENUE

3. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*
4. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.
5. Upon information and belief, Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in

other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in this district.

6. Venue is proper in this district pursuant to §§ 1391(b), (c) and 1400(b).

THE PATENTS-IN-SUIT

7. On April 11, 2000, United States Patent No. 6,049,874 (the "'874 patent"), entitled "System and Method for Backing Up Computer Files Over a Wide Area Computer Network," was duly and lawfully issued by the U.S. Patent and Trademark Office ("USPTO"). A true and correct copy of the '874 patent is attached hereto as Exhibit A.

8. On March 31, 1998, United States Patent No. 5,734,340 (the "'340 patent"), entitled "Method and Apparatus for Storing Run-Intensive Information in Compact Form," was duly and lawfully issued by the U.S. Patent and Trademark Office ("USPTO"). A true and correct copy of the '340 patent is attached hereto as Exhibit B.

9. CDD Technologies is the assignee and owner of the right, title and interest in and to the '874 and '340 patents, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,049,874

10. CDD Technologies repeats and realleges the allegations of paragraphs 1 through 9 as if fully set forth herein.

11. Without license or authorization and in violation of 35 U.S.C. § 271(a), upon information and belief, Defendant has infringed and continues to infringe at least claims 1 and 10 of the '874 patent by making, using, offering for sale, and/or selling within this district and elsewhere in the United States and/or importing into this district and elsewhere

in the United States, methods for backing up data and systems for backing up files in user computers, including but not limited to, Acer AN1600 F1 storage system.

12. CDD Technologies is entitled to recover from Defendant the damages sustained by CDD Technologies as a result of Defendant's infringement of the '874 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 5,734,340

13. CDD Technologies repeats and realleges the allegations of paragraphs 1 through 12 as if fully set forth herein.

14. Without license or authorization and in violation of 35 U.S.C. § 271(a), upon information and belief, Defendant has infringed and continues to infringe at least claims 1, 7, 21 and 26 of the '340 patent by making, using, offering for sale, and/or selling within this district and elsewhere in the United States and/or importing into this district and elsewhere in the United States, products, including but not limited to, Acer AN1600 F1 storage system, that include, among other features, a machine-implemented data compression method.

15. CDD Technologies is entitled to recover from Defendant the damages sustained by CDD Technologies as a result of Defendant's infringement of the '340 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

CDD Technologies hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, CDD Technologies requests that this Court enter judgment against Defendants as follows:

- A. An adjudication that Defendants have infringed the '874 and '340 patents;
- B. An award of damages to be paid by Defendants adequate to compensate CDD Technologies for its past infringement of the '874 and '340 patents and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of CDD Technologies' reasonable attorneys' fees; and
- D. An award to CDD Technologies of such further relief at law or in equity as the Court deems just and proper.

Dated: April 17, 2013

/s/Andrew W. Spangler

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