

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

<p>DSS TECHNOLOGY MANAGEMENT, INC.,</p> <p style="text-align: center;"><i>Plaintiff,</i></p> <p>v.</p> <p>LENOVO (UNITED STATES), INC.,</p> <p style="text-align: center;"><i>Defendant.</i></p>	§ § § § § § § § § §	<p>C.A. No. 6:14-cv-</p> <p style="text-align: center;"><b>JURY TRIAL DEMANDED</b></p>
--	--	--

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff DSS Technology Management, Inc. (“DSS”) files this Complaint for patent infringement against Defendant Lenovo (United States), Inc. (“Lenovo” or “Defendant”) and alleges as follows:

**PARTIES**

1. Plaintiff DSS Technology Management, Inc. is a Delaware corporation having its principal place of business at 1650 Tyson’s Blvd, Suite 1580, Tyson’s Corner, Virginia 22102.
2. On information and belief, Lenovo is a corporation organized under the laws of the State of Delaware, and has a principal place of business at 1009 Think Place, Morrisville, North Carolina 27560 and/or is conducting business through an affiliate located at this address.

**JURISDICTION AND VENUE**

3. This civil action for patent infringement arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.* This Court has jurisdiction over the claims presented herein pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. DSS has a research and development office in this District located at 3200 Troup Highway, Ste. 228, Tyler, Texas 75701. DSS's Tyler office is staffed with product development engineers and sales personnel actively involved in the development and marketing of DSS' SensorShield Bluetooth LE and AuthentiGuard products, which use the low power wireless technology that is described and claimed by U.S. Patent No. 6,128,290.

5. On information and belief, Lenovo has made, imported, used, sold, offered for sale, and/or sold the Accused Instrumentalities (as defined below) within the United States, including this District, that infringe one or more claims of United States Patent No. 6,128,290 entitled "Personal Data Network" (the "'290 Patent"), and continues to do so. The '290 Patent was duly and legally issued by the United States Patent and Trademark Office on October 3, 2000. A true and correct copy of the '290 Patent is attached hereto as Exhibit 1.

6. The '290 Patent is referred to herein as the "Asserted Patent."

7. DSS is the owner by assignment of all rights, title, and interests in the Asserted Patent, and is entitled to sue for past and future infringement thereof.

8. On information and belief, Lenovo is engaged in the business of developing and selling computers and consumer electronics. More particularly, Lenovo offered the IdeaCentre A700 All-in-One computer that provided wireless Bluetooth connections to a plurality of peripheral devices, namely a keyboard and a mouse. *See* Exhibit 2. The A700, on information and belief, was introduced to the marketplace in approximately mid-2010. The wireless keyboard and mouse that were part of the A700 system were optimized for long battery life, which optimization, on information and belief, included the use of a "sniff power save mode." Lenovo also offered for sale the IdeaCentre B520e All-in-One computer that provided wireless Bluetooth connections to a plurality of peripheral devices, namely a keyboard and a mouse. *See*

Exhibit 3. The B520e's included a keyboard, model LXH-JME8002B, and a mouse, model LXH-JME2069B, which utilized the Bluetooth Sniff Mode for low power wireless communication. *See* Exhibits 4 and 5. Lenovo also has sold and/or sells the aforementioned mouse and keyboard separately. The A700, B520e, and all similar computer systems that include a wireless keyboard and wireless mouse similarly optimized for low power consumption, as well as all optimized mice and keyboards as sold separately are referred to herein as the "Accused Instrumentalities." On information and belief, while Lenovo apparently has discontinued the A700 and B520e products, Lenovo continues to support the Accused Instrumentalities. *See, e.g.*, Exhibits 6 and 7.

9. At least by the filing of this action, Lenovo has been given actual notice of the existence of the '290 Patent. In spite of having received such notice, Lenovo has intended, and continues to intend, to induce patent infringement by its customers, and, as of at least the filing date of this action, has had knowledge that the inducing acts would cause infringement, or, alternatively, has been willfully blind to the possibility that its inducing acts would cause infringement.

10. On information and belief, Lenovo has offered for sale and sold the Accused Instrumentalities in this District via an interactive website, <http://store.Lenovo.com/us>, that encouraged a website visitor to purchase directly from Lenovo, and continues to do so. On information and belief, Lenovo has also marketed, offered for sale, and sold the Accused Instrumentalities via retailers in this District, and continues to do so.

11. On information and belief, Lenovo directly and/or indirectly imported, manufactured, used, offered for sale, and/or sold the Accused Instrumentalities within the

United States, including this District, that infringe one or more claims of the Asserted Patents, and continues to do so.

12. Lenovo is a foreign corporation transacting business within the state of Texas; has caused and is causing tortious injury to DSS by committing all or part of the tortious acts described herein within the State of Texas, including this District; has caused and is causing tortious injury to DSS in the State of Texas, including this District, by committing all or part of the tortious acts or omissions described herein outside the state of Texas; and/or has caused and is causing tortious injury by committing all or part of the tortious acts or omissions described herein outside the state of Texas while regularly conducting or soliciting business or deriving revenue from goods used or consumed or services rendered within the State of Texas, including this District. Lenovo has transacted and continues to transact business in this District, and has committed acts of patent infringement in this District. Therefore, this Court has general and specific personal jurisdiction over Lenovo under the Texas long-arm statute, TEX. CIV. PRAC. & REM. CODE §17.042.

13. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b) and 1391(c).

#### **GENERAL ALLEGATIONS**

14. On information and belief, Lenovo has been engaged and is presently engaged in the business of developing, making or having made, using, offering for sale and selling the Accused Instrumentalities. Among the many features of the Accused Instrumentalities is the ability to connect to a plurality of wireless peripherals. On information and belief, each of the Accused Instrumentalities constitute an integrated hardware and software system that acts,

among other capacities, as a data network system in which the server and the peripherals communicate in low duty cycle pulses or RF bursts.

**FIRST CLAIM FOR RELIEF**  
(Infringement of the '290 Patent)

15. DSS incorporates paragraphs 1 through 14 as though fully set forth herein.

16. Upon information and belief, Lenovo has been and is now directly infringing one or more claims of the '290 Patent by making, importing, using, offering for sale, and/or selling the patented inventions, and/or indirectly infringing one or more claims of the '290 Patent by actively inducing others to use the patented inventions and/or by contributing to the use of the patented inventions in the United States.

17. More particularly, without limitation, Lenovo has and/or is now directly infringing one or more claims of the '290 Patent by making, importing, using (including use for testing purposes), offering for sale, and/or selling the Accused Instrumentalities, all in violation of 35 U.S.C. § 271(a).

18. In addition and/or in the alternative, Lenovo has been and/or is now indirectly infringing one or more claims of the Asserted Patents by inducing customers to use the Accused Instrumentalities to directly infringe one or more claims of the Asserted Patents in violation of 35 U.S.C. § 271(b).

19. At least by the filing of this action, Lenovo has been given actual notice of the existence of the '290 Patent. In spite of having received such notice, Lenovo has intended, and continues to intend, to induce patent infringement by its customers, and, as of at least the filing date of this action, has had knowledge that the inducing acts would cause infringement or, alternatively, has been willfully blind to the possibility that its inducing acts would cause infringement.

20. The Accused Instrumentalities comprise the systems claimed in one or more claims of the '290 Patent. Lenovo has engaged in indirect infringement by its post-complaint conduct of providing its customers with the infringing Accused Instrumentalities, and/or by providing the Accused Instrumentalities and providing instructions and/or support to enable those customers to use the Accused Instrumentalities, of which constitute the claimed inventions of one or more claims of the '290 Patent.

21. By way of example, and not as a limitation, Lenovo induces such infringement by at least making its website available to customers and providing links and/or other directions on its website and/or the internet to instruct and teach users to use the Accused Instrumentalities in an infringing manner. Lenovo engages in such activities knowingly and, at least from the time of receipt of the present Complaint, has done so with the knowledge that such activities induce customers to directly infringe the Asserted Patents. In addition, or, in the alternative, Lenovo engages in such activities knowingly, and, at least from the time of receipt of the present Complaint, has sold or distributed the Accused Instrumentalities knowing that such Accused Instrumentalities are especially made or adapted for use by its customers in an infringing use of one or more claims of the Accused Instrumentalities. Thus, Lenovo's customers, by using the Accused Instrumentalities, directly infringe the claimed invention of the Asserted Patents. On information and belief, the Accused Products, particularly the aforementioned accused Bluetooth mouse and keyboard, do not have any substantial non-infringing uses.

22. DSS has been damaged by the infringing activities of Lenovo, and will be irreparably harmed unless those infringing activities are preliminarily and permanently enjoined by this Court. DSS does not have an adequate remedy at law.

23. By the filing of this action, Lenovo has been given actual notice of the existence of the '290 Patent. Despite such notice, Lenovo continues in acts of infringement without regard to the '290 Patent, and will likely continue to do so unless otherwise enjoined by this Court. DSS is not presently seeking damages against Lenovo for indirect infringement for the period prior to the filing of this Complaint. However, in the event that DSS learns through discovery that Lenovo had actual notice of the '290 Patent prior to the filing of this Complaint, DSS reserves the right to seek damages for Lenovo's indirect infringement activities prior to filing.

**REQUEST FOR RELIEF**

WHEREFORE, DSS requests the following relief:

- (a) A judgment in favor of DSS that Lenovo has directly infringed, and/or has indirectly infringed by way of inducement, one or more claims of the Asserted Patents;
- (b) A judgment that DSS has been irreparably harmed by the infringing activities of Lenovo and is likely to continue to be irreparably harmed by Defendant's continued infringement;
- (c) Preliminary and permanent injunctions prohibiting Lenovo and its officers, agents, servants, employees and those persons in active concert or participation with any of them, as well as all successors or assignees of the interests or assets related to the Accused Instrumentalities, from further infringement, direct and indirect, of the Asserted Patents;
- (d) A judgment and order requiring Lenovo to pay DSS damages adequate to compensate for infringement under 35 U.S.C. § 284, which damages may include lost profits but in no event shall be less than a reasonable royalty for the use made of the inventions of the Asserted Patents, including pre- and post-judgment interest and costs, including expenses and disbursements; and
- (e) Any and all such further necessary or proper relief as this Court may deem just.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, DSS hereby demands a trial by jury of all issues so triable.



Dated: May 30, 2014

Respectfully submitted,

**BUETHER JOE & CARPENTER, LLC**

By: /s/Christopher M. Joe

Christopher M. Joe (*Lead*)

State Bar No. 00787770

Chris.Joe@BJCIPLaw.com

Brian A. Carpenter

State Bar No. 03840600

Brian.Carpenter@BJCIPLaw.com

Eric W. Buether

State Bar No. 03316880

Eric.Buether@BJCIPLaw.com

Mark D. Perantie

State Bar No. 24053647

Mark.Perantie@BJCIPLaw.com

1700 Pacific Avenue

Suite 4750

Dallas, TX 75201

Direct: (214) 466-1272

Facsimile: (214) 635-1828

*Attorneys for Plaintiff*

*DSS Technology Management, Inc.*