

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

2012 JUL 13 P 4: 13

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

MLR, LLC,

Plaintiff,

v.

ACER, INC., and ACER AMERICA
CORP.,

Defendants.

CASE NO.:

1:12 CV 784
GBL/TCB

JURY DEMANDED

Plaintiff MLR, LLC complains of defendants Acer, Inc., and Acer America Corp. as follows:

JURISDICTION AND VENUE

1. Jurisdiction exists under 28 U.S.C. § 1338(a) because defendants have infringed plaintiff's patents. The Patent Act of 1952, as amended, 35 U.S.C. § 271, *et seq.*, makes patent infringement illegal and actionable through a private cause of action.

2. Defendants have transacted business in this judicial district by making, using, selling, or offering to sell and distributing products that violate MLR's patents either in this judicial district or in the United States.

3. Venue is proper under the general federal venue statute, 28 U.S.C. § 1391(d), and under the specific venue provision relating to patent-infringement cases. 28 U.S.C. § 1400(b).

PARTIES

4. MLR is a Virginia limited liability company with offices in Falls Church, Virginia. MLR is the assignee and owns all right, title and interest in and has standing to sue for infringement of United States Patent Nos. 7,343,173, 7,386,322, 6,134,453, 6,934,558, 6,961,584, and 5,854,985 ("the MLR Patents").

5. Acer, Inc. is a Taiwanese company with offices at 8F, 88, Sec. 1, Xintai 5th Rd., Xizhi, New Tapei City 221, Taiwan. Acer, Inc., has previously and is presently making, using, selling, offering for sale, and/or importing into the United States portable

wireless products that infringe one or more claims of the MLR Patents. Acer, Inc., has infringed the MLR Patents either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

6. Acer America Corp. is a California company with offices at 333 W. San Carlos St., San Jose, California 95110. It is a wholly-owned subsidiary of Acer, Inc. Acer America Corp. has previously and is presently making, using, selling, offering for sale, and/or importing into the United States portable wireless products that infringe one or more claims of the MLR Patents. Acer America Corp. has infringed the MLR Patents either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

BACKGROUND

7. MLR is the owner of patents rights which cover commercially significant technologies related to the control of multi-mode, multi-frequency, and multi-protocol networks for electronic communications devices. The MLR patents, for example, cover portable wireless devices, such as cellular handsets and portable computers, which can access different cellular or wireless networks to facilitate wireless voice and/or data communications.

8. Defendants design, manufacture, and sell portable wireless devices, including portable computing devices, which infringe the MLR Patents.

PATENT INFRINGEMENT

9. Defendants have infringed and continue to infringe the MLR Patents both directly and indirectly (through acts of contributory infringement or inducement) in violation of 35 U.S.C. § 271.

10. Defendants' infringing products include Wi-Fi-enabled notebooks, netbooks, and tablet computers. Infringing notebooks, netbooks, and tablets include without limitation those Acer models listed in Exhibit A to this complaint.

11. Defendants' infringement, contributory infringement and/or inducement to infringe has injured MLR and it, therefore, is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

12. Defendants' infringement, contributory infringement and/or inducement to infringe has been willful and deliberate because they have been given notice of or knew of the MLR Patents and have nonetheless injured and will continue to injure MLR, unless and until this Court enters an injunction, which prohibits further infringement and specifically enjoins further manufacture, use, sale and/or offer for sale of products or services that come within the scope of the MLR Patents.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, MLR demands a trial by jury on all issues presented that can properly be tried to a jury.

REQUEST FOR RELIEF

THEREFORE, MLR asks this Court to enter judgment against defendants and against their subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

- A. An award of damages adequate to compensate MLR for the infringement that has occurred, together with prejudgment interest from the date infringement began;
- B. All other damages permitted by 35 U.S.C. § 284;
- C. A finding that this case is exceptional and an award to MLR of its attorneys' fees and costs as provided by 35 U.S.C. § 285;
- D. An injunction prohibiting further infringement, inducement and contributory infringement of the MLR Patents; and
- E. Such other and further relief as this Court or a jury may deem proper and just.

Dated: July 13, 2012

Respectfully submitted,



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