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11 Counsel for SMARTDATA S.A.

U.S. District Court  
Northern District of California

12 SMARTDATA S.A.

Case No.

13 Plaintiff

**Complaint**

14 v.

**JURY TRIAL DEMANDED**

15 Amazon.com, Inc.

16 Defendants  
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1 Plaintiff SMARTDATA, S.A. (“SmartData”), alleges as follows:

2 **PARTIES**

3 1. SmartData is a corporation organized under the laws of Switzerland with its principal  
4 place of business at CP 931, Rue de la Fusion 99, 1920 Martigny, Switzerland. SmartData does not  
5 do business in the Northern District of California.

6 2. Upon information and belief, Amazon.com, Inc. is a corporation organized under the  
7 laws of the State of Delaware with its principal place of business at 440 Terry Avenue North, Seattle,  
8 WA, 98109. Amazon does business in the Northern District of California.

9 **JURISDICTION AND VENUE**

10 3. This action for patent infringement arises under the patent laws of the United States,  
11 Title 35 of the United States Code. This Court has jurisdiction over the subject matter of this action  
12 pursuant to 28 U.S.C. §§ 1331 and 1338(a).

13 4. Venue is proper in the Northern District of California under 28 U.S.C. §§ 1391(b) and  
14 (c) and 1400(b).

15 5. Upon information and belief, Amazon operates a website at www.amazon.com, which  
16 is accessible to the purchasing public in this District. Amazon has offered products that infringe  
17 SmartData’s intellectual property for sale through its website and/or other websites linked with its  
18 website, with a reasonable expectation that those products will be purchased by residents in this  
19 District.

20 **INTRADISTRICT ASSIGNMENT**

21 6. This is an Intellectual Property Action to be assigned on a district-wide basis pursuant  
22 to Civil Local Rule 3-2(c).

23 **BACKGROUND**

24 7. SmartData is a technology company specializing in wireless computing. SmartData  
25 develops wireless bridging solutions for portable devices and provides working reference designs,  
26 prototypes, and related services to major and leading companies wishing to extend their product  
27 portfolio with no or very short development efforts.

28 8. SmartData sought and obtained patent protection pertaining to its innovations in

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1 wireless computing technology. The inventions protected by SmartData’s patents resulted from the  
2 investment of large monetary sums in research and development.

3 9. On January 2, 2007, the United States Patent and Trademark Office duly and legally  
4 issued U.S. Patent No. 7,158,757, entitled “Modular Computer” (“the ‘757 Patent”). A true and  
5 correct copy of the ‘757 Patent is attached hereto as Exhibit A.

6 10. SmartData is the owner by assignment of the ‘757 Patent and has the exclusive right to  
7 license the ‘757 Patent as well as to sue for and collect fees, costs, and damages, including damages  
8 for past infringement of the ‘757 Patent.

9 11. The ‘757 Patent generally relates to wireless computing technology.

10 12. Upon information and belief, Defendant is a market leader in streaming entertainment  
11 products. As part of its line of networking products, Defendant designs, manufactures, and markets  
12 several streaming entertainment devices. Specifically, Defendant designs, manufactures, and markets  
13 the Amazon Fire TV and the Amazon Fire TV Stick (the “Accused Products”).

14 13. Upon information and belief, Amazon has manufactured, used, caused to be used,  
15 offered to sell, and/or sold its products, including but not limited to the Accused Products, in the  
16 Northern District of California and elsewhere in the United States.

17 14. The use of an Amazon streaming entertainment device, including the Accused  
18 Products, together with a smartphone, tablet, or other mobile device, and a television or another  
19 audio/video display, infringes the ‘757 Patent. Both Amazon and its customers have used these  
20 products together and have practiced the ‘757 Patent.

21 15. The Amazon streaming entertainment devices, including the Accused Products, are  
22 advertised on the Amazon site as being able to “mirror” the contents shown on a smartphone, tablet,  
23 or other mobile device, onto a television. Those features have no substantial non-infringing use.

24 **COUNT I**

25 **(Infringement of the ‘757 Patent)**

26 17. SmartData hereby restates and realleges the allegations set forth in paragraphs 1-16  
27 above and incorporates them by reference, as though fully set forth herein.

28 18. SmartData is informed and believes, and on that basis alleges, that Defendant has

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1 infringed and is infringing the ‘757 Patent, has contributed and is contributing to infringement of the  
2 ‘757 Patent, and/or has actively induced and is actively inducing others to infringe the ‘757 Patent, by  
3 committing acts defined in 35 U.S.C. § 271 as unlawful and infringing, including but not limited to  
4 making, using, offering for sale, selling and/or importing products that infringe one or more claims of  
5 the ‘757 Patent. Defendant’s infringing products include, but are not limited to, the Accused  
6 Products. All such acts by Defendant have been without authority or license from SmartData.

7 19. As a consequence of Defendant’s infringing activities, SmartData has been damaged  
8 in an amount not yet determined. Defendant’s infringement of SmartData’s exclusive rights under  
9 the ‘757 Patent will continue to damage SmartData, causing irreparable harm, for which there is no  
10 adequate remedy at law, unless Defendant is enjoined by this Court.

11 WHEREFORE, SmartData prays for the following relief:

12 1. That the Court find and enter a judgment that Defendant has directly and/or indirectly  
13 infringed, induced infringement, and/or contributed to infringement of the ‘757 Patent;

14 2. That the Court enter a permanent injunction, pursuant to 35 U.S.C. § 283, enjoining  
15 Defendant and its officers, agents, servants, employees, successors, assigns, attorneys, and all others  
16 in active concert and/or participation with them from further directly infringing, indirectly infringing,  
17 inducing infringement and/or contributing to infringement of the ‘757 Patent;

18 3. That the Court find and enter a judgment, pursuant to 35 U.S.C. § 284, first paragraph,  
19 awarding SmartData damages, including an accounting of damages, adequate to compensate  
20 SmartData for Defendant’s past and present infringement of the ‘757 Patent by payment of an amount  
21 not less than a reasonable royalty on Defendant’s sales of infringing products, together with pre-  
22 judgment and post-judgment interest on the damages awarded, and costs;

23 4. That the Court find and enter a judgment that this case is exceptional and award to  
24 SmartData its reasonable attorney fees, disbursements and costs in accordance with the law,  
25 including, but not limited to, 35 U.S.C. § 285; and

26 5. That the Court award SmartData any other relief that the Court may deem just,  
27 equitable, and proper.  
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**DEMAND FOR JURY TRIAL**

SmartData hereby demands a jury trial on all issues so triable.

Date: March 19, 2015

/s/ Daniel S. Mount

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