

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WEARABLE COMPUTING LLC,

Plaintiff,

v.

S. BOWER, INC.,

Defendant.

Civil Action No. 2:16-cv-920

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Wearable Computing LLC (“Plaintiff”) makes the following allegations against S. Bower, Inc. (“Defendant”):

PARTIES

1. Plaintiff is a Texas limited liability company, having a principal place of business located at 1999 Bryan St., Ste. 900, Dallas, TX 75201.

2. Upon information and belief, Defendant S. Bower, Inc. is a corporation organized and existing under the laws of the State of New York, with its principal place of business located at 4624 28th St., 3rd Floor, Long Island City, New York 11101. Defendant may be served via its CEO Djahangir Torkian at 12 Hampworth Dr., Great Neck, New York, 11024 or an officer or director at 4624 28th St., 3rd Floor, Long Island City, New York 11101.

JURISDICTION AND VENUE

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

4. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, Defendant has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

5. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, 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 Texas and in this Judicial District.

COUNT 1
INFRINGEMENT OF U.S. PATENT NO. 6,184,804

1. Plaintiff is the owner by assignment of United States Patent No. 6,184,804 ("the '804 Patent") entitled "Key Palette." The '804 Patent issued on February 6, 2001. A true and correct copy of the '804 Patent is attached as Exhibit A.

2. Shelton E. Harrison is listed as listed as the inventor of the '804 Patent.

3. The '804 Patent is valid and enforceable.

4. To the extent any marking was required by 35 U.S.C. § 287, predecessors in interest to the '804 Patent complied with such requirements.

5. Defendant directly or through intermediaries, makes, uses, imports, sells, and/or offers for sale the Bower Xtreme Action Series Velcro Wrist Strap, shown in Exhibit B, which infringes the '804 Patent.

6. Defendant has been and is now infringing at least claim 29 of the '804 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, supplying,

distributing, selling, and/or offering for sale body-worn data storage devices, including the Bower Xtreme Action Series Velcro Wrist Strap (the “Accused Instrumentality”), covered by one or more claims of the ’804 Patent to the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the ’804 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the ’804 Patent pursuant to 35 U.S.C. § 271(a).

6. The Accused Instrumentality infringes claim 29 of the ’804 Patent. It includes an apparatus for mounting a first electronic device to be controlled by a user on the user’s arm, comprising: an arm mount configured to mount on a user’s arm; a coupling mounted between the electronic device and the arm mount to allowing linear, angular or rotational movement of the first electronic device relative to the arm mount; and an attachment mechanism to removably attach the first electronic device to the coupling. *See* Ex. B Figs. 1-4.

7. As a result of Defendant’s infringement of the ’804 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant’s infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court, and Plaintiff will continue to suffer damages in the future unless Defendant’s infringing activities are enjoined by this Court.

8. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the ’804 Patent, Plaintiff will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendant has infringed the ’804 Patent;

2. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement of the '804 Patent, or such other equitable relief the Court determines is warranted;

3. A judgment and order requiring Defendant pay to Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '804 Patent as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement; and

4. Any and all other relief, at law or equity, to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

DATED August 18, 2016.

Respectfully submitted,

By: /s/ Hao Ni

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**ATTORNEYS FOR PLAINTIFF
WEARABLE COMPUTING LLC**

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of August, 2016, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Hao Ni
Hao Ni