

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

BETTER MOUSE COMPANY, LLC,

Plaintiff,

v.

RAZER USA LTD D/B/A RAZER, INC.,

Defendant.

CIVIL ACTION NO. 2:17-cv-317

ORIGINAL COMPLAINT
FOR PATENT INFRINGEMENT

JURY TRIAL DEMANDED

Plaintiff Better Mouse Company, LLC (“BMC”) files this original complaint against Razer USA Ltd. d/b/a Razer, Inc. (“Razer” or Defendant”), alleging, based on its own knowledge as to itself and its own actions, and based on information and belief as to all other matters, as follows:

PARTIES

1. BMC is a limited liability company formed under the laws of the State of Texas, with a principal place of business in Tyler, Texas.
2. Defendant Razer is a Delaware corporation that can be served with process through its registered agent: National Registered Agents, Inc., 1999 Bryan St., Ste. 900, Dallas, Texas 75201.

JURISDICTION AND VENUE

3. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. § 1331 and § 1338(a).

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

5. Defendant is subject to this Court's specific and general personal jurisdiction under due process and/or the Texas Long Arm Statute due at least to Defendant's 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 district.

THE TECHNOLOGY

6. The patent-in-suit, U.S. Patent No. 7,532,200 ("the '200 Patent"), titled "Apparatus for Setting Multi-Stage Displacement Resolution of a Mouse," teaches a device capable of setting the resolution for a computer mouse, often measured in "dots-per-inch" (DPI). The resolution determines how much the mouse cursor moves on a computer screen for each corresponding movement of the mouse itself by the user. For example, if the DPI ratio is 1:1, the cursor moves one "dot" on the screen per inch of motion by the mouse. Depending on an individual user's needs, that ratio (resolution) can be adjusted to provide the user with a customized experience. For example, a user playing computer games may wish for more precise control of the cursor and adjust the resolution so that each movement on the screen requires a larger movement of the mouse itself.

7. In the prior art, adjusting the resolution generally required installing a software driver on a connected computer, and changing the resolution within that software program. The user first needed to install the software, which required a separate item such as a CD-ROM.

Next, the user must locate the installed software on the computer and then determine how to adjust the desired parameter within the software. In contrast, the inventor of the technology described in the '200 Patent developed a mouse that includes a button and/or switch on the mouse for adjusting the resolution by hand to generate a resolution value, without using a software driver or tool that is external to the mouse. Among other advantages, this approach allows the user to directly adjust the mouse's resolution quickly and easily, without using a software driver or tool on the connected computer.

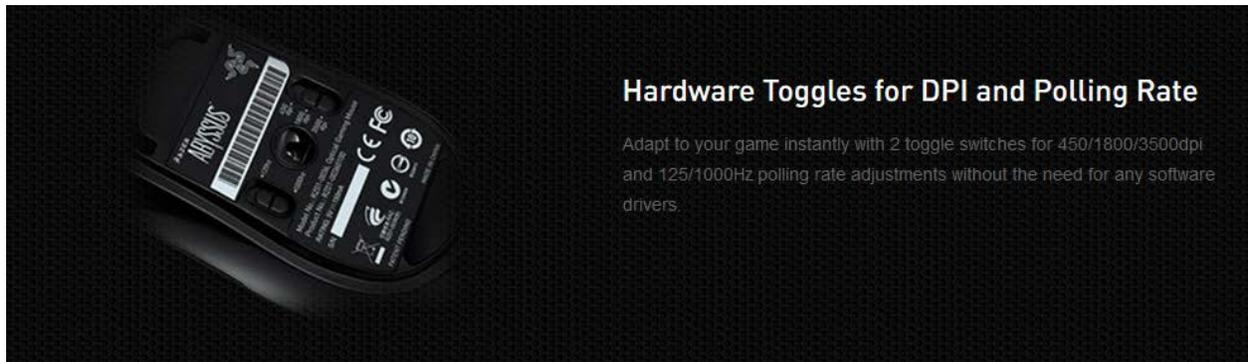
COUNT I: DIRECT INFRINGEMENT OF U.S. PATENT NO. 7,532,200

8. On May 12, 2009, the '200 Patent was duly and legally issued by the United States Patent and Trademark Office.

9. BMC is the owner of the '200 Patent with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the '200 Patent against infringers, and to collect damages for all relevant times.

10. Razer made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale computer mice and other devices ("the accused products"), including, for example, at least the Abyssus Mirror, Orochi 2013, and Ouroboros mice, which infringe one or more claims of the '200 Patent.

Razer Abyssus Mirror



Hardware Toggles for DPI and Polling Rate

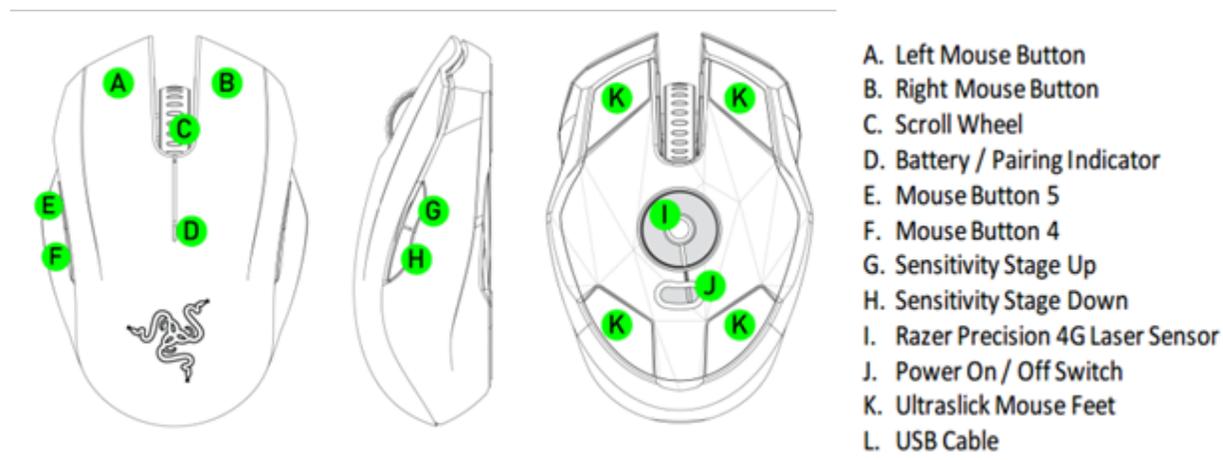
Adapt to your game instantly with 2 toggle switches for 450/1800/3500dpi and 125/1000Hz polling rate adjustments without the need for any software drivers.

(source: <https://www.razerzone.com/gaming-mice/razer-abyssus-mirror>)

RAZER OROCHI 2013:



(source: <http://www.razersupport.com/gaming-mice/razer-orochi-2013/>)



(source: <http://dl.razerzone.com/master-guides/Orochi2013/Orochi2013OMG-ENG.pdf>)

Razer Ouroboros interactive demo - go on, touch it

CUSTOMIZE



Dedicated DPI Clutch-Trigger

Stay on top of the competition and adapt to the situation with the Razer Ouroboros' dedicated DPI clutch-trigger. Hold it down to temporarily increase/decrease the mouse's DPI so you can get the exact sensitivity you need for the moment in-game.

For instance, when you switch to a sniper to take out a target far away, use the clutch to slow your DPI down, and once the enemy has been dispatched with precision, release the clutch to return to your usual lightning fast assault mode.



(source: <https://www.razerzone.com/gaming-mice/razer-ouroboros>)

11. By doing so, Defendant has directly infringed (literally and/or under the doctrine of equivalents) at least Claim 6 of the '200 Patent. Defendant's infringement in this regard is ongoing.

12. Razer has infringed the '200 Patent by making, having made, using, importing, providing, supplying, distributing, selling or offering for sale systems that comprise an apparatus for setting multi-stage displacement resolution of a mouse.

13. The accused products include an X-Y axis plane displacement detector, for sensing a distance and a moving direction generated by the mouse in a two-dimensional space.

14. The accused products include a an N-stage switch for setting a resolution value, the N-stage switch circuit having a switching button capable of being manually switched to one of positions 1 to N, and accordingly activating a connected resolution setting pin to indicate a state, where N is a positive integer.

15. The accused products include a mouse micro controller with a register, coupled to the X-Y axis plane displacement detector and the switching circuit, the mouse micro controller determining the resolution value based on the state of the connected resolution setting pins.

16. The accused products include setting a mouse resolution based on the resolution value and storing the resolution value in the register.

17. The accused products include the mouse micro controller responding to the distance and moving direction sensed by the X-Y axis plane displacement detector to provide a control signal to a computer connected to the mouse, thereby moving the mouse cursor on a screen of the computer, the mouse cursor being moved directly based on the resolution value stored in the register.

18. BMC has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to BMC in an amount that adequately compensates BMC for such infringements, 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.

19. BMC and/or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '200 Patent.

JURY DEMAND

BMC hereby requests a trial by jury on all issues so triable by right.

PRAYER FOR RELIEF

BMC requests that the Court find in its favor and against Defendant and that the Court grant BMC the following relief:

a. Judgment that one or more claims of the '200 Patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant and/or all others acting in concert therewith;

b. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert therewith from infringement of the '200 Patent; or, in the alternative, an award of a reasonable ongoing royalty for future infringement of the '200 Patent by such entities;

c. Judgment that Defendant account for and pay to BMC all damages to and costs incurred by BMC because of Defendant's infringing activities and other conduct complained of herein , including an award of all increased damages to which BMC is entitled under 35 U.S.C. § 284;

d. Pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;

e. A declaration by the Court that this an exceptional case and an award to BMC its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and

f. Such other and further relief as the Court may deem just and proper under the circumstances.

Dated: April 14, 2017

Respectfully submitted,

/s/ Larry D. Thompson, Jr.

Larry D. Thompson, Jr. (lead attorney)

Texas Bar No. 24051428

larry@ahtlawfirm.com

Matthew J. Antonelli

Texas Bar No. 24068432

matt@ahtlawfirm.com

Zachariah S. Harrington

Texas Bar No. 24057886

zac@ahtlawfirm.com

Michael D. Ellis

Texas Bar No. 24081586

michael@ahtlawfirm.com

ANTONELLI, HARRINGTON

& THOMPSON LLP

4306 Yoakum Blvd., Ste. 450

Houston, TX 77006

(713) 581-3000

(713) 581-3020 fax

Stafford Davis

State Bar No. 24054605

THE STAFFORD DAVIS FIRM, PC

The People's Petroleum Building

102 N College Ave., 13th Floor

Tyler, Texas 75702

(903) 593-7000

sdavis@stafforddavisfirm.com

Attorneys for Better Mouse Company, LLC