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9 *Attorneys for Plaintiff,*
10 *Telepet U.S.A.*

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF NEVADA**

13 TELEPET U.S.A.,) Civil Action No.: _____
14 Plaintiff,)
15 vs.)
16 QUALCOMM INCORPORATED,) **JURY TRIAL DEMANDED**
17 Defendants.)
_____)

18 **ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

19 In this action for patent infringement, Plaintiff Telepet U.S.A. ("Telepet") complains of
20 Defendant QUALCOMM Incorporated ("Qualcomm") as follows:

21 **JURISDICTION AND VENUE**

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23 1. This is a claim for patent infringement arising under the patent laws of the United
24 States, Title 35, United States Code § 1 *et seq.* This Court has exclusive original jurisdiction over
25 the subject matter of this Complaint under 28 U.S.C. §§ 1331 and 1338(a).

26 2. Venue is proper under 28 U.S.C. §§ 1391 and 1400(b) because Qualcomm is
27 subject to personal jurisdiction in this judicial district.
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PARTIES

3. Telepet is a Nevada corporation and has its principal place of business at 3336 S. Highland Drive, Las Vegas, Nevada 89109.

4. Qualcomm is a Delaware corporation and has its principal place of business at 5775 Morehouse Drive, San Diego, California 92121. Qualcomm has a wholly-owned subsidiary, Snaptracs, Inc., also located at 5775 Morehouse Drive, San Diego, California 92121.

PATENT INFRINGEMENT

5. Telepet owns the full and exclusive right, title, and interest in and has standing to sue for damages for any past, present and future infringement of U.S. Patent No. 8,314,695, "Tracking System and Portable Virtual Fence." The '695 patent issued on November 20, 2012. A copy of the '695 patent is attached to this Complaint.

6. Qualcomm sells "Tagg – The Pet Tracker™," a system for monitoring the location of pets and communicating with pet owners regarding the movements of the pet. The device presently retails for \$99.95 on sites like Apple and Amazon, where it is advertised as coming from "Snaptracs, Inc., a Qualcomm Company." After a free three-month period, use of the system requires payment of \$7.95 per month for the first monitored pet. Tagg – The Pet Tracker™ is widely advertised, for example, on YouTube and on Yahoo, where it was described as one of the top ten gadget gifts for the 2012 Christmas season. A website (www.pettracker.com), where Tagg – The Pet Tracker™ can be purchased, says "Snaptracs, Inc., a Qualcomm Technologies company." Qualcomm demonstrated Tagg – The Pet Tracker™ at, for example, the 2012 Consumer Electronics Show in Las Vegas. The President of Snaptracs uses Tagg – The Pet Tracker™. Qualcomm has several videos on YouTube showing how the Tagg is used.

7. Qualcomm has received notice of Telepet's '695 patent.

8. Upon information and belief, Qualcomm's acts infringe at least claim 5 of the '695 patent in violation of 35 U.S.C. §§ 271(b) and (c).

9. On information and belief, additional infringing products or methods may be identified after a reasonable opportunity for discovery. Additional claims of the '695 patent may also apply.

10. Qualcomm's direct infringement of the '695 patent has injured Telepet, and Telepet is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

RELIEF SOUGHT

WHEREFORE, Telepet respectfully requests that this Court enter judgment against Qualcomm, and against its subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with it, as follows:

A. The entry of final judgment in favor of Telepet;

B. An award to Telepet of such damages as it shall prove at trial against Qualcomm that is adequate to compensate for its infringement of the '695 patent, said damages to be no less than a reasonable royalty, together with prejudgment interest from the date infringement of the '695 patent began;

C. A determination that this case is exceptional pursuant to 35 U.S.C. § 285 and an award to Telepet of the costs of this action and its reasonable attorneys' fees; and

D. Such other relief as Telepet is entitled to recover under any applicable law and as this Court or a jury may determine to be proper and just.

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1 **JURY DEMAND**

2 Telepet hereby demands a trial by jury on all issues triable of right by a jury.

3 DATED this 14th day of January, 2013.

4 Respectfully Submitted,

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An Employee of Hutchison & Steffen, LLC