

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NUANCE COMMUNICATIONS, INC.,  
SWYPE, INC., TEGIC COMMUNICATIONS,  
INC. and ZI CORPORATION OF CANADA,  
INC.,

Plaintiffs,

v.

SHANGHAI HANXIANG (COOTEK)  
INFORMATION TECHNOLOGY CO., LTD,  
and PERSONAL COMMUNICATIONS  
DEVICES, LLC,

Defendants.

Civil Action No. \_\_\_\_\_

**DEMAND FOR A JURY TRIAL**

**NUANCE’S COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs Nuance Communications, Inc. (“Nuance Communications”), Swype, Inc. (“Swype”), Tegic Communications, Inc. (“Tegic”), and ZI Corporation of Canada, Inc. (“ZI Corporation”) (collectively “Nuance”) file this Complaint for Patent Infringement against Defendants Shanghai HanXiang (CooTek) Information Technology Co., Ltd. (“CooTek”) and Personal Communications Devices, LLC (“PCD”), and allege as follows:<sup>1</sup>

**THE PARTIES**

1. Plaintiff Nuance Communications is a Delaware corporation having its headquarters at 1 Wayside Road, Burlington, Massachusetts 01803. Nuance Communications was formally incorporated in 1992 as Visioneer, Inc., and in October 2005, Nuance Communications became Nuance Communications, Inc. Nuance Communications is a leading designer and provider of intuitive communication technologies for businesses and individuals

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<sup>1</sup> Upon the filing of this Complaint, Nuance Communications will dismiss without prejudice a lawsuit it filed on December 17, 2012 against the same parties asserting the same patents-in-suit.

around the world. Nuance Communications wholly owns each of Swype, Tegic, and ZI Corporation.

2. Swype, Inc., Tegic Communications, Inc. and ZI Corporation of Canada, Inc. are each wholly owned subsidiaries of Nuance Communications, each with their principal places of business located at 1 Wayside Road, Burlington, Massachusetts 01803.

3. Upon information and belief, Defendant Personal Communications Devices, LLC (“PCD”) is a privately held corporation organized under the laws of the State of Delaware, with its principal place of business at 555 Wireless Boulevard, Hauppauge, New York 11788. On information and belief, PCD develops, manufactures abroad, imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, mobile handset devices with touch keyboard software technology, including but not limited to the touch keyboard software of Defendant CooTek.

4. Upon information and belief, Defendant Shanghai HanXian (CooTek) Information Technology Co., Ltd. (“CooTek”) is a corporation organized under the laws of the country of China, with its principal place of business at 1023, Bldg 2, 555 Dongchuan Rd. Shanghai, Shanghai 200241, China. On information and belief, CooTek conducts business throughout the United States and in this judicial district, including by selling, offering for sale, making available, advertising, distributing, and importing CooTek touch keyboard software technology products, including its “TouchPal” touch keyboard software platform, for download and/or use on mobile handset devices. Upon information and belief, CooTek’s touch keyboard software technology, such as the TouchPal touch keyboard, is incorporated into and/or available for use on mobile handset devices, including but not limited to the mobile handset devices of Defendant PCD.

## **JURISDICTION AND VENUE**

5. This is an action for patent infringement arising under the United States Patent Act, 35 U.S.C. § 1, *et seq.* This Court has subject matter jurisdiction over the claims pleaded herein under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendant CooTek and Defendant PCD (collectively, “Defendants”) because Defendants do business in this District and have committed and continue to commit acts of patent infringement in this District, have harmed and continue to harm Nuance in this District by, *inter alia*, manufacturing, using, selling, shipping, distributing, and/or offering for sale infringing products, and have placed and continue to place infringing devices into the stream of commerce by shipping those products into this District or knowing that the products would be shipped into this District. The Court also has personal jurisdiction over Defendant PCD because it is incorporated in Delaware.

7. Pursuant to 28 U.S.C. §§ 1391 and 1400(b), venue is proper in this judicial District as to Defendants because, among other reasons, Defendants are subject to personal jurisdiction and have committed acts of infringement in this District.

### **COUNT 1:**

#### **INFRINGEMENT OF U.S. PATENT NO. 7,750,891**

8. Nuance incorporates by reference the allegations of Paragraphs 1 through 7 as though fully set forth herein.

9. Nuance Communications’ wholly owned subsidiary Tegic owns by assignment the entire right, title and interest in and to U.S. Patent No. 7,750,891 B2 (“the ’891 patent”) entitled “Selective Input System Based on Tracking of Motion Parameters of an Input Device.” The ’891 patent legally issued on July 6, 2010, to inventors James Stephanick, Christina James,

Ethan R. Bradford, and Michael R. Longé based on Application No. 10/881,819, filed on June 28, 2004. A true and correct copy of the '891 patent is attached as Exhibit A.

10. Defendants have infringed and continue to infringe, either literally and/or under the doctrine of equivalents, the '891 patent by making, using, offering for sale, selling, within the United States, and/or importing into the United States, infringing devices, including, but not limited to, infringing mobile handset devices with infringing touch keypad software technology, including but not limited to the PCD Venture device with CooTek TouchPal software, which embody and/or practice one or more claims of the '891 patent, without authority or license from Nuance, in violation of 35 U.S.C. § 271.

11. At least upon receiving notice of the Complaint filed by Nuance Communications on December 17, 2012, CooTek's activities constitute indirect infringement of the '891 patent in violation of 35 U.S.C. § 271 by actively contributing to the infringement of others by making available, selling, offering to sell, and/or licensing its infringing touch keyboard software to others, including but not limited to Defendant PCD, for inclusion into downstream mobile handset devices, such as the PCD Venture device, which embody and/or practice one or more claims of the '891 patent. Similarly, at least upon receiving notice of the December 17, 2012 Complaint, PCD's activities constitute indirect infringement of the '891 patent in violation of 35 U.S.C. § 271 by actively contributing to the infringement of others by making available, selling, offering to sell, and/or licensing mobile handset devices, including, without limitation, the PCD Venture, with infringing touch keyboard software, such as CooTek's TouchPal touch keyboard software, which embody and/or practice one or more claims of the '891 patent. CooTek's touch keyboard software, including, without limitation, the TouchPal touch keyboard software, embodies a material part of the invention(s) claimed in one or more claims of the '891 patent, is

known by Defendants, at least upon receiving notice of the December 17, 2012 Complaint, to be especially made or specially adapted for use in infringement of one or more claims of the '891 patent, and is not a staple article or commodity of commerce suitable for substantial, non-infringing use.

12. At least upon receiving notice of the Complaint filed by Nuance Communications on December 17, 2012, CooTek's activities constitute indirect infringement of the '891 patent in violation of 35 U.S.C. § 271 by actively inducing the infringement of others by making available, selling, offering to sell, and/or licensing its infringing touch keyboard software to others, including but not limited to Defendant PCD, for inclusion into downstream mobile handset devices, such as the PCD Venture device, which embody and/or practice one or more claims of the '891 patent. Similarly, at least upon receiving notice of the December 17, 2012 Complaint, PCD's activities constitute indirect infringement of the '891 patent in violation of 35 U.S.C. § 271 by actively inducing the infringement of others by making available, selling, offering to sell, and/or licensing mobile handset devices, including, without limitation, the PCD Venture, with infringing touch keyboard software, such as CooTek's TouchPal touch keyboard software, which embody and/or practice one or more claims of the '891 patent. Defendants further encourage and facilitate the direct infringement of others by providing specific instructions, such as through distribution of user manuals and marketing materials, which direct Defendants' customers on the implementation and use of the touch keyboard software, including, without limitation, CooTek's TouchPal touch keyboard software, on the customers' mobile handset devices, knowing, at least upon receiving notice of the December 17, 2012 Complaint, that when used for its intended purpose, CooTek's touch keyboard software loaded onto mobile handset devices, such as the PCD Venture, infringes one or more claims of the '891 patent.

13. At least upon receiving notice of the Complaint filed by Nuance Communications on December 17, 2012, CooTek's activities constitute indirect infringement of the '891 patent in violation of 35 U.S.C. § 271 by aiding and abetting others in infringing the '891 patent, by facilitating the download and use of its touch keyboard software, including without limitation the TouchPal touch keyboard software, directly from its website onto mobile handset devices in the United States, knowing that such combination embodies and/or practices one or more claims of the '891 patent. By openly providing the TouchPal touch keyboard software, CooTek actively facilitates and encourages its customers in the United States to download and/or use CooTek's infringing touch keyboard software on a mobile handset device, knowing, at least upon receiving notice of the December 17, 2012 Complaint, that such download and use infringes one or more claims of the '891 patent.

14. Nuance put Defendants on notice of the '891 patent and Defendants' infringement thereof by no later than upon service and/or notice of the December 17, 2012 Complaint filed by Nuance Communications.

15. Defendants' infringement of the '891 patent is ongoing. Unless and until enjoined by order of this Court, Defendants' infringement of Nuance's rights under the '891 patent will continue to damage Nuance, causing Nuance irreparable harm as a direct and proximate result of Defendants' conduct.

16. Nuance has been damaged by Defendants' infringement, and is entitled to recover from Defendants the damages sustained as a result of Defendants' wrongful acts in an amount yet to be determined and subject to proof at trial.

**COUNT 2:**

**INFRINGEMENT OF U.S. PATENT NO. 7,453,439**

17. Nuance incorporates by reference the allegations of Paragraphs 1 through 16 as though fully set forth herein.

18. Nuance Communications' wholly owned subsidiary Swype owns by assignment the entire right, title and interest in and to U.S. Patent No. 7,453,439 B1 ("the '439 patent") entitled "System and Method for Continuous Stroke Word-Based Text Input." The '439 patent legally issued on November 18, 2008, to inventors Clifford A. Kushler and Randal J. Marsden based on Application No. 10/710,575, filed on July 21, 2004. A true and correct copy of the '439 patent is attached as Exhibit B.

19. Defendants have infringed and continue to infringe, either literally and/or under the doctrine of equivalents, the '439 patent by making, using, offering for sale, selling, within the United States, and/or importing into the United States, infringing devices, including, but not limited to, infringing mobile handset devices with infringing touch keypad software technology, including but not limited to the PCD Venture device with CooTek TouchPal software, which embody and/or practice one or more claims of the '439 patent, without authority or license from Nuance, in violation of 35 U.S.C. § 271.

20. At least upon receiving notice of the Complaint filed by Nuance Communications on December 17, 2012, CooTek's activities constitute indirect infringement of the '439 patent in violation of 35 U.S.C. § 271 by actively contributing to the infringement of others by making available, selling, offering to sell, and/or licensing its infringing touch keyboard software to others, including but not limited to Defendant PCD, for inclusion into downstream mobile handset devices, such as the PCD Venture device, which embody and/or practice one or more

claims of the '439 patent. Similarly, at least upon receiving notice of the December 17, 2012 Complaint, PCD's activities constitute indirect infringement of the '439 patent in violation of 35 U.S.C. § 271 by actively contributing to the infringement of others by making available, selling, offering to sell, and/or licensing mobile handset devices, including, without limitation, the PCD Venture, with infringing touch keyboard software, such as CooTek's TouchPal touch keyboard software, which embody and/or practice one or more claims of the '439 patent. CooTek's touch keyboard software, including, without limitation, the TouchPal touch keyboard software, embodies a material part of the invention(s) claimed in one or more claims of the '439 patent, is known by Defendants, at least upon receiving notice of the December 17, 2012 Complaint, to be especially made or specially adapted for use in infringement of one or more claims of the '439 patent, and is not a staple article or commodity of commerce suitable for substantial, non-infringing use.

21. At least upon receiving notice of the Complaint filed by Nuance Communications on December 17, 2012, CooTek's activities constitute indirect infringement of the '439 patent in violation of 35 U.S.C. § 271 by actively inducing the infringement of others by making available, selling, offering to sell, and/or licensing its infringing touch keyboard software to others, including but not limited to Defendant PCD, for inclusion into downstream mobile handset devices, such as the PCD Venture device, which embody and/or practice one or more claims of the '439 patent. Similarly, at least upon receiving notice of the December 17, 2012 Complaint, PCD's activities constitute indirect infringement of the '439 patent in violation of 35 U.S.C. § 271 by actively inducing the infringement of others by making available, selling, offering to sell, and/or licensing mobile handset devices, including, without limitation, the PCD Venture, with infringing touch keyboard software, such as CooTek's TouchPal touch keyboard



software, which embody and/or practice one or more claims of the '439 patent. Defendants further encourage and facilitate the direct infringement of others by providing specific instructions, such as through distribution of user manuals and marketing materials, which direct Defendants' customers on the implementation and use of the touch keyboard software, including, without limitation, CooTek's TouchPal touch keyboard software, on the customers' mobile handset devices, knowing, at least upon receiving notice of the December 17, 2012 Complaint, that when used for its intended purpose, CooTek's touch keyboard software loaded onto mobile handset devices, such as the PCD Venture, infringes one or more claims of the '439 patent.

22. At least upon receiving notice of the Complaint filed by Nuance Communications on December 17, 2012, CooTek's activities constitute indirect infringement of the '439 patent in violation of 35 U.S.C. § 271 by aiding and abetting others in infringing the '439 patent, by facilitating the download and use of its touch keyboard software, including without limitation the TouchPal touch keyboard software, directly from its website onto mobile handset devices in the United States, knowing that such combination embodies and/or practices one or more claims of the '439 patent. By openly providing the TouchPal touch keyboard software, CooTek actively facilitates and encourages its customers in the United States to download and/or use CooTek's infringing touch keyboard software on a mobile handset device, knowing, at least upon receiving notice of the December 17, 2012 Complaint, that such download and use infringes one or more claims of the '439 patent.

23. Nuance put Defendants on notice of the '439 patent and Defendants' infringement thereof by no later than upon service and/or notice of the Complaint filed by Nuance Communications on December 17, 2012.

24. Defendants' infringement of the '439 patent is ongoing. Unless and until enjoined by order of this Court, Defendants' infringement of Nuance's rights under the '439 patent will continue to damage Nuance, causing Nuance irreparable harm as a direct and proximate result of Defendants' conduct.

25. Nuance has been damaged by Defendants' infringement, and is entitled to recover from Defendants the damages sustained as a result of Defendants' wrongful acts in an amount yet to be determined and subject to proof at trial.

**COUNT 3:**

**INFRINGEMENT OF U.S. PATENT NO. 7,098,896**

26. Nuance incorporates by reference the allegations of Paragraphs 1 through 25 as though fully set forth herein.

27. Nuance Communications' wholly owned subsidiary Swype owns by assignment the entire right, title and interest in and to U.S. Patent No. 7,098,896 B2 ("the '896 patent") entitled "System and Method for Continuous Stroke Word-Based Text Input." The '896 patent legally issued on August 29, 2006, to inventors Clifford A. Kushler and Randal J. Marsden based on Application No. 10/346,366, filed on January 16, 2003. A true and correct copy of the '896 patent is attached as Exhibit C.

28. Defendants have infringed and continue to infringe, either literally and/or under the doctrine of equivalents, the '896 patent by making, using, offering for sale, selling, within the United States, and/or importing into the United States, infringing devices, including, but not limited to, infringing mobile handset devices with infringing touch keypad software technology, including but not limited to the PCD Venture device with CooTek TouchPal software, which

embody and/or practice one or more claims of the '896 patent, without authority or license from Nuance, in violation of 35 U.S.C. § 271.

29. At least upon receiving notice of the Complaint filed by Nuance Communications on December 17, 2012, CooTek's activities constitute indirect infringement of the '896 patent in violation of 35 U.S.C. § 271 by actively contributing to the infringement of others by making available, selling, offering to sell, and/or licensing its infringing touch keyboard software to others, including but not limited to Defendant PCD, for inclusion into downstream mobile handset devices, such as the PCD Venture device, which embody and/or practice one or more claims of the '896 patent. Similarly, at least upon receiving notice of the December 17, 2012 Complaint, PCD's activities constitute indirect infringement of the '896 patent in violation of 35 U.S.C. § 271 by actively contributing to the infringement of others by making available, selling, offering to sell, and/or licensing mobile handset devices, including, without limitation, the PCD Venture, with infringing touch keyboard software, such as CooTek's TouchPal touch keyboard software, which embody and/or practice one or more claims of the '896 patent. CooTek's touch keyboard software, including, without limitation, the TouchPal touch keyboard software, embodies a material part of the invention(s) claimed in one or more claims of the '896 patent, is known by Defendants, at least upon receiving notice of the December 17, 2012 Complaint, to be especially made or specially adapted for use in infringement of one or more claims of the '896 patent, and is not a staple article or commodity of commerce suitable for substantial, non-infringing use.

30. At least upon receiving notice of the December 17, 2012 Complaint, CooTek's activities constitute indirect infringement of the '896 patent in violation of 35 U.S.C. § 271 by actively inducing the infringement of others by making available, selling, offering to sell, and/or

licensing its infringing touch keyboard software to others, including but not limited to Defendant PCD, for inclusion into downstream mobile handset devices, such as the PCD Venture device, which embody and/or practice one or more claims of the '896 patent. Similarly, at least upon receiving notice of the December 17, 2012 Complaint, PCD's activities constitute indirect infringement of the '896 patent in violation of 35 U.S.C. § 271 by actively inducing the infringement of others by making available, selling, offering to sell, and/or licensing mobile handset devices, including, without limitation, the PCD Venture, with infringing touch keyboard software, such as CooTek's TouchPal touch keyboard software, which embody and/or practice one or more claims of the '896 patent. Defendants further encourage and facilitate the direct infringement of others by providing specific instructions, such as through distribution of user manuals and marketing materials, which direct Defendants' customers on the implementation and use of the touch keyboard software, including, without limitation, CooTek's TouchPal touch keyboard software, on the customers' mobile handset devices, knowing, at least upon receiving notice of the December 17, 2012 Complaint, that when used for its intended purpose, CooTek's touch keyboard software loaded onto mobile handset devices, such as the PCD Venture, infringes one or more claims of the '896 patent.

31. At least upon receiving notice of the Complaint filed by Nuance Communications on December 17, 2012, CooTek's activities constitute indirect infringement of the '896 patent in violation of 35 U.S.C. § 271 by aiding and abetting others in infringing the '896 patent, by facilitating the download and use of its touch keyboard software, including without limitation the TouchPal touch keyboard software, directly from its website onto mobile handset devices in the United States, knowing that such combination embodies and/or practices one or more claims of the '896 patent. By openly providing the TouchPal touch keyboard software, CooTek actively

facilitates and encourages its customers in the United States to download and/or use CooTek's infringing touch keyboard software on a mobile handset device, knowing, at least upon receiving notice of the December 17, 2012 Complaint, that such download and use infringes one or more claims of the '896 patent.

32. Nuance put Defendants on notice of the '896 patent and Defendants' infringement thereof by no later than upon service and/or notice of the Complaint filed by Nuance Communications on December 17, 2012.

33. Defendants' infringement of the '896 patent is ongoing. Unless and until enjoined by order of this Court, Defendants' infringement of Nuance's rights under the '896 patent will continue to damage Nuance, causing Nuance irreparable harm as a direct and proximate result of Defendants' conduct.

34. Nuance has been damaged by Defendants' infringement, and is entitled to recover from Defendants the damages sustained as a result of Defendants' wrongful acts in an amount yet to be determined and subject to proof at trial.

#### **COUNT 4:**

#### **INFRINGEMENT OF U.S. PATENT NO. 7,075,520**

35. Nuance incorporates by reference the allegations of Paragraphs 1 through 34 as though fully set forth herein.

36. Nuance Communications' wholly owned subsidiary ZI Corporation owns by assignment the entire right, title and interest in and to U.S. Patent No. 7,075,520 B2 ("the '520 patent") entitled "Key Press Disambiguation Using a Keypad of Multidirectional Keys." The '520 patent legally issued on July 11, 2006, to inventor Roland E. Williams based on Application

No. 10/020,572, filed on December 12, 2001. A true and correct copy of the '520 patent is attached as Exhibit D.

37. Defendants have infringed and continue to infringe, either literally and/or under the doctrine of equivalents, the '520 patent by making, using, offering for sale, selling, within the United States, and/or importing into the United States, infringing devices, including, but not limited to, infringing mobile handset devices with infringing touch keypad software technology, including but not limited to the PCD Venture device with CooTek TouchPal software, which embody and/or practice one or more claims of the '520 patent, without authority or license from Nuance, in violation of 35 U.S.C. § 271.

38. At least upon receiving notice of the Complaint filed by Nuance Communications on December 17, 2012, CooTek's activities constitute indirect infringement of the '520 patent in violation of 35 U.S.C. § 271 by actively contributing to the infringement of others by making available, selling, offering to sell, and/or licensing its infringing touch keyboard software to others, including but not limited to Defendant PCD, for inclusion into downstream mobile handset devices, such as the PCD Venture device, which embody and/or practice one or more claims of the '520 patent. Similarly, at least upon receiving notice of the December 17, 2012 Complaint, PCD's activities constitute indirect infringement of the '520 patent in violation of 35 U.S.C. § 271 by actively contributing to the infringement of others by making available, selling, offering to sell, and/or licensing mobile handset devices, including, without limitation, the PCD Venture, with infringing touch keyboard software, such as CooTek's TouchPal touch keyboard software, which embody and/or practice one or more claims of the '520 patent. CooTek's touch keyboard software, including, without limitation, the TouchPal touch keyboard software, embodies a material part of the invention(s) claimed in one or more claims of the '520 patent, is

known by Defendants, at least upon receiving notice of the December 17, 2012 Complaint, to be especially made or specially adapted for use in infringement of one or more claims of the '520 patent, and is not a staple article or commodity of commerce suitable for substantial, non-infringing use.

39. At least upon receiving notice of the December 17, 2012 Complaint, CooTek's activities constitute indirect infringement of the '520 patent in violation of 35 U.S.C. § 271 by actively inducing the infringement of others by making available, selling, offering to sell, and/or licensing its infringing touch keyboard software to others, including but not limited to Defendant PCD, for inclusion into downstream mobile handset devices, such as the PCD Venture device, which embody and/or practice one or more claims of the '520 patent. Similarly, at least upon receiving notice of the December 17, 2012 Complaint, PCD's activities constitute indirect infringement of the '520 patent in violation of 35 U.S.C. § 271 by actively inducing the infringement of others by making available, selling, offering to sell, and/or licensing mobile handset devices, including, without limitation, the PCD Venture, with infringing touch keyboard software, such as CooTek's TouchPal touch keyboard software, which embody and/or practice one or more claims of the '520 patent. Defendants further encourage and facilitate the direct infringement of others by providing specific instructions, such as through distribution of user manuals and marketing materials, which direct Defendants' customers on the implementation and use of the touch keyboard software, including, without limitation, CooTek's TouchPal touch keyboard software, on the customers' mobile handset devices, knowing, at least upon receiving notice of the December 17, 2012 Complaint, that when used for its intended purpose, CooTek's touch keyboard software loaded onto mobile handset devices, such as the PCD Venture, infringes one or more claims of the '520 patent.

40. At least upon receiving notice of the Complaint filed by Nuance Communications on December 17, 2012, CooTek's activities constitute indirect infringement of the '520 patent in violation of 35 U.S.C. § 271 by aiding and abetting others in infringing the '520 patent, by facilitating the download and use of its touch keyboard software, including without limitation the TouchPal touch keyboard software, directly from its website onto mobile handset devices in the United States, knowing that such combination embodies and/or practices one or more claims of the '520 patent. By openly providing the TouchPal touch keyboard software, CooTek actively facilitates and encourages its customers in the United States to download and/or use CooTek's infringing touch keyboard software on a mobile handset device, knowing, at least upon receiving notice of the December 17, 2012 Complaint, that such download and use infringes one or more claims of the '520 patent.

41. Nuance put Defendants on notice of the '520 patent and Defendants' infringement thereof by no later than upon service and/or notice of the Complaint filed by Nuance Communications on December 17, 2012.

42. Defendants' infringement of the '520 patent is ongoing. Unless and until enjoined by order of this Court, Defendants' infringement of Nuance's rights under the '520 patent will continue to damage Nuance, causing Nuance irreparable harm as a direct and proximate result of Defendants' conduct.

43. Nuance has been damaged by Defendants' infringement, and is entitled to recover from Defendants the damages sustained as a result of Defendants' wrongful acts in an amount yet to be determined and subject to proof at trial.



**COUNT 5:**

**INFRINGEMENT OF U.S. PATENT NO. 6,286,064**

44. Nuance incorporates by reference the allegations of Paragraphs 1 through 43 as though fully set forth herein.

45. Nuance Communications' wholly owned subsidiary Tegic Communications owns by assignment the entire right, title and interest in and to U.S. Patent No. 6,286,064 B1 ("the '064 patent") entitled "Reduced Keyboard and Method for Simultaneous Ambiguous and Unambiguous Text Input." The '064 patent legally issued on September 4, 2001, to inventors Martin T. King, Dale L. Grover, Clifford A. Kushler, and Cheryl A. Grunbock based on Application No. 09/339,549, filed on June 24, 1999. A true and correct copy of the '064 patent is attached as Exhibit E.

46. Defendants have infringed and continue to infringe, either literally and/or under the doctrine of equivalents, the '064 patent by making, using, offering for sale, selling, within the United States, and/or importing into the United States, infringing devices, including, but not limited to, infringing mobile handset devices with infringing touch keypad software technology, including but not limited to the PCD Venture device with CooTek TouchPal software, which embody and/or practice one or more claims of the '064 patent, without authority or license from Nuance, in violation of 35 U.S.C. § 271.

47. At least upon receiving notice of the Complaint filed by Nuance Communications on December 17, 2012, CooTek's activities constitute indirect infringement of the '064 patent in violation of 35 U.S.C. § 271 by actively contributing to the infringement of others by making available, selling, offering to sell, and/or licensing its infringing touch keyboard software to others, including but not limited to Defendant PCD, for inclusion into downstream mobile

handset devices, such as the PCD Venture device, which embody and/or practice one or more claims of the '064 patent. Similarly, at least upon receiving notice of the December 17, 2012 Complaint, PCD's activities constitute indirect infringement of the '064 patent in violation of 35 U.S.C. § 271 by actively contributing to the infringement of others by making available, selling, offering to sell, and/or licensing mobile handset devices, including, without limitation, the PCD Venture, with infringing touch keyboard software, such as CooTek's TouchPal touch keyboard software, which embody and/or practice one or more claims of the '064 patent. CooTek's touch keyboard software, including, without limitation, the TouchPal touch keyboard software, embodies a material part of the invention(s) claimed in one or more claims of the '064 patent, is known by Defendants, at least upon receiving notice of the December 17, 2012 Complaint, to be especially made or specially adapted for use in infringement of one or more claims of the '064 patent, and is not a staple article or commodity of commerce suitable for substantial, non-infringing use.

48. At least upon receiving notice of the Complaint filed by Nuance Communications on December 17, 2012, CooTek's activities constitute indirect infringement of the '064 patent in violation of 35 U.S.C. § 271 by actively inducing the infringement of others by making available, selling, offering to sell, and/or licensing its infringing touch keyboard software to others, including but not limited to Defendant PCD, for inclusion into downstream mobile handset devices, such as the PCD Venture device, which embody and/or practice one or more claims of the '064 patent. Similarly, at least upon receiving notice of the December 17, 2012 Complaint, PCD's activities constitute indirect infringement of the '064 patent in violation of 35 U.S.C. § 271 by actively inducing the infringement of others by making available, selling, offering to sell, and/or licensing mobile handset devices, including, without limitation, the PCD

Venture, with infringing touch keyboard software, such as CooTek's TouchPal touch keyboard software, which embody and/or practice one or more claims of the '064 patent. Defendants further encourage and facilitate the direct infringement of others by providing specific instructions, such as through distribution of user manuals and marketing materials, which direct Defendants' customers on the implementation and use of the touch keyboard software, including, without limitation, CooTek's TouchPal touch keyboard software, on the customers' mobile handset devices, knowing, at least upon receiving notice of the December 17, 2012 Complaint, that when used for its intended purpose, CooTek's touch keyboard software loaded onto mobile handset devices, such as the PCD Venture, infringes one or more claims of the '064 patent.

49. At least upon receiving notice of the Complaint filed by Nuance Communications on December 17, 2012, CooTek's activities constitute indirect infringement of the '064 patent in violation of 35 U.S.C. § 271 by aiding and abetting others in infringing the '064 patent, by facilitating the download and use of its touch keyboard software, including without limitation the TouchPal touch keyboard software, directly from its website onto mobile handset devices in the United States, knowing that such combination embodies and/or practices one or more claims of the '064 patent. By openly providing the TouchPal touch keyboard software, CooTek actively facilitates and encourages its customers in the United States to download and/or use CooTek's infringing touch keyboard software on a mobile handset device, knowing, at least upon receiving notice of the December 17, 2012 Complaint, that such download and use infringes one or more claims of the '064 patent.

50. Nuance put Defendants on notice of the '064 patent and Defendants' infringement thereof by no later than upon service and/or notice of the Complaint filed by Nuance Communications on December 17, 2012.

51. Defendants' infringement of the '064 patent is ongoing. Unless and until enjoined by order of this Court, Defendants' infringement of Nuance's rights under the '064 patent will continue to damage Nuance, causing Nuance irreparable harm as a direct and proximate result of Defendants' conduct.

52. Nuance has been damaged by Defendants' infringement, and is entitled to recover from Defendants the damages sustained as a result of Defendants' wrongful acts in an amount yet to be determined and subject to proof at trial.

### **REQUESTED RELIEF**

WHEREFORE, Nuance respectfully requests that this Court enter judgment against Defendants as follows:

- A. That Defendants have and continue to infringe one or more claims of the '891, '439, '896, '520, and '064 patents;
- B. That Defendants, and each Defendants' affiliates, subsidiaries, directors, officers, employees, attorneys, agents, and all persons in active concert or participation with any of them be enjoined from infringement of the '891, '439, '896, '520, and '064 patents;
- C. That Defendants pay Nuance damages in an amount adequate to compensate Nuance for Defendants' infringement of the '891, '439, '896, '520, and '064 patents, but in no event less than a reasonable royalty under 35 U.S.C. § 284;
- D. That this action be determined to be an exceptional case under 35 U.S.C. § 285, and Nuance be awarded its attorney fees, costs, and expenses;
- E. That Defendant CooTek and/or Defendant PCD pay Nuance pre- and post-judgment interest on the damages assessed; and

F. That Nuance be awarded such further relief as the Court deems appropriate.

**DEMAND FOR JURY TRIAL**

Nuance demands a trial by jury of all issues that are so triable to a jury.

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