

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<p>ALEX IS THE BEST, LLC,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>TCT MOBILE, INC., TCT MOBILE (US) INC., and TCT MOBILE (US) HOLDINGS INC.,</p> <p style="text-align: center;">Defendants.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>C.A. No. _____</p> <p><b>JURY TRIAL DEMANDED</b></p>
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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Alex is the Best, LLC. (“AITB” or “Plaintiff”), by and through its undersigned counsel, brings this complaint for patent infringement against TCT Mobile, Inc., TCT Mobile (US) Inc., and TCT Mobile (US) Holdings Inc. (collectively, “Defendants”). In support of this complaint, AITB alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement of United States Patent Nos. 7,633,524 (the “524 Patent”), 7,907,172 (the “172 Patent”), 8,134,600 (the “600 Patent”), 8,477,197 (the “197 Patent”), 8,581,991 (the “991 Patent”), 8,947,542 (the “542 Patent”) and 9,197,806 (the “806 Patent” and collectively with the ’524, ’172, ’600, ’197, ’991, and ’542 Patents, the “Patents-in-Suit”) under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, seeking damages and other relief under 35 U.S.C. § 281 *et seq.*

**THE PARTIES**

2. Plaintiff AITB is a limited liability company organized under the laws of the state of New York with its principal place of business at 75 82<sup>nd</sup> St., Brooklyn, New York 11209.

Frank Clemente is the inventor or co-inventor of the Patents-in-Suit and the managing member of AITB.

3. Upon information and belief, Defendant TCT Mobile, Inc. is a corporation formed under the laws of the State of Delaware, with its principal place of business located at 25 Edelman, Suite 200, Irvine, California 92618. TCT Mobile, Inc. may be served with process through its registered agent, the Corporation Services Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

4. Upon information and belief, Defendant TCT Mobile (US) Inc. is a corporation formed under the laws of the State of Delaware, with its principal place of business located at 25 Edelman, Suite 200, Irvine, California 92618. TCT Mobile (US) Inc. may be served with process through its registered agent, the Corporation Services Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

5. Upon information and belief, Defendant TCT Mobile (US) Holdings Inc. is a corporation formed under the laws of the State of Delaware, with its principal place of business located at 25 Edelman, Suite 200, Irvine, California 92618. TCT Mobile (US) Holdings Inc. may be served with process through its registered agent, the Corporation Services Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

#### **JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331, 1338(a) and 1367 because the action arises under the patent laws of the United States, 35 U.S.C. §§1 *et seq.*

7. This Court has personal jurisdiction over Defendants by virtue of its systematic and continuous contacts with this jurisdiction and as a result of the injury Defendants caused to AITB and the causes of action AITB has raised, as alleged herein.

8. Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Delaware Long-Arm Statute, due to at least their substantial business in this forum, including: (i) at least a portion of the infringement 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 this District.

9. Defendants have conducted and conducts business within this District, directly or through intermediaries, resellers, agents, or offer to sell, sell, and/or advertise (including the use of interactive web pages with promotional material) products in this District that infringe the Asserted Patent.

10. In addition to Defendants' continuous and systematic conduct of business in this District, the causes of action against Defendants are connected (but not limited) to Defendants' purposeful acts committed in this District, including Defendants' making, using, importing, offering to sell, or selling products which include features that fall within the scope of at least one claim of the Patents-in-Suit.

11. Venue lies in this District under 28 U.S.C. §§1391 and 1400(b) because, among other reasons, Defendants are subject to personal jurisdiction in this District, and has committed and continues to commit acts of patent infringement in this District. For example, Defendants have used, sold, offered to sell, and/or imported infringing products in this District.

#### **THE PATENTS-IN-SUIT**

12. On December 15, 2009, the United States Patent and Trademark Office (the "PTO") duly and legally issued the '524 Patent, entitled "Integrated internet camera system" after a full and fair examination to inventors Frank Clemente and Ted Feaser. AITB is presently the owner by assignment of the '524 Patent, having received all rights, title, and interest in and to

the '524 Patent. AITB possesses all rights of recovery under the '524 Patent, including the exclusive right to recover for past infringement. A true and correct copy of the '524 Patent is attached to this Complaint as Exhibit A.

13. On March 15, 2011, the PTO duly and legally issued the '172 Patent, entitled "Integrated internet camera system" after a full and fair examination to inventors Frank Clemente and Ted Feaser. AITB is presently the owner by assignment of the '172 Patent, having received all rights, title, and interest in and to the '172 Patent. AITB possesses all rights of recovery under the '172 Patent, including the exclusive right to recover for past infringement. A true and correct copy of the '172 Patent is attached to this Complaint as Exhibit B.

14. On March 13, 2012, the PTO duly and legally issued the '600 Patent, entitled "Internet direct device" after a full and fair examination to inventors Frank Clemente and Ted Feaser. AITB is presently the owner by assignment of the '600 Patent, having received all rights, title, and interest in and to the '600 Patent. AITB possesses all rights of recovery under the '600 Patent, including the exclusive right to recover for past infringement. A true and correct copy of the '600 Patent is attached to this Complaint as Exhibit C.

15. On July 2, 2013, the PTO duly and legally issued the '197 Patent, entitled "Internet direct device" after a full and fair examination to inventors Frank Clemente and Ted Feaser. AITB is presently the owner by assignment of the '197 Patent, having received all rights, title, and interest in and to the '197 Patent. AITB possesses all rights of recovery under the '197 Patent, including the exclusive right to recover for past infringement. A true and correct copy of the '197 Patent is attached to this Complaint as Exhibit D.

16. On November 12, 2013, the PTO duly and legally issued the '991 Patent, entitled "Integrated internet camera system and method" after a full and fair examination to inventor

Frank Clemente. AITB is presently the owner by assignment of the '991 Patent, having received all rights, title, and interest in and to the '991 Patent. AITB possesses all rights of recovery under the '991 Patent, including the exclusive right to recover for past infringement. A true and correct copy of the '991 Patent is attached to this Complaint as Exhibit E.

17. On February 3, 2015, the PTO duly and legally issued the '542 Patent, entitled "Integrated internet camera system and method" after a full and fair examination to inventor Frank Clemente. AITB is presently the owner by assignment of the '542 Patent, having received all rights, title, and interest in and to the '542 Patent. AITB possesses all rights of recovery under the '542 Patent, including the exclusive right to recover for past infringement. A true and correct copy of the '542 Patent is attached to this Complaint as Exhibit F.

18. On November 24, 2015, the PTO duly and legally issued the '806 Patent, entitled "Integrated internet camera system and method" after a full and fair examination to inventor Frank Clemente. AITB is presently the owner by assignment of the '806 Patent, having received all rights, title, and interest in and to the '806 Patent. AITB possesses all rights of recovery under the '806 Patent, including the exclusive right to recover for past infringement. A true and correct copy of the '806 Patent is attached to this Complaint as Exhibit G.

#### **DESCRIPTION OF THE ACCUSED INSTRUMENTALITIES**

19. The mobile devices made available in the United States by Defendant, including, but not limited to, the Alcatel AT&T Trek HD, Onetouch Idol *Series*, Onetouch Pixi *Series*, Ideal, Idol 4S, Onetouch Conquest, Onetouch Elevate, Onetouch Evolve 2, Onetouch Fierce XL, Onetouch Flint, Onetouch Go Play, Onetouch Pop Astro, and Onetouch Pop 7 LTE for T-Mobile (collectively the "Accused Instrumentalities"), comprise portable, Internet direct devices complete with multiple cameras, at least one microprocessor, a display, and communications

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