

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

CATHAS ADVANCED TECHNOLOGIES
LLC,

Plaintiff,

v.

APPLE, INC.,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Cathas Advanced Technologies, LLC (“Cathas”) by its undersigned attorneys complains of Defendant Apple, Inc., (“Apple” or “Defendant”), and alleges as follows:

PARTIES

1. Plaintiff Cathas is a limited liability company organized and existing under the laws of the State of Delaware with offices located at 2961 Fontenay Road, Shaker Heights, OH 44120.

2. On information and belief, Defendant Apple, Inc. is a California corporation, with its principal office at 1 Infinite Loop, Cupertino, CA 95014. Apple, Inc. has appointed C T Corporation System, 818 West Seventh Street, Los Angeles, California, 90017, as its agent for service of process.

3. On information and belief, Defendant Apple is engaged in, designs, manufactures, and markets mobile communication and media devices, personal computers, and portable digital music players, and sells a range of related software, services, peripherals, networking solutions, and third-party digital content and applications. Apple’s products and services include iPhone,

iPad, Mac, iPod, Apple TV, a portfolio of consumer and professional software applications, the iOS and Mac OS X operating systems, iCloud, and a range of accessory, service and support offerings.

JURISDICTION AND VENUE

4. This action for infringement arises under the patent laws of the United States, Title 35 of the United States Code.

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. On information and belief, Defendant Apple is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Delaware Long Arm Statute, due at least to its substantial business in this forum, including: (a) at least a portion of the infringements alleged herein; and (b) 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 Delaware and in this Judicial District.

7. This court has personal jurisdiction over Apple based on the following, among other reasons: (a) Apple maintains a website and social media presence that are accessible to residents of the State of Delaware; (b) Apple has purposefully availed itself of the benefits and protections of Delaware law by doing and transacting business in the State of Delaware; and (c) Apple has committed tortious acts, including committing acts of patent infringement in violation of 35 U.S.C. § 271, that it knew or should have known would cause injury to Cathas in the State of Delaware. All of Apple's contacts with the State of Delaware are systematic, continuous and substantial.

8. Venue is proper in this district under at least 28 U.S.C. §§ 1391(b) and (c) and 1400(b) because Apple is subject to personal jurisdiction in this District and regularly transacts business in this District; and because Defendant has committed one or more acts of patent infringement within this Judicial District.

THE PATENT-IN-SUIT

9. Plaintiff Cathas is the owner by Assignment of United States Patent No. 6,925,445 (“the ‘445 Patent”) entitled “Web-Based Design of Software for Keep-Alive Boards.” The ‘445 Patent was duly and legally issued by the United States Patent & Trademark Office on August 2, 2005. A true and correct copy of the ‘445 Patent is attached as Exhibit 1.

10. Branislav Kisacanin is the inventor named on the ‘445 Patent.

11. The ‘445 Patent covers a method and system for developing and electronically providing customized software to a customer based on a customer specification provided through a web interface.

COUNT I **INFRINGEMENT OF U.S. PATENT NO. 6,925,445**

12. Plaintiff re-alleges paragraphs 1-11 as if fully incorporated herein.

13. On information and belief, Defendant Apple has been and now is directly infringing the ‘445 Patent in the State of Delaware, in this Judicial District, and elsewhere in the United States.

14. On information and belief, Defendant Apple has been and now is directly infringing the ‘445 Patent in the State of Delaware, in this Judicial District, and elsewhere in the United States, by, among other things, making, using, operating, selling or offering to sell the Apple iOS Developer Program (“Apple iOS Developer”), a web application development tool,

the use of which, via Apple's website, www.apple.com, to create customized applications is covered by at least the method of claim 1 and the system of claim 10 of the '445 Patent.

15. Defendant is liable for infringement of the '445 Patent pursuant to 35 U.S.C. § 271.

16. As a result of Defendant's past infringement of the '445 Patent, Plaintiff Cathas has suffered monetary damages in an amount adequate to compensate for Defendant's past infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and cost as fixed by the Court, and Plaintiff Cathas will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by the Court.

17. At least prior to the filing of this action and with respect to the '445 Patent, Plaintiff had no marking obligations pursuant to 35 U.S.C. § 287(a).

18. Plaintiff has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary fees and expenses.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Cathas Advanced Technologies, LLC respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff Cathas declaring that Defendant has infringed the '445 Patent;

2. A judgment and order requiring Defendant to pay Plaintiff Cathas its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '445 Patent as provided under 35 U.S.C. § 284;
3. An award to Plaintiff Cathas for enhanced damages as provided under 35 U.S.C. § 284;
4. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff Cathas its reasonable attorneys' fees; and
5. An award of any and all other relief to which Plaintiff Cathas may show itself to be entitled.

DEMAND FOR JURY TRIAL

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

Dated: May 29, 2012

BAYARD, P.A.

/s/ Stephen B. Brauerman (sb4952)
Richard D. Kirk (rk0922)
Stephen B. Brauerman (sb4952)
222 Delaware Avenue, Suite 900
P.O. Box 25130
Wilmington, DE 19899
rkirk@bayardlaw.com
sbrauerman@bayardlaw.com
(302) 655-5000

Attorneys for Plaintiff Cathas Advanced Technologies, LLC