

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

**ANU IP, LLC  
Plaintiff,**

v.

**TOSHIBA AMERICA, INC. and  
TOSHIBA CORPORATION  
Defendants**

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**CIVIL ACTION NO. \_\_\_\_\_**

**JURY TRIAL DEMANDED**

**PLAINTIFF’S ORIGINAL COMPLAINT**

Plaintiff Anu IP LLC respectfully files this Original Complaint for patent infringement against Defendants Toshiba Corporation and Toshiba America, Inc.

**PARTIES**

1. Plaintiff Anu IP LLC (“Anu”) is a limited liability company organized under the laws of the State of Texas, with its principal place of business at 3301 W. Marshall Ave., Suite 303, Longview, Texas 75601.

2. Defendant Toshiba America, Inc. is a Delaware corporation with a principal place of business at 1251 Avenue of the Americas, Suite 4110, New York, New York 10020.

3. Toshiba Corporation is a corporation organized under the laws of Japan with a principal place of business at 1-1, Shibaura 1-chome, Minato-ku, Tokyo 105-8001, Japan.

4. Defendants may be served with process through registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

## JURISDICTION AND VENUE

5. This is an action for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 271, *et seq.*

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

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400(b).

## FACTS

8. Plaintiff is a Marshall, Texas-based company that owns U.S. Patent No. 6,979,210 (“the ‘210 patent”). The ‘210 patent is attached as *Exhibit A*.

9. The ‘210 patent relates to memory storage devices that contain retractable USB (universal serial bus) connectors.

10. The ‘210 patent is valid and enforceable.

11. Defendants manufacture, import, sell, and offer for sale products that infringe the ‘210 patent, including but not limited to the 4GB Retractable Flash Drive PA3708U-1M4B.

12. Defendants have engaged in acts of direct infringement in this judicial district.

## CAUSE OF ACTION

### **A. Infringement of the ‘210 Patent**

13. Plaintiff incorporates the foregoing paragraphs as if fully set forth here.

14. Defendants have been, and are now, directly infringing the ‘210 patent in the State of Texas, in this judicial district, and elsewhere within the United States by, among other things, selling, offering for sale, or importing products and services covered by one or more claims of the ‘210 patent, all to the injury of Plaintiff.

15. Defendants acts of infringement have been willful, deliberate, and in reckless disregard of Plaintiff's patent rights, and will continue unless permanently enjoined by this Court.

16. Plaintiff has been damaged by Defendants infringement of the '210 patent in an amount to be determined at trial, and has suffered and will continue to suffer irreparable loss and injury unless Defendants are permanently enjoined from infringing the '210 patent.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Anu IP LLC respectfully prays for the following relief against Defendants Toshiba Corporation and Toshiba America, Inc.

- A. A judgment in favor of Plaintiff that Defendants have infringed the '210 patent;
- B. A permanent injunction, enjoining Defendants, along with its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, and parents from infringing, inducing the infringement of, or contributing to the infringement of the '210 patent;
- C. A judgment and order requiring Defendants to pay Plaintiff damages for its infringement of the '210 patent, together with interest (both pre- and post-judgment), costs and disbursements as fixed by this Court under 35 U.S.C. § 284;
- D. A judgment and order finding Defendants infringement willful and awarding treble the amount of damages and losses sustained by Plaintiff as a result of Defendants infringement under 35 U.S.C. § 284;
- E. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees; and
- F. Such other and further relief in law or in equity to which Plaintiff may be justly entitled.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury of any and all issues triable of right before a jury.

Respectfully submitted,

/s/ Andrew W. Spangler  
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