

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
8:24-cv-02498

BETTER MOUSE COMPANY, LLC,

Plaintiff,

v.

IC INTRACOM USA, LLC dba
MANHATTAN PRODUCTS USA,

Defendant.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL

Plaintiff Better Mouse Company, LLC (“BMC” or “Plaintiff”) files this original complaint against IC Intracom USA, LLC dba Manhattan Products USA (“Defendant”) for patent infringement and alleges as follows:

PARTIES

1. BMC is a Texas limited liability company, with a principal place of business in Tyler, Texas.

2. Defendant is a Delaware corporation with a principal place of business at 550 Commerce Boulevard, Oldsmar, Florida 34677. Defendant may be served through its registered agent: National Registered Agents, Inc., 1209 Orange Street, Wilmington, Delaware 19801.

JURISDICTION AND VENUE

3. This is an action for infringement of a United States patent arising under the Patent Act, Title 35 of the United States Code. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

4. Venue is proper in this district pursuant to 28 U.S.C. § 1400, as Defendant is deemed to reside within this district because Defendant is subject to this Court's personal jurisdiction by maintaining their principal place of business within this district. Similarly, venue is proper in this district because Defendant has committed acts of infringement and has a regular and established place of business in this district.

THE PATENTED TECHNOLOGY

5. The patent-in-suit, United States Patent No. 7,532,200 ("the '200 Patent"), entitled "Apparatus for Setting Multi-Stage Displacement Resolution of a Mouse," teaches a device capable of setting the resolution for a computer mouse, often measured in "dots-per-inch" (DPI). The resolution determines how much the mouse cursor moves on a computer screen for each corresponding movement of the mouse itself by the user. For example, if the DPI ratio is 1:1, the cursor moves one "dot" on the screen per inch of motion by the mouse. Depending on an individual user's needs, that ratio (resolution) can be adjusted to provide the user

with a customized experience. For example, a user playing computer games may wish for more precise control of the cursor and adjust the resolution so that each movement on the screen requires a larger movement of the mouse itself.

6. In the prior art, adjusting the resolution generally required installing a software driver on a connected computer, and changing the resolution within that software program. The user first needed to install the software, which required a separate item such as a CD-ROM. Next, the user must locate the installed software on the computer and then determine how to adjust the desired parameter within the software. In contrast, the inventor of the technology described in the '200 Patent developed a mouse that includes a button and/or switch on the mouse for adjusting the resolution by hand to generate a resolution value, without using a software driver or tool that is external to the mouse. Among other advantages, this approach allows the user to directly adjust the mouse's resolution quickly and easily, without using a software driver or tool on the connected computer.

7. On May 12, 2009, the '200 Patent was duly issued by the United States Patent and Trademark Office. A copy of the '200 Patent is attached hereto as Exhibit A.

8. BMC is the owner by assignment of the '200 Patent with all substantive rights in and to that patent, including the sole and exclusive right to

prosecute this action and enforce the '200 Patent against infringers, and to collect damages for all relevant times.

9. BMC and/or its predecessors-in-interest have satisfied any statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '200 Patent.

DEFENDANT'S INFRINGING CONDUCT

10. Defendant is a manufacturer and distributor of networking and consumer electronic components, including computer accessories such as computer mice.

11. Defendant's products are available from a vast network of distributors, resellers and online sellers. Authorized distributors include Rexel USA Inc. dba Platt Electric Supply. Authorized broadline distributors include Petra Industries, Inc. and SYNEX. Authorized online resellers include Altex Computers & Electronics, Amazon.com Inc., Aztek Computers LLC, CompSource Inc., PC Connection Inc., FireFold LLC, Cyberstorm LLC dba iPCStore, Micro Electronics Inc. dba MicroCenter, Network Supply Inc., Newegg Inc., Nebraska Furniture Mart, Office Depot LLC, OfficeNation Inc. dba PCNation, Staples Inc., Target Brands Inc., and Walmart Inc..

12. Defendant offers for sale at least fourteen computer mice models under the trademarked Manhattan brand. One such exemplary model is the

Manhattan RGB Wired Optical USB Gaming Mouse (SKU: 190121), pictured below:



13. The Manhattan RGB Wired Optical USB Gaming Mouse comprises a “top-mount push-button [that] instantly shifts resolution from 1200, 2400, 4800 and 7200 dpi to suit a wide range of applications, including gaming or daily computing tasks.”

14. The Manhattan RGB Wired Optical USB Gaming Mouse further comprises a “[h]igh-precision 7200 CPI optical sensor (Instant A704F) with a maximum tracking speed of 60 IPS, 20G maximum acceleration and a frame rate of 7000 fps[.]” Further, the “A704F supports 4-level resolution, the default is 1200. The CPI level can be switched via pressing CPI related buttons (CPI /CPI-/CPI+).”

15. On or around September 18, 2023, Plaintiff placed Defendant on notice of its infringing conduct via a notice letter sent via FedEx and e-mail. No response was ever received from Defendant.

CLAIM I - PATENT INFRINGEMENT

16. BMC repeats and realleges the allegations of paragraphs 1 through 15 as if fully set forth herein.

17. Defendant, without authority, makes, uses, sells, offers for sale, and/or imports into the United States Manhattan-branded computer mice marketed as follows: Manhattan RGB LED Wired Optical USB Gaming Mouse (SKU: 190121); Manhattan RGB LED Wired Optical USB Gaming Mouse (SKU: 179256); Manhattan Performance Wireless Optical Mouse II (SKU: 179904); Manhattan Curve Wireless Optical Mouse (SKU: 179386/179379/179294); and Manhattan Wired Optical Gaming Mouse with LEDs (SKU: 176071) (“Accused Products”). The Accused Products infringe one or more claims of the ‘200 Patent, either literally and/or under the doctrine of equivalents. Defendant’s infringement in this regard is willful and ongoing.

18. The Accused Products meet every limitation of at least Claim 6 of the ‘200 Patent. An exemplary infringement chart outlining where each limitation is met by the Accused Products is attached hereto as Exhibit B.

19. BMC has been damaged as a result of Defendant's infringement of the '200 Patent. Thus, Defendant is liable to BMC in an amount that adequately compensates BMC for such infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

PRAYER FOR RELIEF

Wherefore, BMC respectfully prays for:

- A. A judgment against Defendant for infringement of at least one or more claims of the '200 Patent, directly and/or indirectly, literally and/or under the doctrine of equivalents;
- B. An award of damages sufficient to compensate BMC for Defendant's infringement under 35 U.S.C. § 284, including an enhancement of damages on account of Defendant's willful infringement;
- C. That the case be found exceptional under 35 U.S.C. § 285 and that BMC be awarded its reasonable attorneys' fees;
- D. Costs and expenses in this action;
- E. An award of prejudgment and post-judgment interest; and
- F. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, BMC respectfully demands a trial by jury on all issues so triable by jury.

Date: October 25, 2024

Respectfully submitted,

/s/ Benjamin W. Dowers

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