

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

**PRINCEPS INTERFACE
TECHNOLOGIES LLC,**

Plaintiff,

v.

APPLE INC.,

Defendant.

Civ. No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Princeps Interface Technologies LLC (“Princeps” or “Plaintiff”), for its Complaint against Defendant Apple Inc. (“Apple” or “Defendant”), alleges the following:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. Plaintiff Princeps is a limited liability company organized under the laws of the State of Delaware.

3. Upon information and belief, Defendant Apple Inc. (“Apple”) is a company organized under the laws of the State of California having a principal place of business at One Apple Park Way, Cupertino, California 95014.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. Venue with respect to Defendant Apple is proper in this District under 28 U.S.C. § 1400(b) because Apple maintains a regular and established place of business in this District and has committed infringing acts in this District.

6. Upon information and belief, Defendant Apple maintains at least one regular and established place of business in this District, the Apple Store located at 125 Christiana Mall, Newark, Delaware 19702. (Source: <https://www.apple.com/retail/christianamall/>, last accessed and downloaded on June 13, 2019.) Upon information and belief, Defendant Apple provides and sells the “Accused Instrumentalities” (as explained in greater detail below) through at least this Apple Store.

7. This Court has personal jurisdiction over Apple. Apple is amenable to service of summons for this action. Furthermore, personal jurisdiction over Apple in this action comports with due process. Apple has conducted and regularly conducts business within the United States and this District. Apple has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in the State of Delaware and this District. Apple has sought protection and benefit from the laws of the State of Delaware by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

8. Apple – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Apple has purposefully and voluntarily placed one or more of its infringing products into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. Apple knowingly and purposefully ships infringing products into and within this District through an established

distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, Apple has committed the tort of patent infringement in this District.

9. On information and belief, Defendant Apple is subject to this Court's general and specific personal jurisdiction because Apple has sufficient minimum contacts within the State of Delaware and this District, pursuant to due process and/or the Del. Code. Ann. Tit. 3, § 3104, because Defendant Apple purposefully availed itself of the privileges of conducting business in the State of Delaware and in this District, because Defendant Apple regularly conducts and solicits business within the State of Delaware and within this District, and because Plaintiff's causes of action arise directly from Defendant's business contacts and other activities in the State of Delaware and this District. Having purposefully availed itself of the privilege of conducting business within this District, Defendant Apple should reasonably and fairly anticipate being brought into court here.

BACKGROUND

The Inventions

10. Timothy B. Higginson is the sole inventor (hereinafter "the Inventor") of U.S. Patent No. 6,703,963 ("the '963 patent" or "the patent in suit"). A true and correct copy of the '963 patent is attached hereto as Exhibit A.

11. The '963 patent resulted from the pioneering efforts of the Inventor in the area of small-profile multifunctional input devices. These efforts resulted in the development of novel input devices, and methods for operating them. The input devices utilize one or more functional modes and one or more domain levels associated with entering input values into the devices. A

provisional patent application directed to the inventions was filed in the United States in September 2001.

12. At the time of the Inventor's pioneering efforts, the most widely implemented technology used to address keying input data still involved implementing variants of the traditional two-handed QWERTY keyboard. In that type of system, as explained in the '963 patent:

The QWERTY keyboard has been used as an input means since the development of the very first electronic devices. However, with the development of smaller, portable electronic devices, use of the QWERTY keyboard with these devices has certain drawbacks. As electronic devices have become smaller through advances in integrated circuitry, the traditional QWERTY keyboard is simply too large for many of the smaller electronic devices as the keyboard must be large enough to accommodate both hands of the user. Moreover, due the large size of the traditional keyboard, it is not sufficiently portable for use in conjunction with many of these electronic devices.

Previous attempts to overcome this short coming of the keyboard have included the use of foldable keyboards as shown in U.S. Pat. No. 6,174,097 and the use of keyboards that allow for the direct connection of the electronic device to a full-size portable QWERTY keyboard as shown in U.S. Pat. No. 6,108,200. However, neither of these approaches reduces the area required for the use of the keyboard.

...An additional drawback to the QWERTY keyboard is that it was designed to accommodate the mechanical components of the first typewriters, as such, the layout of its keys does not facilitate the rapid input of data from the keyboard.

...Another drawback to the traditional QWERTY keyboard is that it has typically only had a single functionality, namely alphanumeric input. However, with the decrease in size of many of electronic devices, additional functions are required from a smaller keyboard that current keyboards cannot accommodate.

(See Exhibit A, '963 patent at 1:37 to 2:23.)¹

¹ Citations to patents in this Complaint refer to columns and lines within columns of any cited patent. For example, the citation referenced by this footnote refers to column 1, at line 37 through column 2, at line 23 in the '963 patent.

13. The Inventor conceived of the inventions claimed in the '963 patent as a way to address the aforementioned drawbacks of the prior art. As explained in the '963 patent:

The miniaturization of many electronic devices has allowed them to be designed such that they can be operated with only a single hand of the user or has made their use incompatible with a full-sized QWERTY keyboard. Because the QWERTY keyboard was developed for two-handed use with the original typewriter, it cannot be readily adapted for efficient use by only a single hand, or one or both thumbs when used in conjunction with many electronic devices.

...Previous attempts to increase the speed and efficiency of data input into an electronic device have included the development and use of voice-recognition software. However, the error rate typically associated with this type of software has thus far prevented its large-scale use as an effective input device.

...Previous attempts to overcome shortcomings of the QWERTY keyboard have included the use of alternative keyboards, such as the standard 12-key arrangement found on most telephone and cellular phones. A drawback of using the standard telephone as a data-input device is the slow rate of input due to use of only a single finger or thumb to activate the keys.

(See Exhibit A, '963 patent at 1:56 to 2:30.)

The present invention provides a multifunctional input device. The input device includes a functional mode which defines the mode of operation of the input device. Each functional mode includes one or more domain levels with each domain level containing one or more domain-level values. Each domain level-value within each functional mode is assigned to one of a plurality of programmable input keys. The domain-level value assigned to each input key controls the function of that input key within a given functionality and domain level. The present invention also includes a display to indicate the domain-level value associated with each of the programmable input keys within a given functionality.

(See Exhibit A, '963 patent at 2:33-45.)

Technological Innovation

14. The patented inventions disclosed in the '963 patent resolve technical problems related to data input devices, and particularly, to problems related to the utilization of small-profile data input devices. As the patent explains, there are several limitations of the prior art as regards full-sized QWERTY keyboards in that:

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