IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GRAPHICS PROPERTIES HOLDINGS, INC., Plaintiff, v. ACER AMERICA CORPORATION, and ACER, INC., Defendants.	Civil Action No. Jury Trial Demanded

COMPLAINT

1. Plaintiff Graphics Properties Holdings, Inc. ("GPH" or "Plaintiff"), for its Complaint against Defendants Acer America Corporation, ("Acer") and Acer, Inc. ("Acer Taiwan") (collectively "Defendants") hereby alleges as follows:

PARTIES

2. Plaintiff GPH is a Delaware corporation with its principal place of business at 56 Harrison Street, Suite 505, New Rochelle, New York 10801.

3. Defendant Acer, Inc., is a corporation organized and existing under the laws of Taiwan, with its principal place of business located at 7F-5, 369, Fuxing N Road, Taipei 105, Taiwan. Acer Taiwan is in the business of developing, manufacturing, and selling electronic devices for importation into the United States. Such devices include, but are not limited to, video monitors and laptop and tablet computers.

4. Defendant Acer America Corporation, is a corporation organized and existing under the laws of the state of California, with its principal place of business located at 333 West San Carlos Street, Suite 1500, San Jose, California 95110. Acer is a subsidiary of

Acer Taiwan. Acer is in the business of developing, manufacturing, importing, and selling electronic devices. Such devices include, but are not limited to, video monitors and laptop and tablet computers.

NATURE OF THE ACTION

5. This is a civil action for the infringement of United States Patent No. 6,816,145 (the "'145 Patent" or "Patent-in-Suit") (attached as Exhibit A) entitled "Large Area Wide Aspect Ratio Flat Panel Display Having High Resolution For High Information Content Display" under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*

JURISDICTION AND VENUE

6. This Court has original jurisdiction over the subject matter of this Complaint under 28 U.S.C. § 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271, *et seq.*

7. Defendants are subject to personal jurisdiction in the State of Delaware because Defendants regularly transact business in this judicial district and division by, among other things, offering Defendants' products and services to customers, business affiliates and partners located in this judicial district. In addition, the Defendants have committed acts of direct infringement of one or more of the claims of the Patents-in-Suit in this judicial district.

8. Venue in this district is proper under 28 U.S.C. §§ 1400(b) and 1391(b) and (c), because the Defendants are subject to personal jurisdiction in this district and have committed acts of infringement in this district.

FACTUAL BACKGROUND

9. Plaintiff GPH is the lawful assignee of all right, title and interest in and to the Patent-in-Suit.

10. GPH was formerly named Silicon Graphics, Inc. As Silicon Graphics, GPH

developed technology and intellectual property used in the graphics, computer processing, and display segments. GPH is owned by private investment funds and other institutional investors, following the bankruptcy of Silicon Graphics.

11. GPH continues to manage and license its intellectual property, including the Patent-in-Suit.

COUNT I

(Acer's and Acer Taiwan's Infringement of the '145 Patent)

12. Paragraphs 1 through 11 are incorporated by reference as if fully restated herein.

13. Plaintiff GPH is the assignee and lawful owner of all right, title and interest in and to the '145 Patent.

14. Defendants make, use, sell, offer to sell and/or import into the United States for subsequent sale or use products, services, methods or processes that directly and/or indirectly infringe, literally and/or under the doctrine of equivalents, or which employ systems, components and/or processes that make use of systems or processes that directly and/or indirectly infringe, literally and/or under the doctrine of equivalents, one or more of the claims of the '145 Patent. Such devices are consumer electronics and display devices, including but not limited to video monitors and laptop and tablet computers, such as, but not limited to Defendants' S323HL video monitor, AS5560-Sb613 laptop computer, ICONIA Tab A100-07u08u and ICONIA Tab A500 tablet computers and other similar devices.

15. Defendants actively, knowingly, and intentionally induced, and continue to actively, knowingly, and intentionally induce, infringement of the '145 Patent by making, using, offering for sale, importing, and selling infringing consumer electronics and display devices, as well as by contracting with others to use, market, sell, offer to sell, and import infringing consumer electronics and display devices, all with knowledge of the '145 Patent

and its claims; with knowledge that its customers and end users will use, market, sell, offer to sell, and import infringing consumer electronics and display devices; and with the knowledge and the specific intent to encourage and facilitate those infringing sales and uses of infringing consumer electronics and display devices through the creation and dissemination of promotional and marketing materials, instructional materials, product manuals, and technical materials.

16. Defendants have had knowledge of and notice of the '145 Patent and its infringement since at least, and through, the filing and service of the Complaint and despite this knowledge continue to commit tortious conduct by way of patent infringement.

17. Defendants have been and continue to be infringing one or more of the claims of the '145 Patent through the aforesaid acts.

18. Plaintiff is entitled to recover damages adequate to compensate for the infringement.

PRAYER FOR RELIEF

WHEREFORE, Graphics Properties Holdings, Inc., respectfully requests the following relief:

a) A judgment that U.S. Patent No. 6,816,145 is valid and enforceable.

b) A judgment that Acer America Corporation, has infringed the '145 Patent;

c) A judgment that Acer, Inc., has infringed the '145 Patent;

d) A judgment that GPH be awarded all appropriate damages under 35 U.S.C. § 284 for the Defendants' past infringement, and any continuing or future infringement of the Patent-in-Suit, up until the date such judgment is entered, including interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary, to adequately compensate GPH for Defendants' infringement, an accounting:

i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that GPH be awarded its reasonable attorneys' fees against Acer that it incurs in prosecuting this action

ii. that GPH be awarded costs, and expenses that it incurs in prosecuting this action; and

iii. that GPH be awarded such further relief at law or in equity as the Court deems just and proper.

DEMAND FOR JURY TRIAL

19. GPH hereby demands trial by jury on all claims and issues so triable.

DATED: February 21, 2012

Respectfully submitted,

FARNAN LLP

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