

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

WIRELESS MOBILE DEVICES LLC,

Plaintiff,

v.

PANTECH CO. LTD.; PANTECH WIRELESS,
INC.; AT&T INC.; AT&T MOBILITY LLC;
VERIZON COMMUNICATIONS INC.; and
CELLCO PARTNERSHIP D/B/A VERIZON
WIRELESS,

Defendants.

Case No. _____

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT
FOR PATENT INFRINGEMENT

Plaintiff Wireless Mobile Devices LLC files this Original Complaint against Pantech Co. Ltd.; Pantech Wireless, Inc.; AT&T Inc.; AT&T Mobility LLC; Verizon Communications Inc.; and Cellco Partnership d/b/a Verizon Wireless (collectively, "Defendants") for infringement of U.S. Patent No. 6,560,604 ("the '604 patent"); U.S. Patent No. 7,082,365 ("the '365 patent"); U.S. Patent No. 7,856,315 ("the '315 patent"); and/or U.S. Patent No. 7,321,826 ("the '826 patent").

THE PARTIES

1. Wireless Mobile Devices LLC is a Texas limited liability company with its principal place of business in Plano, Texas.

2. Pantech Co. Ltd. is a South Korea corporation with its principal place of business in Seoul, South Korea. On information and belief, this Defendant may be served with process at its principal place of business at Dmc I-2 Block, Sangam-dong, Seoul, 121270, South Korea.

3. Pantech Wireless, Inc. (with Pantech Co. Ltd., “Pantech”) is a Georgia corporation with its principal place of business in Atlanta, Georgia. This Defendant may be served with process in Georgia through its registered agent, Kathleen Elizabeth Jones, 5607 Glenridge Drive, Suite 500, Atlanta, Georgia 30342.

4. AT&T Inc. is a Delaware corporation with its principal place of business in Dallas, Texas. This Defendant may be served with process in Delaware through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

5. AT&T Mobility LLC (with AT&T Inc., “AT&T”) is a Delaware limited liability company with its principal place of business in Atlanta, Georgia. This Defendant may be served with process in Delaware through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

6. Verizon Communications Inc. is a Delaware corporation with its principal place of business in New York City, New York. This Defendant may be served with process in Delaware through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

7. Cellco Partnership d/b/a Verizon Wireless (with Verizon Communications Inc., “Verizon”) is a Delaware general partnership with its principal place of business in Basking Ridge, New Jersey. This Defendant may be served with process in Delaware through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

JURISDICTION AND VENUE

8. Wireless Mobile Devices LLC brings this action for patent infringement under the patent laws of the United States, namely 35 U.S.C. §§ 271, 281, and 284–285, among others. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

9. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). Each Defendant is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, has purposely transacted business involving its accused products in this judicial district, and/or has regular and established places of business in this judicial district.

10. Each Defendant is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this State and judicial district, including: (A) at least part of its infringing activities alleged herein; and (B) regularly doing or soliciting business, engaging in other persistent conduct, and/or deriving substantial revenue from goods sold and services provided to Texas residents.

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 6,560,604)

11. Wireless Mobile Devices LLC incorporates paragraphs 1 through 10 herein by reference.

12. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

13. Wireless Mobile Devices LLC is the exclusive licensee of the ’604 patent, entitled “System, method, and apparatus for automatically and dynamically updating options, features,

and/or services available to a client device,” with ownership of all substantial rights in the ’604 patent. Wireless Mobile Devices LLC has the exclusive right to exclude others and the exclusive right to enforce, sue and recover damages for the past and future infringement, including the exclusive right to exclude Defendants and exclusive right to sue Defendants. A true and correct copy of the ’604 patent is attached as Exhibit A.

14. The ’604 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

15. Pantech has directly infringed and continues to directly infringe one or more claims of the ’604 patent in this judicial district and elsewhere in Texas and the United States, including at least claim 14, by, among other things, making, using, offering for sale, selling and/or importing computerized communication devices including, without limitation, the Pantech Burst and the Pantech Perception. Pantech and persons who acquire and use such devices, including Pantech’s customers, have, at a minimum, directly infringed the ’604 patent, and Pantech is thereby liable for direct infringement of the ’604 patent pursuant to 35 U.S.C. § 271.

16. AT&T has directly infringed and continues to directly infringe one or more claims of the ’604 patent in this judicial district and elsewhere in Texas and the United States, including at least claim 14, by, among other things, making, using, offering for sale, selling and/or importing computerized communication devices including, without limitation, the Pantech Burst. AT&T and persons who acquire and use such devices, including AT&T’s customers, have, at a minimum, directly infringed the ’604 patent, and AT&T is thereby liable for direct infringement of the ’604 patent pursuant to 35 U.S.C. § 271.

17. Verizon has directly infringed and continues to directly infringe one or more claims of the '604 patent in this judicial district and elsewhere in Texas and the United States, including at least claim 14, by, among other things, making, using, offering for sale, selling and/or importing computerized communication devices including, without limitation, the Pantech Perception. Verizon and persons who acquire and use such devices, including Verizon's customers, have, at a minimum, directly infringed the '604 patent, and Verizon is thereby liable for direct infringement of the '604 patent pursuant to 35 U.S.C. § 271.

18. Wireless Mobile Devices LLC has been damaged as a result of Defendants' infringing conduct described in this Count. Defendants are, thus, liable to Wireless Mobile Devices LLC in an amount that adequately compensates Wireless Mobile Devices LLC for Defendants' 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.

COUNT II

(INFRINGEMENT OF U.S. PATENT NO. 7,082,365)

19. Wireless Mobile Devices LLC incorporates paragraphs 1 through 18 herein by reference.

20. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

21. Wireless Mobile Devices LLC is the exclusive licensee of the '365 patent, entitled "Point of interest spatial rating search method and system," with ownership of all substantial rights in the '365 patent. Wireless Mobile Devices LLC has the exclusive right to exclude others and the exclusive right to enforce, sue and recover damages for the past and future infringement,

including the exclusive right to exclude Defendants and exclusive right to sue Defendants. A true and correct copy of the '365 patent is attached as Exhibit B.

22. The '365 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

23. Pantech has directly infringed and continues to directly infringe one or more claims of the '365 patent in this judicial district and elsewhere in Texas and the United States, including at least claim 1, by, among other things, making, using, offering for sale, selling and/or importing computerized communication devices including, without limitation, the Pantech Burst and the Pantech Perception. Pantech and persons who acquire and use such devices, including Pantech's customers, have, at a minimum, directly infringed the '365 patent, and Pantech is thereby liable for direct infringement of the '365 patent pursuant to 35 U.S.C. § 271.

24. AT&T has directly infringed and continues to directly infringe one or more claims of the '365 patent in this judicial district and elsewhere in Texas and the United States, including at least claim 1, by, among other things, making, using, offering for sale, selling and/or importing computerized communication devices including, without limitation, the Pantech Burst. AT&T and persons who acquire and use such devices, including AT&T's customers, have, at a minimum, directly infringed the '365 patent, and AT&T is thereby liable for direct infringement of the '365 patent pursuant to 35 U.S.C. § 271.

25. Verizon has directly infringed and continues to directly infringe one or more claims of the '365 patent in this judicial district and elsewhere in Texas and the United States, including at least claim 1, by, among other things, making, using, offering for sale, selling and/or importing computerized communication devices including, without limitation, the Pantech Perception. Verizon and persons who acquire and use such devices, including Verizon's

customers, have, at a minimum, directly infringed the '365 patent, and Verizon is thereby liable for direct infringement of the '365 patent pursuant to 35 U.S.C. § 271.

26. Wireless Mobile Devices LLC has been damaged as a result of Defendants' infringing conduct described in this Count. Defendants are, thus, liable to Wireless Mobile Devices LLC in an amount that adequately compensates Wireless Mobile Devices LLC for Defendants' 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.

COUNT III

(INFRINGEMENT OF U.S. PATENT NO. 7,856,315)

27. Wireless Mobile Devices LLC incorporates paragraphs 1 through 26 herein by reference.

28. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

29. Wireless Mobile Devices LLC is the exclusive licensee of the '315 patent, entitled "Method and system for enabling an off board navigation solution," with ownership of all substantial rights in the '315 patent. Wireless Mobile Devices LLC has the exclusive right to exclude others and the exclusive right to enforce, sue and recover damages for the past and future infringement, including the exclusive right to exclude Defendants and exclusive right to sue Defendants. A true and correct copy of the '315 patent is attached as Exhibit C.

30. The '315 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

31. Pantech has directly infringed and continues to directly infringe one or more claims of the '315 patent in this judicial district and elsewhere in Texas and the United States,

including at least claim 14, by, among other things, making, using, offering for sale, selling and/or importing computerized communication devices including, without limitation, the Pantech Burst and the Pantech Perception. Pantech and persons who acquire and use such devices, including Pantech's customers, have, at a minimum, directly infringed the '315 patent, and Pantech is thereby liable for direct infringement of the '315 patent pursuant to 35 U.S.C. § 271.

32. AT&T has directly infringed and continues to directly infringe one or more claims of the '315 patent in this judicial district and elsewhere in Texas and the United States, including at least claim 14, by, among other things, making, using, offering for sale, selling and/or importing computerized communication devices including, without limitation, the Pantech Burst. AT&T and persons who acquire and use such devices, including AT&T's customers, have, at a minimum, directly infringed the '315 patent, and AT&T is thereby liable for direct infringement of the '315 patent pursuant to 35 U.S.C. § 271.

33. Verizon has directly infringed and continues to directly infringe one or more claims of the '315 patent in this judicial district and elsewhere in Texas and the United States, including at least claim 14, by, among other things, making, using, offering for sale, selling and/or importing computerized communication devices including, without limitation, the Pantech Perception. Verizon and persons who acquire and use such devices, including Verizon's customers, have, at a minimum, directly infringed the '315 patent, and Verizon is thereby liable for direct infringement of the '315 patent pursuant to 35 U.S.C. § 271.

34. Wireless Mobile Devices LLC has been damaged as a result of Defendants' infringing conduct described in this Count. Defendants are, thus, liable to Wireless Mobile Devices LLC in an amount that adequately compensates Wireless Mobile Devices LLC for

Defendants' 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.

COUNT IV

(INFRINGEMENT OF U.S. PATENT NO. 7,321,826)

35. Wireless Mobile Devices LLC incorporates paragraphs 1 through 34 herein by reference.

36. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

37. Wireless Mobile Devices LLC is the exclusive licensee of the '826 patent, entitled "Point on interest spatial rating search," with ownership of all substantial rights in the '826 patent. Wireless Mobile Devices LLC has the exclusive right to exclude others and the exclusive right to enforce, sue and recover damages for the past and future infringement, including the exclusive right to exclude Defendants and exclusive right to sue Defendants. A true and correct copy of the '826 patent is attached as Exhibit D.

38. The '826 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

39. Pantech has directly infringed and continues to directly infringe one or more claims of the '826 patent in this judicial district and elsewhere in Texas and the United States, including at least claim 1, by, among other things, making, using, offering for sale, selling and/or importing computerized communication devices including, without limitation, the Pantech Burst and the Pantech Perception. Pantech and persons who acquire and use such devices, including Pantech's customers, have, at a minimum, directly infringed the '826 patent, and Pantech is thereby liable for direct infringement of the '826 patent pursuant to 35 U.S.C. § 271.

40. AT&T has directly infringed and continues to directly infringe one or more claims of the '826 patent in this judicial district and elsewhere in Texas and the United States, including at least claim 1, by, among other things, making, using, offering for sale, selling and/or importing computerized communication devices including, without limitation, the Pantech Burst. AT&T and persons who acquire and use such devices, including AT&T's customers, have, at a minimum, directly infringed the '826 patent, and AT&T is thereby liable for direct infringement of the '826 patent pursuant to 35 U.S.C. § 271.

41. Verizon has directly infringed and continues to directly infringe one or more claims of the '826 patent in this judicial district and elsewhere in Texas and the United States, including at least claim 1, by, among other things, making, using, offering for sale, selling and/or importing computerized communication devices including, without limitation, the Pantech Perception. Verizon and persons who acquire and use such devices, including Verizon's customers, have, at a minimum, directly infringed the '826 patent, and Verizon is thereby liable for direct infringement of the '826 patent pursuant to 35 U.S.C. § 271.

42. Wireless Mobile Devices LLC has been damaged as a result of Defendants' infringing conduct described in this Count. Defendants are, thus, liable to Wireless Mobile Devices LLC in an amount that adequately compensates Wireless Mobile Devices LLC for Defendants' 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.

JOINDER OF PARTIES

43. Wireless Mobile Devices LLC incorporates paragraphs 1 through 42 herein by reference.

44. On information and belief, each of AT&T and Verizon has purchased or otherwise obtained from Pantech devices for sale, resale and/or distribution to consumers that are the subject of Counts I, II, III, and/or IV. Thus, for these Counts, the right to relief against AT&T and Verizon is asserted jointly, severally, or in the alternative against Pantech.

45. The alleged infringement of counts I through IV arises out of the same transaction, occurrence or series of transactions or occurrences relating to the testing, making, using, offering for sale, selling and/or importing of the Pantech devices that are the subjects of Counts I through IV.

46. Questions of fact common to all Defendants will arise in this action including, for example, infringement by the Pantech devices.

47. Thus, joinder of Pantech, AT&T and Verizon is proper in this litigation pursuant to 35 U.S.C. § 299(a).

JURY DEMAND

Wireless Mobile Devices LLC hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

Wireless Mobile Devices LLC requests that the Court find in its favor and against Defendants, and that the Court grant Wireless Mobile Devices LLC the following relief:

a. Judgment that one or more claims of the '604, '365, '315 and/or '826 patents have been infringed, either literally and/or under the doctrine of equivalents, by Defendants;

b. Judgment that Defendants account for and pay to Wireless Mobile Devices LLC all damages to and costs incurred by Wireless Mobile Devices LLC because of Defendants' infringing activities and other conduct complained of herein;

c. Judgment that Defendants account for and pay to Wireless Mobile Devices LLC a reasonable, ongoing, post-judgment royalty because of Defendants' infringing activities and other conduct complained of herein;

d. That Wireless Mobile Devices LLC be granted pre-judgment and post-judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein; and

e. That Wireless Mobile Devices LLC be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: May 17, 2013

Respectfully submitted,

/s/ Barry J. Bumgardner

Barry J. Bumgardner

Texas State Bar No. 00793424

Attorney-in-Charge

NELSON BUMGARDNER CASTO, P.C.

3131 West 7th Street, Suite 300

Fort Worth, Texas 76107

(817) 377-9111

(817) 377-3485 (fax)

barry@nbclaw.net

Attorney for Plaintiff

Wireless Mobile Devices LLC