

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

**MOBILE ENHANCEMENT SOLUTIONS  
LLC,**

Plaintiff,

v.

**NOKIA CORPORATION AND NOKIA  
INC.,**

Defendants.

Civil Action No. 3:13-cv-3977

**JURY TRIAL DEMANDED**

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**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Mobile Enhancement Solutions LLC (“MES” or “Plaintiff”) files this Complaint against Nokia Corporation and Nokia Inc. (together, “Nokia” or “Defendants”) for infringement of U.S. Patent No. 6,415,325 (“the ’325 patent”) and U.S. Patent No. 6,148,080 (“the ’080 patent”).

**THE PARTIES**

1. Mobile Enhancement Solutions LLC (“MES”) is a limited liability company organized and existing under the laws of the State of Texas, having a principal place of business in Plano, Texas.
2. Nokia Corporation is a corporation organized and existing under the laws of Finland, having a principal place of business in Espoo, Finland.
3. Defendant Nokia, Inc. is a corporation organized and existing under the laws of Delaware, having a principal place of business in Irving, Texas.

## **JURISDICTION AND VENUE**

4. MES 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.

5. This Court has subject matter jurisdiction over the claims in this action pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, each Defendant is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, has purposely transacted business in this judicial district, and/or has regular and established places of business in this judicial district.

7. 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 their substantial business in this State and judicial district, including: (A) at least part of their infringing activities alleged herein; and (B) regularly doing or soliciting business and, accordingly, deriving substantial revenue from goods and services provided to Texas residents.

## **COUNT I**

(INFRINGEMENT OF U.S. PATENT NO. 6,415,325)

8. MES incorporates paragraphs 1 through 7 herein by reference.

9. MES is the assignee of the '325 patent, entitled "Transmission System with Improved Synchronization," with ownership of all substantial rights in the '325 patent, including the right exclude others and to enforce, sue and recover damages for past and future infringement. A true and correct copy of the '325 patent is attached as Exhibit A.

10. The '325 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

11. Nokia has infringed and continues to infringe one or more claims of the '325 patent in this judicial district and elsewhere in Texas and the United States, including at least claim 7, without the consent or authorization of MES, by or through their testing, making, using, offering for sale, selling, and/or importing Nokia Devices (*e.g.*, the Nokia Lumia 1020, Nokia Lumia 928, Nokia Lumia 925, Nokia Lumia 920, Nokia Lumia 900, Nokia Lumia 822, Nokia Lumia 820, and Nokia Lumia 625) configured to operate on a communication network (*e.g.*, an LTE network) and extract a timing signal from data communicated over the network.

12. Nokia has been and now is inducing direct infringement of claims of the '325 patent, including (for example) at least claims 1 and 7, by consumers of Nokia Devices (*e.g.*, the Nokia Lumia 1020, Nokia Lumia 928, Nokia Lumia 925, Nokia Lumia 920, Nokia Lumia 900, Nokia Lumia 822, Nokia Lumia 820, and Nokia Lumia 625) that are distributed or otherwise provided by Nokia to such consumers, which Nokia Devices operate on a communication network (*e.g.*, an LTE network) and extract a timing signal from data communicated over the network.

13. Nokia has been aware of the '325 patent since, at least, service of MES's Original Complaint.

14. Nokia has knowledge that consumer use of Nokia Devices (*e.g.*, the Nokia Lumia 1020, Nokia Lumia 928, Nokia Lumia 925, Nokia Lumia 920, Nokia Lumia 900, Nokia Lumia 822, Nokia Lumia 820, and Nokia Lumia 625) that operate on a communication network (*e.g.*, an LTE network) and extract a timing signal from data communicated over the network infringes claims of the '325 patent based at least on MES's Original Complaint.

15. Despite having knowledge that consumer use of Nokia Devices (*e.g.*, the Nokia Lumia 1020, Nokia Lumia 928, Nokia Lumia 925, Nokia Lumia 920, Nokia Lumia 900, Nokia

Lumia 822, Nokia Lumia 820, and Nokia Lumia 625) that operate on a communication network (e.g., an LTE network) and extract a timing signal from data communicated over the network infringes claims of the '325 patent, Nokia has specifically intended for consumers to acquire and use such devices in a manner that infringes the '325 patent, including at least claims 1 and 7, and Nokia knew or should have known that their actions were inducing infringement. Since the filing of MES's Original Complaint, Nokia has advertised that Nokia Devices (the Nokia Lumia 1020, Nokia Lumia 928, Nokia Lumia 925, Nokia Lumia 920, Nokia Lumia 900, Nokia Lumia 822, Nokia Lumia 820, and Nokia Lumia 625) they distribute or otherwise provide to consumers can be used to communicate over an LTE network, thereby encouraging consumers to use the Nokia Devices on an LTE network in a manner that infringes claims of the '325 patent. Defendants continue to advertise and sell LTE compatible Nokia Devices to consumers. Defendants' conduct amounts to active inducement of infringement of the '325 patent in violation of 35 U.S.C. § 271(b).

16. MES has been damaged as a result of Nokia's infringing conduct described in this Count I. Nokia is, thus, liable to MES in an amount that adequately compensates it for its 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. 6,148,080)

17. MES incorporates paragraphs 1 through 16 herein by reference.

18. MES is the assignee of the '080 patent, entitled "Mobile Telephone with Amplified Listening," with ownership of all substantial rights in the '080 patent, including the

right exclude others and to enforce, sue and recover damages for past and future infringement. A true and correct copy of the '080 patent is attached as Exhibit B.

19. The '080 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

20. Nokia has infringed and continues to directly infringe one or more claims of the '080 patent in this judicial district and elsewhere in Texas and the United States, including at least claims 6 and 9, without the consent or authorization of MES, by or through their testing, making, using, offering for sale, selling, and/or importing of Nokia devices (*e.g.*, the Nokia Lumia 920, and Nokia Lumia 822) that embody the patented invention.

21. MES has been damaged as a result of Nokia's infringing conduct described in this Count II. Nokia is, thus, liable to MES in an amount that adequately compensates it 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.

### **JURY DEMAND**

MES hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

### **PRAYER FOR RELIEF**

MES requests that the Court find in its favor and against Defendants, and that the Court grant MES the following relief:

- a. Judgment that one or more claims of the '325 and '080 patents have been infringed, either literally and/or under the doctrine of equivalents, by one or more Defendants;
- b. Judgment that Defendants account for and pay to MES all damages to and costs incurred by MES because of Defendants' infringing activities and other conduct complained of herein;

- c. Judgment that Defendants account for and pay to MES a reasonable, on-going, post-judgment royalty because of Defendants' infringing activities and other conduct complained of herein;
- d. That MES 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 MES be granted such other and further relief as the Court may deem just and proper under the circumstances.

**Dated: October 1, 2013**

Respectfully submitted,

/s/ Brent N. Bumgardner  
Brent N. Bumgardner  
Texas State Bar No. 00795272  
Attorney-in-Charge  
Ryan P. Griffin  
Texas State Bar No. 24053687  
NELSON BUMGARDNER CASTO, P.C.  
3131 West 7<sup>th</sup> Street, Suite 300  
Fort Worth, Texas 76107  
(817) 377-9111  
(817) 377-3485 (fax)  
bbumgarnder@nbclaw.net  
rgriffin@nbclaw.net

**Attorneys for Plaintiff**  
**Mobile Enhancement Solutions LLC**