

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

WIRELESS MOBILE DEVICES LLC,

Plaintiff,

v.

NOKIA CORPORATION and NOKIA INC.,

Defendants.

Case No. _____

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT
FOR PATENT INFRINGEMENT

Plaintiff Wireless Mobile Devices LLC files this Original Complaint against Nokia Corporation and Nokia Inc. (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"); 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. Nokia Corporation is a corporation organized and existing under the laws of Finland, having a principal place of business in Espoo, Finland. On information and belief, this Defendant may be served with process at its principal office located at Keilalahdentie 2-4, FI-02150 Espoo, Finland.

3. Nokia Inc. (with Nokia Corporation, "Nokia") is a Delaware corporation with a principal place of business in Irving, Texas. This Defendant may be served with process through

its agent, National Registered Agents, Inc., 350 North St. Paul Street, Suite 2900, Dallas, Texas 75201-4234.

JURISDICTION AND VENUE

4. 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.

5. 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.

6. 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)

7. Wireless Mobile Devices LLC incorporates paragraphs 1 through 6 herein by reference.

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

9. 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 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, and a true and correct copy of the inter partes reexamination certificate for the '604 patent is attached as Exhibit B.

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

11. Nokia 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 Nokia Lumia 1020. Nokia and persons who acquire and use such devices, including Nokia's customers, have, at a minimum, directly infringed the '604 patent, and Nokia is thereby liable for direct infringement of the '604 patent pursuant to 35 U.S.C. § 271.

12. 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)

13. Wireless Mobile Devices LLC incorporates paragraphs 1 through 12 herein by reference.

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

15. 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 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 C.

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

17. Nokia 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 claims 1 and 13, by, among other things, making, using, offering for sale, selling and/or importing computerized communication devices including, without limitation, the Nokia Lumia 1020. Nokia and persons who acquire and use such devices, including Nokia's customers, have, at a minimum, directly infringed the '365 patent, and Nokia is thereby liable for direct infringement of the '365 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 III

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

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 '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 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.

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

23. Nokia 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 Nokia Lumia 1020. Nokia and persons who acquire and use such devices, including Nokia's customers, have,

at a minimum, directly infringed the '826 patent, and Nokia is thereby liable for direct infringement of the '826 patent pursuant to 35 U.S.C. § 271.

24. 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.

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, 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: October 1, 2013

Respectfully submitted,

/s/ Barry J. Bumgardner

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