

RUSS, AUGUST & KABAT  
Larry C. Russ, State Bar No. 82760  
Marc A. Fenster, State Bar No. 181067  
Brian D. Ledahl, State Bar No. 186579  
Alexander C.D. Giza, State Bar No. 212327  
J. Power Hely VI, State Bar No. 271231  
12424 Wilshire Boulevard, 12<sup>th</sup> Floor  
Los Angeles, California 90025  
Telephone: (310) 826-7474  
Facsimile:(310) 826-6991

Attorneys for Plaintiff  
SPH AMERICA, LLC

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

SPH AMERICA, LLC,  
Plaintiff,

vs.

CELLCO PARTNERSHIP D/B/A  
VERIZON WIRELESS,  
Defendant.

Case No. 13-CV-2325-CAB-NLS

**SUPPLEMENTAL FIRST  
AMENDED COMPLAINT FOR  
PATENT INFRINGEMENT**

**Jury Trial Demanded**

RUSS, AUGUST & KABAT

1 This is an action for patent infringement arising under the Patent Laws of the  
2 United States of America, 35 U.S.C. § 1 *et seq.* in which Plaintiff SPH America,  
3 LLC (“SPH” or “Plaintiff”) makes the following allegations against Defendant  
4 Cellco Partnership d/b/a Verizon Wireless (“Verizon” or “Defendant”).

5 **I. PARTIES**

6 1. Plaintiff SPH America, LLC is a Virginia limited liability company  
7 having a principal place of business at 8133 Leesburg Pike, Suite 310, Vienna,  
8 Virginia 22182.

9 2. On information and belief, Defendant Cellco Partnership d/b/a  
10 Verizon Wireless is a joint venture of Verizon Communications, Inc., which  
11 controls a majority interest in Verizon Wireless, Inc., and Vodafone. On  
12 information and belief, Cellco Partnership is a Delaware General Partnership doing  
13 business as Verizon Wireless, Inc., with its principal place of business in Basking  
14 Ridge, New Jersey.

15 **II. JURISDICTION AND VENUE**

16 3. This action arises under the patent laws of the United States, Title 35  
17 of the United States Code. This Court has original subject matter jurisdiction  
18 pursuant to 28 U.S.C. §§ 1331 and 1338(a).

19 4. On information and belief, Defendants are subject to this Court's  
20 specific and general personal jurisdiction pursuant to due process and/or the  
21 California Long Arm Statute, due to having availed itself of the rights and benefits  
22 of California by engaging in activities, including: (i) conducting substantial  
23 business in this forum; and (ii) engaging in other persistent courses of conduct,  
24 and/or deriving substantial revenue from goods and services provided to  
25 individuals in California and in this Judicial District.

26 5. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c)  
27 and 1400(b). On information and belief, Defendants have engaged in activities  
28

1 including: transacting business in this district and purposefully directing business  
2 activities, including the sale of infringing goods, to this district.

3 **COUNT I**

4 **INFRINGEMENT OF U.S. PATENT NO. RE 40,385**

5 6. Plaintiff SPH realleges and incorporates by reference paragraphs 1-5  
6 above, as if fully set forth herein.

7 7. Plaintiff SPH is the exclusive licensee of United States Patent No. RE  
8 40,385 (“the ‘385 patent”) titled “Orthogonal Complex Spreading Method For  
9 Multichannel And Apparatus Thereof.” The ‘385 patent was duly and legally  
10 issued by the United States Patent and Trademark Office on June 17, 2008. SPH is  
11 the exclusive licensee, possessing all substantial rights, to the ‘385 patent pursuant  
12 to a license from the Electronics and Telecommunications Research Institute, a  
13 South Korean non-profit research organization, the owner of the ‘385 patent.

14 8. On information and belief, Verizon operates a wireless  
15 communications network, and sells mobile handsets for use on a wireless network.

16 9. On information and belief, Verizon has infringed and continues to  
17 infringe the ‘385 patent by, among other things, making, using, offering for sale,  
18 and/or selling unlicensed systems, and products and/or services related thereto,  
19 covered by one or more claims of the ‘385 patent. Such unlicensed products  
20 include, by way of example and without limitation, mobile phones made by  
21 Samsung, including without limitation the Samsung Galaxy S4, Galaxy S, Galaxy  
22 Note II, ATIV Odyssey, and Galaxy Stratosphere II, as well as mobile phones  
23 made by Blackberry, including, without limitation the Blackberry Q10, the  
24 Blackberry Z10, and the Blackberry Bold 9930, all of which are covered by one or  
25 more claims of the ‘385 patent, including but not limited to claim 31. By making,  
26 using, offering for sale, and/or selling such systems, and products and/or services  
27 related thereto, covered by one or more claims of the ‘385 patent, Verizon has  
28

1 injured SPH and is liable to SPH for infringement of the '385 patent pursuant to 35  
2 U.S.C. § 271.

3 10. Verizon was placed on notice of its infringement of the '385 Patent no  
4 later than approximately February 10, 2012 as a result of a letter from SPH to  
5 Verizon specifically identifying the '385 Patent and informing Verizon of its  
6 infringing conduct.

7 11. On information and belief, Verizon has also infringed the '385 patent  
8 by inducing others, including users of unlicensed wireless handsets on its  
9 networks, to infringe one or more claims of the '385 patent in violation of 35  
10 U.S.C. § 271(b).

11 12. On information and belief, Verizon takes active steps to induce its  
12 customers and network users to infringe the '385 patent by taking affirmative steps  
13 to encourage and facilitate direct infringement by others with knowledge of that  
14 infringement, such as, upon information and belief, by importing, offering for sale,  
15 and/or selling products and/or services that when used as intended infringe the  
16 '385 patent. For example, and without limitation, on information and belief,  
17 Verizon advertises that customers can utilize mobile devices to communicate using  
18 its network services for 3G communications that Verizon enables pursuant to  
19 CDMA2000 technology. Since at least the time of the written communications  
20 from SPH in February 2012, Verizon has had actual knowledge of the '385 patent  
21 and that the use of products and services by its customers constituted direct  
22 infringement of the '385 patent. Despite this knowledge, Verizon has continued to  
23 offer these services, to facilitate and encourage infringing use of its services, and to  
24 encourage its customers to use products and services from Verizon in a manner  
25 that infringes the '385 patent.

26 13. On information and belief, Verizon has also infringed the '385 patent  
27 by contributing to the infringement of others, including users of unlicensed  
28

1 wireless handsets on its networks, to infringe one or more claims of the '385 patent  
2 in violation of 35 U.S.C. § 271(c).

3 14. On information and belief, Verizon sells devices that are a component  
4 of the patented invention of the '385 patent or an apparatus for use in practicing a  
5 patented process of the '385 patent and they are especially made or especially  
6 adapted for use in infringement of the '385 patent. In particular, the unlicensed  
7 mobile handsets sold and offered for sale by Verizon are apparatus for use in  
8 practicing one or more claimed processes of the '385 patent and are especially  
9 made or especially adapted for use in practicing one or more claimed processes of  
10 the '385 patent, including through use in communications using CDMA2000  
11 technology. Verizon sold these unlicensed devices despite its knowledge that they  
12 were especially made or especially adapted for use in infringement of the '385  
13 patent. Verizon was put on notice of the infringing nature of these goods since at  
14 least the time of the written communications from SPH in February 2012.

15 15. Verizon undertook its actions of, *inter alia*, making, using, offering  
16 for sale, and/or selling unlicensed systems, and products and/or services related  
17 thereto despite an objectively high likelihood that such activities infringed the '385  
18 patent, which has been duly issued by the United States Patent and Trademark  
19 Office, and is presumed valid. Since at least the time of the written  
20 communications from SPH in February 2012, Verizon has been aware of an  
21 objectively high likelihood that its actions constituted, and continue to constitute,  
22 infringement of the '385 patent and that the '385 patent is valid. Despite that  
23 knowledge, on information and belief, Verizon has continued its infringing  
24 activities. As such, Verizon willfully infringed the '385 patent.

25 16. As a result of Verizon's infringement of the '385 patent, Plaintiff SPH  
26 has suffered monetary damages and is entitled to a money judgment in an amount  
27 adequate to compensate for Verizon's infringement, but in no event less than a  
28 reasonable royalty for the use made of the invention by Verizon, enhancement of

1 damages due to Verizon's willful infringement, and interest and costs as fixed by  
2 the Court.

3 **COUNT II**

4 **INFRINGEMENT OF U.S. PATENT NO. 5,960,029**

5 17. Plaintiff SPH realleges and incorporates by reference paragraphs 1-16  
6 above, as if fully set forth herein.

7 18. Plaintiff SPH is the exclusive licensee of United States Patent No.  
8 5,960,029 ("the '029 patent") titled "Coherent Dual-Channel QPSK  
9 Modulator/Demodulator For CDMA Systems, And Modulating/Demodulating  
10 Methods Therefor." The '029 patent was duly and legally issued by the United  
11 States Patent and Trademark Office on September 28, 1999. SPH is the exclusive  
12 licensee, possessing all substantial rights, to the '029 patent pursuant to a license  
13 from the Electronics and Telecommunications Research Institute, a South Korean  
14 non-profit research organization, the owner of the '029 patent.

15 19. On information and belief, Verizon operates a wireless  
16 communications network, and sells mobile handsets for use on a wireless network.

17 20. On information and belief, Verizon has infringed and continues to  
18 infringe the '029 patent by, among other things, making, using, offering for sale,  
19 and/or selling unlicensed systems, and products and/or services related thereto,  
20 covered by one or more claims of the '029 patent. Such unlicensed products  
21 include, by way of example and without limitation, mobile phones made by  
22 Samsung, including without limitation the Samsung Galaxy S4, Galaxy S, Galaxy  
23 Note II, ATIV Odyssey, and Galaxy Stratosphere II, as well as mobile phones  
24 made by Blackberry, including, without limitation the Blackberry Q10, the  
25 Blackberry Z10, and the Blackberry Bold 9930, all of which are covered by one or  
26 more claims of the '029 patent, including but not limited to claim 1. By making,  
27 using, offering for sale, and/or selling such systems, and products and/or services  
28 related thereto, covered by one or more claims of the '029 patent, Verizon has

1 injured SPH and is liable to SPH for infringement of the '029 patent pursuant to 35  
2 U.S.C. § 271.

3 21. Verizon was placed on notice of its infringement of the '029 Patent no  
4 later than approximately February 10, 2012 as a result of a letter from SPH to  
5 Verizon specifically identifying the '029 Patent and informing Verizon of its  
6 infringing conduct.

7 22. On information and belief, Verizon has also infringed the '029 patent  
8 by inducing others, including users of unlicensed wireless handsets on its networks  
9 to infringe one or more claims of the '029 patent in violation of 35 U.S.C. §  
10 271(b).

11 23. On information and belief, Verizon takes active steps to induce its  
12 customers and network users to infringe the '029 patent by taking affirmative steps  
13 to encourage and facilitate direct infringement by others with knowledge of that  
14 infringement, such as, upon information and belief, by importing, offering for sale,  
15 and/or selling products and/or services that when used as intended infringe the  
16 '029 patent. For example, and without limitation, on information and belief,  
17 Verizon advertises that customers can utilize mobile devices to communicate using  
18 its network services for 3G communications that Verizon enables pursuant to  
19 CDMA2000 technology. Since at least time of the written communications from  
20 SPH in February 2012, Verizon has had actual knowledge of the '029 patent and  
21 that the use of products and services by its customers constituted direct  
22 infringement of the '029 patent. Despite this knowledge, Verizon has continued to  
23 offer these services, to facilitate and encourage infringing use of its services, and to  
24 encourage its customers to use products and services from Verizon in a manner  
25 that infringes the '029 patent.

26 24. On information and belief, Verizon has also infringed the '029 patent  
27 by contributing to the infringement of others, including users of unlicensed  
28



1 wireless handsets on its networks, to infringe one or more claims of the '029 patent  
2 in violation of 35 U.S.C. § 271(c).

3 25. On information and belief, Verizon sells devices that are a component  
4 of the patented invention of the '029 patent or an apparatus for use in practicing a  
5 patented process of the '029 patent and they are especially made or especially  
6 adapted for use in infringement of the '029 patent. In particular, the unlicensed  
7 mobile handsets sold and offered for sale by Verizon are apparatus for use in  
8 practicing one or more claimed processes of the '029 patent and are especially  
9 made or especially adapted for use in practicing one or more claimed processes of  
10 the '029 patent, including through use in communications using CDMA2000  
11 technology. Verizon sold these unlicensed devices despite its knowledge that they  
12 were especially made or especially adapted for use in infringement of the '029  
13 patent. Verizon was put on notice of the infringing nature of these goods since at  
14 least the time of the written communications from SPH in February 2012.

15 26. Verizon undertook its actions of, *inter alia*, making, using, offering  
16 for sale, and/or selling unlicensed systems, and products and/or services related  
17 thereto despite an objectively high likelihood that such activities infringed the '029  
18 patent, which has been duly issued by the United States Patent and Trademark  
19 Office, and is presumed valid. Since at least the time of the written  
20 communications from SPH in February 2012, Verizon has been aware of an  
21 objectively high likelihood that its actions constituted, and continue to constitute,  
22 infringement of the '029 patent and that the '029 patent is valid. Despite that  
23 knowledge, on information and belief, Verizon has continued its infringing  
24 activities. As such, Verizon willfully infringed the '029 patent.

25 27. As a result of Verizon's infringement of the '029 patent, Plaintiff SPH  
26 has suffered monetary damages and is entitled to a money judgment in an amount  
27 adequate to compensate for Verizon's infringement, but in no event less than a  
28 reasonable royalty for the use made of the invention by Verizon, enhancement of



1 damages due to Verizon's willful infringement, and interest and costs as fixed by  
2 the Court.

3 **COUNT III**

4 **INFRINGEMENT OF U.S. PATENT NO. RE 44,507**

5 28. Plaintiff SPH realleges and incorporates by reference paragraphs 1-27  
6 above, as if fully set forth herein.

7 29. Plaintiff SPH is the exclusive licensee of United States Patent No. RE  
8 44,507 ("the '507 patent") titled "Orthogonal Complex Spreading Method for  
9 Multichannel and Apparatus Thereof." The '507 patent was duly and legally  
10 issued by the United States Patent and Trademark Office on September 24, 2013.  
11 SPH is the exclusive licensee, possessing all substantial rights, to the '507 patent  
12 pursuant to a license from the Electronics and Telecommunications Research  
13 Institute, a South Korean non-profit research organization, the owner of the '507  
14 patent.

15 30. On information and belief, Verizon operates a wireless  
16 communications network, and sells mobile handsets for use on a wireless network.

17 31. On information and belief, Verizon has infringed and continues to  
18 infringe the '507 patent by, among other things, making, using, offering for sale,  
19 and/or selling unlicensed systems, and products and/or services related thereto,  
20 covered by one or more claims of the '507 patent. Such unlicensed products  
21 include, by way of example and without limitation, mobile phones made by  
22 Samsung, including without limitation the Samsung Galaxy S4, Galaxy S, Galaxy  
23 Note II, ATIV Odyssey, and Galaxy Stratosphere II, as well as mobile phones  
24 made by Blackberry, including, without limitation the Blackberry Q10, the  
25 Blackberry Z10, and the Blackberry Bold 9930, all of which are covered by one or  
26 more claims of the '507 patent, including but not limited to claim 104. By making,  
27 using, offering for sale, and/or selling such systems, and products and/or services  
28 related thereto, covered by one or more claims of the '507 patent, Verizon has

1 injured SPH and is liable to SPH for infringement of the ‘507 patent pursuant to 35  
2 U.S.C. § 271.

3 32. As a result of Verizon’s infringement of the ‘507 patent, Plaintiff SPH  
4 has suffered monetary damages and is entitled to a money judgment in an amount  
5 adequate to compensate for Verizon’s infringement, but in no event less than a  
6 reasonable royalty for the use made of the invention by Verizon, and interests and  
7 costs as fixed by the Court.

8 33. Verizon was placed on notice of its infringement of the ‘507 Patent no  
9 later than the filing of the first amended complaint in this matter specifically  
10 identifying the ‘507 Patent and informing Verizon of its infringing conduct.

11 34. On information and belief, Verizon has also infringed the ‘507 patent  
12 by inducing others, including users of unlicensed wireless handsets on its networks  
13 to infringe one or more claims of the ‘507 patent in violation of 35 U.S.C. §  
14 271(b).

15 35. On information and belief, Verizon takes active steps to induce its  
16 customers and network users to infringe the ‘507 patent by taking affirmative steps  
17 to encourage and facilitate direct infringement by others with knowledge of that  
18 infringement, such as, upon information and belief, by importing, offering for sale,  
19 and/or selling products and/or services that when used as intended infringe the  
20 ‘507 patent. For example, and without limitation, on information and belief,  
21 Verizon advertises that customers can utilize mobile devices to communicate using  
22 its network services for 3G communications that Verizon enables pursuant to  
23 CDMA2000 technology. Since at least the filing of the first amended complaint in  
24 this matter, Verizon has had actual knowledge of the ‘507 patent and that the use  
25 of products and services by its customers constituted direct infringement of the  
26 ‘507 patent. Despite this knowledge, Verizon has continued to offer these services,  
27 to facilitate and encourage infringing use of its services, and to encourage its  
28

1 customers to use products and services from Verizon in a manner that infringes the  
2 ‘507 patent.

3 36. On information and belief, Verizon has also infringed the ‘507 patent  
4 by contributing to the infringement of others, including users of unlicensed  
5 wireless handsets on its networks, to infringe one or more claims of the ‘507 patent  
6 in violation of 35 U.S.C. § 271(c).

7 37. On information and belief, Verizon sells devices that are a component  
8 of the patented invention of the ‘507 patent or an apparatus for use in practicing a  
9 patented process of the ‘507 patent and they are especially made or especially  
10 adapted for use in infringement of the ‘507 patent. In particular, the unlicensed  
11 mobile handsets sold and offered for sale by Verizon are apparatus for use in  
12 practicing one or more claimed processes of the ‘507 patent and are especially  
13 made or especially adapted for use in practicing one or more claimed processes of  
14 the ‘507 patent, including through use in communications using CDMA2000  
15 technology. Verizon sold these unlicensed devices despite its knowledge that they  
16 were especially made or especially adapted for use in infringement of the ‘507  
17 patent. Verizon was put on notice of the infringing nature of these goods since at  
18 least the time of the filing of the initial complaint in this matter.

19 38. Verizon undertook its actions of, *inter alia*, making, using, offering  
20 for sale, and/or selling unlicensed systems, and products and/or services related  
21 thereto despite an objectively high likelihood that such activities infringed the ‘507  
22 patent, which has been duly issued by the United States Patent and Trademark  
23 Office, and is presumed valid. Since at least the time of the filing of the first  
24 amended complaint in this action, Verizon has been aware of an objectively high  
25 likelihood that its actions constituted, and continue to constitute, infringement of  
26 the ‘507 patent and that the ‘507 patent is valid. Despite that knowledge, on  
27 information and belief, Verizon has continued its infringing activities. As such,  
28 Verizon willfully infringed the ‘507 patent.

39. As a result of Verizon's indirect infringement of the '507 patent, Plaintiff SPH has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Verizon's infringement, but in no event less than a reasonable royalty for the use made of the invention by Verizon, enhancement of damages due to Verizon's willful infringement, and interest and costs as fixed by the Court.

#### COUNT IV

#### **INFRINGEMENT OF U.S. PATENT NO. 8,565,346**

40. Plaintiff SPH realleges and incorporates by reference paragraphs 1-39 above, as if fully set forth herein.

41. Plaintiff SPH is the exclusive licensee of United States Patent No. 8,565,346 ("the '346 patent") titled "Apparatus for Transmitting and Receiving Data to Provide High-Speed Data Communication and Method Thereof." The '346 patent was duly and legally issued by the United States Patent and Trademark Office on October 22, 2013. SPH is the exclusive licensee, possessing all substantial rights, to the '346 patent pursuant to a license from the Electronics and Telecommunications Research Institute, a South Korean non-profit research organization, the owner of the '346 patent.

42. On information and belief, Verizon sells mobile handsets capable of wireless local area network connectivity, and operates and/or provides access to wireless local area network hotspots.

43. On information and belief, Verizon has infringed and continues to infringe the '346 patent by, among other things, making, using, offering for sale, and/or selling unlicensed systems, and products and/or services related thereto, covered by one or more claims of the '346 patent. Such unlicensed products include, by way of example and without limitation, mobile phones made by Samsung, including without limitation the Samsung Galaxy S4, Galaxy S, Galaxy Note II, ATIV Odyssey, and Galaxy Stratosphere II, as well as mobile phones

1 made by Blackberry, including, without limitation the Blackberry Q10, the  
2 Blackberry Z10, and the Blackberry Bold 9930, all of which are covered by one or  
3 more claims of the '346 patent, including but not limited to claim 1. By making,  
4 using, offering for sale, and/or selling such systems, and products and/or services  
5 related thereto, covered by one or more claims of the '346 patent, Verizon has  
6 injured SPH and is liable to SPH for infringement of the '346 patent pursuant to 35  
7 U.S.C. § 271.

8 44. As a result of Verizon's infringement of the '346 patent, Plaintiff SPH  
9 has suffered monetary damages and is entitled to a money judgment in an amount  
10 adequate to compensate for Verizon's infringement, but in no event less than a  
11 reasonable royalty for the use made of the invention by Verizon, and interests and  
12 costs as fixed by the Court.

13 45. Verizon was placed on notice of its infringement of the '346 Patent no  
14 later than the filing of the first amended complaint in this matter specifically  
15 identifying the '346 Patent and informing Verizon of its infringing conduct.

16 46. On information and belief, Verizon has also infringed the '346 patent  
17 by inducing others, including users of unlicensed wireless handsets to infringe one  
18 or more claims of the '346 patent in violation of 35 U.S.C. § 271(b).

19 47. On information and belief, Verizon takes active steps to induce its  
20 customers to infringe the '346 patent by taking affirmative steps to encourage and  
21 facilitate direct infringement by others with knowledge of that infringement, such  
22 as, upon information and belief, by importing, offering for sale, and/or selling  
23 products and/or services that when used as intended infringe the '346 patent. For  
24 example, and without limitation, on information and belief, Verizon advertises that  
25 customers can utilize mobile devices to communicate using WiFi communications  
26 protocols. Since at least the filing of the first amended complaint in this matter,  
27 Verizon has had actual knowledge of the '346 patent and that the use of products  
28 and services by its customers constituted direct infringement of the '346 patent.

1 Despite this knowledge, Verizon has continued to offer these services, to facilitate  
2 and encourage infringing use of its services, and to encourage its customers to use  
3 products and services from Verizon in a manner that infringes the ‘346 patent.

4 48. On information and belief, Verizon has also infringed the ‘346 patent  
5 by contributing to the infringement of others, including users of unlicensed  
6 wireless handsets, to infringe one or more claims of the ‘346 patent in violation of  
7 35 U.S.C. § 271(c).

8 49. On information and belief, Verizon sells devices that are a component  
9 of the patented invention of the ‘346 patent or an apparatus for use in practicing a  
10 patented process of the ‘346 patent and they are especially made or especially  
11 adapted for use in infringement of the ‘346 patent. In particular, the unlicensed  
12 mobile handsets sold and offered for sale by Verizon are apparatus for use in  
13 practicing one or more claimed processes of the ‘346 patent and are especially  
14 made or especially adapted for use in practicing one or more claimed processes of  
15 the ‘346 patent, including through use in communications using WiFi  
16 communications protocols. Verizon sold these unlicensed devices despite its  
17 knowledge that they were especially made or especially adapted for use in  
18 infringement of the ‘346 patent. Verizon was put on notice of the infringing nature  
19 of these goods since at least the time of the filing of the initial complaint in this  
20 matter.

21 50. Verizon undertook its actions of, *inter alia*, making, using, offering  
22 for sale, and/or selling unlicensed systems, and products and/or services related  
23 thereto despite an objectively high likelihood that such activities infringed the ‘346  
24 patent, which has been duly issued by the United States Patent and Trademark  
25 Office, and is presumed valid. Since at least the time of the filing of the first  
26 amended complaint in this action, Verizon has been aware of an objectively high  
27 likelihood that its actions constituted, and continue to constitute, infringement of  
28 the ‘346 patent and that the ‘346 patent is valid. Despite that knowledge, on

1 information and belief, Verizon has continued its infringing activities. As such,  
2 Verizon willfully infringed the ‘346 patent.

3 51. As a result of Verizon’s indirect infringement of the ‘346 patent,  
4 Plaintiff SPH has suffered monetary damages and is entitled to a money judgment  
5 in an amount adequate to compensate for Verizon’s infringement, but in no event  
6 less than a reasonable royalty for the use made of the invention by Verizon,  
7 enhancement of damages due to Verizon’s willful infringement, and interest and  
8 costs as fixed by the Court.

9 **COUNT V**

10 **INFRINGEMENT OF U.S. PATENT NO. 8,532,231**

11 52. Plaintiff SPH realleges and incorporates by reference paragraphs 1-51  
12 above, as if fully set forth herein.

13 53. Plaintiff SPH is the exclusive licensee of United States Patent No.  
14 8,532,231 (“the ‘231 patent”) titled “Apparatus for Transmitting and Receiving  
15 Data to Provide High-Speed Data Communication and Method Thereof.” The  
16 ‘231 patent was duly and legally issued by the United States Patent and Trademark  
17 Office on September 10, 2013. SPH is the exclusive licensee, possessing all  
18 substantial rights, to the ‘231 patent pursuant to a license from the Electronics and  
19 Telecommunications Research Institute, a South Korean non-profit research  
20 organization, the owner of the ‘231 patent.

21 54. On information and belief, Verizon sells mobile handsets capable of  
22 wireless local area network connectivity, and operates and/or provides access to  
23 wireless local area network hotspots.

24 55. On information and belief, Verizon has infringed and continues to  
25 infringe the ‘231 patent by, among other things, making, using, offering for sale,  
26 and/or selling unlicensed systems, and products and/or services related thereto,  
27 covered by one or more claims of the ‘231 patent. Such unlicensed products  
28 include, by way of example and without limitation, mobile phones made by



1 Samsung, including without limitation the Samsung Galaxy S4, Galaxy S, Galaxy  
2 Note II, ATIV Odyssey, and Galaxy Stratosphere II, as well as mobile phones  
3 made by Blackberry, including, without limitation the Blackberry Q10, the  
4 Blackberry Z10, and the Blackberry Bold 9930, all of which are covered by one or  
5 more claims of the '231 patent, including but not limited to claim 35. By making,  
6 using, offering for sale, and/or selling such systems, and products and/or services  
7 related thereto, covered by one or more claims of the '231 patent, Verizon has  
8 injured SPH and is liable to SPH for infringement of the '231 patent pursuant to 35  
9 U.S.C. § 271.

10 56. As a result of Verizon's infringement of the '231 patent, Plaintiff SPH  
11 has suffered monetary damages and is entitled to a money judgment in an amount  
12 adequate to compensate for Verizon's infringement, but in no event less than a  
13 reasonable royalty for the use made of the invention by Verizon, and interests and  
14 costs as fixed by the Court.

### 15 **III. PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiff SPH respectfully requests that this Court enter:

17 1. A judgment in favor of Plaintiff SPH that Verizon has infringed,  
18 either literally and/or under the doctrine of equivalents, the '385 patent, the '029  
19 patent, the '507 patent, the '346 patent, and the '231 patent;

20 2. A judgment in favor of Plaintiff SPH that Verizon has induced  
21 infringement of the '385 patent, the '029 patent, the '507 patent, the '346 patent,  
22 and the '231 patent;

23 3. A judgment in favor of Plaintiff SPH that Verizon has contributed to  
24 the infringement of the '385 patent, the '029 patent, the '507 patent, the '346  
25 patent, and the '231 patent;

26 4. A judgment in favor of Plaintiff SPH that Verizon has willfully  
27 infringed the '385 patent, the '029 patent, the '507 patent, the '346 patent, and the  
28 '231 patent;

1           5.     A judgment and order requiring Verizon to pay Plaintiff SPH its  
2 damages, costs, expenses, and pre-judgment and post-judgment interest as  
3 provided under 35 U.S.C. § 284 for Verizon's infringement of the '385 patent, the  
4 '029 patent, the '507 patent, the '346 patent, and the '231 patent;

5           6.     A judgment and order for treble damages pursuant to 35 U.S.C. § 284;

6           7.     A judgment and order that this case is exceptional and requiring  
7 Verizon to pay Plaintiff SPH reasonable experts' fees and attorneys' fees pursuant  
8 to 35 U.S.C. § 285; and

9           8.     Any and all other relief as the Court may deem appropriate and just  
10 under the circumstances.

11     **IV.   DEMAND FOR JURY TRIAL**

12                 Plaintiff SPH requests a trial by jury of any issues so triable.

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14     DATED: June 27, 2014

RUSS, AUGUST & KABAT  
Larry C. Russ  
Marc A. Fenster  
Brian D. Ledahl  
Alexander C.D. Giza  
J. Power Hely VI

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18                 By: /s/ J. Power Hely VI  
19                     J. Power Hely VI  
20                     Attorneys for Plaintiff  
21                     SPH America, LLC  
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