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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

NOVA INTELLECTUAL
SOLUTIONS, LLC, a Texas limited
liability company,

Plaintiff,

v.

SHARP CORPORATION, a Japan
corporation, SHARP
ELECTRONICS CORPORATION, a
New York corporation,

Defendants.

'15CV1300 GPC KSC

**PLAINTIFF'S ORIGINAL
COMPLAINT FOR PATENT
INFRINGEMENT**

Jury Trial Demanded

Plaintiff Nova Intellectual Solutions, LLC files this complaint against Sharp Corporation and Sharp Electronics Corporation (collectively "Defendants") for infringement of U.S. Patent No. 8,208,517.

THE PARTIES

1. Nova Intellectual Solutions, LLC ("NIS" or "Plaintiff") is a Texas limited liability company with its principal place of business at 8616 Turtle Creek Boulevard, Suite 521, Dallas, Texas 75225. NIS is the owner by assignment of U.S. Patent No. 8,208,517 ("the '517 patent").

2. On information and belief, Sharp Corporation is a company incorporated in Japan located at 22-22 Negaikecho, Abeno-Ku, Osaka 545-8522, Japan. Sharp Corporation may be served with process in Japan pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. This Defendant does business in the State of California and in the Southern District of California.

3. On information and belief, Sharp Electronics Corporation (with Sharp Corporation "Sharp") is a New York corporation with its principal place of business at Sharp Plaza, Mahwah, New Jersey 07430. This Defendant may be

1 served with process through its agent, C T Corporation System, 111 Eighth
2 Avenue, New York, New York 10011. This Defendant does business in the State
3 of California and in the Southern District of California.

4 **JURISDICTION AND VENUE**

5 4. NIS brings this action for patent infringement under the patent laws of the
6 United States, namely 35 U.S.C. §§ 271, 281, and 284-285, among others. This
7 Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.

8 5. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)-(d) and
9 1400(b). On information and belief, Sharp transacts business in this District. Sharp
10 Corporation is an alien that conducts business in this District through its wholly-
11 owned subsidiary Sharp Electronics Corporation. On information and belief, Sharp
12 has committed acts of infringement in this District. The '517 patent was formerly
13 owned by, and formerly assigned to, Novatel Wireless, which is headquartered in
14 this District.

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

21 **COUNT I**

22 **(Patent Infringement - U.S. Patent No. 8,208,517)**

23 7. NIS incorporates paragraphs 1 through 6 herein by reference.

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

26 9. NIS is the owner of the '517 patent, entitled "Systems and Methods For A
27 Multi-Mode Wireless Modem," with ownership of all substantial rights in the '517
28 patent, including the right to exclude others and to enforce, sue, and recover damages

1 for past and future infringement. A true and correct copy of the '517 patent is
2 attached as Exhibit A.

3 10. The '517 patent is valid, enforceable and was duly issued in full compliance
4 with Title 35 of the United States Code.

5 **DIRECT INFRINGEMENT (35 U.S.C. § 271(a))**

6 11. Defendants have directly infringed, and continue to directly infringe, one or
7 more claims of the '517 patent in this judicial district and elsewhere in California and
8 the United States.

9 12. Defendants have infringed the '517 patent, by using, selling, and/or offering
10 to sell, within the United States, and/or by importing into the United States, products,
11 including, but not limited to, mobile data hot spots and data modems, which embody
12 and/or practice at least claim 1 of the '517 patent by providing a wireless gateway
13 device which allows multiple wireless devices to access the internet through a wireless
14 communication system in violation of 35 U.S.C. § 271 (the "'517 Accused Products").
15 The Accused Products include, but are not limited to, the Aquos Crystal.

16 13. Defendants are liable for these direct infringements pursuant to 35 U.S.C. §
17 271.

18 **WHEREFORE**, NIS asks that the Court find in its favor and against
19 Defendants, and that the Court grant NIS the following relief:

- 20 a. Judgment that one or more claims of the '517 patent has been infringed,
21 either literally and/or under the doctrine of equivalents, by one or more
22 Defendants;
- 23 b. Judgment that Defendants account for and pay to NIS all damages and
24 costs incurred by NIS because of Defendants' infringing activities and
25 other conduct complained of herein;
- 26 c. Judgment that Defendants account for and pay to NIS a reasonable, on-
27 going, post judgment royalty because of Defendants' infringing activities
28 and other conduct complained of herein;

- 1 d. That NIS be granted pre judgment and post judgment interest on the
2 damages caused by Defendants' infringing activities and other conduct
3 complained of herein; and
4 e. That NIS be granted such other and further relief as the Court may deem
5 just and proper under the circumstances
6
7

8 Dated: June 12, 2015

GARTMAN LAW GROUP, P.C.

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10 By: /s/ John E. Gartman
John E. Gartman

11 *Attorney for Plaintiff Nova Intellectual*
12 *Solutions, LLC*

13 **REQUEST FOR TRIAL BY JURY**

14 Plaintiffs claim trial by jury on all issues so triable.
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17 Dated: June 12, 2015

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19 By: /s/ John E. Gartman
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20 *Attorney for Plaintiff Nova Intellectual*
21 *Solutions, LLC*
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