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8 *FONTEM VENTURES B.V. and*
FONTEM HOLDINGS 1 B.V.

9
10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12

13 FONTEM VENTURES B.V., a
Netherlands company; and FONTEM
14 HOLDINGS 1 B.V., a Netherlands
company,

15 Plaintiffs,

16 v.

17 NJOY, INC., a Delaware corporation,
18 and DOES 1-5, Inclusive,

19 Defendant.
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Case No. CV14-1645

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 For its Complaint against Defendant NJOY, INC. (“Defendant”), Plaintiff
2 Fontem Ventures B.V. (“Fontem Ventures”) and Plaintiff Fontem Holdings 1 B.V.
3 (“Fontem Holdings”) allege as follows:

4 **JURISDICTION AND VENUE**

5 1. This is a civil action for patent infringement arising under the patent
6 laws of the United States, 35 U.S.C. §§ 101, et seq., and in particular § 271.

7 2. This Court has subject matter jurisdiction over this patent infringement
8 action under 28 U.S.C. §§ 1331 and 1338(a).

9 3. This Court has personal jurisdiction over Defendant because it solicits
10 and conducts business in California, including the provision of goods over the
11 Internet, derives revenue from goods sold in California and within this judicial
12 district, and has committed acts of infringement in this judicial district.

13 4. Venue lies in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and
14 (c), and 1400(b).

15 **PARTIES**

16 5. Plaintiff Fontem Ventures is a company organized and existing under
17 the laws of the Netherlands, with its principal place of business at 12th Floor, 101
18 Barbara Strozzi laan, 1083 HN Amsterdam, The Netherlands. Fontem Ventures is
19 in the business of developing innovative non-tobacco products, including electronic
20 cigarettes.

21 6. Plaintiff Fontem Holdings is a company organized and existing under
22 the laws of the Netherlands, with its principal place of business at 12th Floor, 101
23 Barbara Strozzi laan, 1083 HN Amsterdam, The Netherlands.

24 7. Plaintiffs Fontem Ventures and Fontem Holdings (together, “the
25 Plaintiffs”) are informed and believe that: Defendant NJOY, INC. (“NJOY”) is a
26 corporation organized and existing under the laws of the State of Delaware, having
27 its principal place of business at 15211 N. Kierland Blvd., Scottsdale, AZ, 85254,
28

1 USA. NJOY is doing business in this judicial district related to the claims asserted
2 in this Complaint.

3 8. The true names and capacities, whether individual, corporate,
4 associate, or otherwise of defendants sued herein as DOES 1 through 5, inclusive,
5 are unknown to the Plaintiffs at the present time, and the Plaintiffs therefore sue
6 said Defendants by such fictitious names. The Plaintiffs, after obtaining leave of
7 court, if necessary, will amend this Complaint to show such true names and
8 capacities when the same have been ascertained.

9 **FIRST CAUSE OF ACTION**

10 (Infringement of U.S. Patent No. 8,365,742)

11 9. The Plaintiffs incorporate by reference the allegations contained in
12 paragraphs 1-8 above.

13 10. Plaintiff Fontem Holdings is the owner of the entire right, title, and
14 interest in and to United States Patent No. 8,365,742 (“the ’742 Patent”) and
15 Plaintiff Fontem Ventures is the exclusive licensee of the ’742 Patent. The ’742
16 Patent was duly and legally issued by the United States Patent Office on February
17 5, 2013 and is valid, subsisting, and in full force and effect. A copy of the ’742
18 Patent is attached to the Complaint as Exhibit A.

19 11. The Plaintiffs are informed and believe that: Defendant has had
20 knowledge of the ’742 Patent, and of the Plaintiffs’ rights therein, at least as of
21 February 13, 2014. On that date, a Joint Status Report containing an assignment
22 document identifying Plaintiff Fontem Holdings as the owner of the ’742 Patent
23 was filed in a related case.¹ The Joint Status Report was reviewed and signed by
24 _____

25 ¹See Joint Status Report filed February 13, 2014 (Dkt. No. 63, Exh. A) in
26 *Ruyan Investment Holdings Limited v. Sottera, Inc.*, Case No. CV 12-05454 GAF
27 (FFMx) (C.D. Cal.), which is consolidated for purposes of discovery with Case
28 Nos. CV 12-05455 GAF (FFMx), CV 12-05456 GAF (FFMx), CV 12-05462 GAF
(FFMx), CV 12-05466 GAF (FFMx), CV 12-05468 GAF (FFMx), CV 12-05472
GAF (FFMx), CV 12-05477 GAF (FFMx), CV 12-05482 GAF (FFMx), and CV
12-06268 GAF (FFMx).

1 Defendant's counsel. Defendant shall have additional knowledge of the '742 Patent
2 as of the date of service for the present Complaint.

3 12. The Plaintiffs are informed and believe that: Defendant has directly
4 infringed the '742 Patent in violation of at least 35 U.S.C. § 271(a) by, itself and/or
5 through its agents, unlawfully and wrongfully making, using, importing, offering to
6 sell, and/or selling electronic cigarette products embodying one or more of the
7 inventions claimed in the '742 Patent, within and/or from the United States without
8 permission or license from the Plaintiffs, and will continue to do so unless enjoined
9 by this Court. Examples of electronic cigarette products that directly infringe the
10 '742 Patent include, but are not limited to, (1) NJOY Rechargeable Express Kits;
11 (2) NJOY Cartridge Refills for use with NJOY Rechargeable Electronic Cigarette
12 Batteries purchased separately or as part of an NJOY Rechargeable Express Kit; (3)
13 NJOY Rechargeable Electronic Cigarette Batteries; (4) NJOY OneJoy Non
14 Rechargeable Electronic Cigarettes; and (5) NJOY King Disposable Electronic
15 Cigarettes. Such products infringe at least claims 2 and 3 of the '742 Patent.

16 13. The Plaintiffs are informed and believe that: Defendant has contributed
17 to the infringement of the '742 Patent in violation of at least 35 U.S.C. § 271(c) by,
18 itself and/or through its agents, contributing to the direct infringement of the '742
19 Patent by its customers by unlawfully and wrongfully making, using, importing,
20 offering to sell, and/or selling electronic cigarette components having no
21 substantially non-infringing use, which, when purchased and/or used by its
22 customers, result in direct infringement of one or more embodiments of the
23 inventions claimed in the '742 Patent, within and/or from the United States without
24 permission or license from the Plaintiffs, and will continue to do so unless enjoined
25 by this Court. Examples of electronic cigarette components that have no substantial
26 noninfringing uses and that contribute to the direct infringement of the '742 Patent
27 include, but are not limited to, (1) NJOY Cartridge Refills ("NJOY E-Cig
28 Cartridges") for use with NJOY Rechargeable Electronic Cigarette Batteries

1 purchased separately or as part of an NJOY Rechargeable Express Kit; and (2)
 2 NJOY Rechargeable Electronic Cigarette Batteries (“NJOY E-Cig Batteries”).

3 14. The Plaintiffs are informed and believe that: Having knowledge of the
 4 ’742 Patent, Defendant has been aware that its NJOY E-Cig Cartridges and NJOY
 5 E-Cig Batteries, when purchased and/or used by its customers, result in direct
 6 infringement of one or more embodiments of the inventions claimed in the ’742
 7 Patent. Defendant states on its website that when a rechargeable NJOY product is
 8 being used “and the vapor volume is reduced below a satisfactory level or is no
 9 longer visible, immediately discontinue use of that cartridge and replace it with a
 10 new NJOY cartridge.”² It also instructs users that an NJOY battery “will last 1-3
 11 days before needing re-charging, depending on the intensity and quantity of puffs;”
 12 and encourages users to carry “an extra, charged battery.”³ Moreover, according to
 13 NJOY, “the only maintenance required [for its rechargeable product] is charging
 14 and replacing batteries as well as attaching fresh cartridges.”⁴ As such, Defendant
 15 knows that its NJOY E-Cig Cartridges and NJOY E-Cig Batteries that are sold
 16 separately from its Starter Kits have no substantial non-infringing uses other than to
 17 provide users with the ability to assemble and use an electronic cigarette that
 18 infringes at least claims 2 and 3 of the ’742 Patent, and therefore that they are
 19 especially made or adapted for use in infringement of the ’742 Patent.

20 15. As a direct and proximate result of the foregoing acts of Defendant,
 21 the Plaintiffs have suffered, and are entitled to, monetary damages in an amount not
 22 yet determined. The Plaintiffs are also entitled to their costs of suit and interest.

23 16. Defendant’s continuing infringement has inflicted and, unless
 24 restrained by this court, will continue to inflict great and irreparable harm upon the

25 ² See, e.g., Frequently Asked Question (FAQ) No. 7, found at
 26 <http://www.njoy.com/faqs> (last visited March 5, 2014).

27 ³ See, e.g., Frequently Asked Question (FAQ) No. 8, found at
 28 <http://www.njoy.com/faqs> (last visited March 5, 2014).

⁴ See, e.g., Frequently Asked Question (FAQ) No. 13, found at
<http://www.njoy.com/faqs> (last visited March 5, 2014).

1 Plaintiffs. The Plaintiffs have no adequate remedy at law. The Plaintiffs are
 2 entitled to preliminary and permanent injunctions enjoining Defendant from
 3 engaging in further acts of infringement.

4 **SECOND CAUSE OF ACTION**

5 (Infringement of U.S. Patent No. 8,375,957)

6 17. The Plaintiffs incorporate by reference the allegations contained in
 7 paragraphs 1-8 above.

8 18. Fontem Holdings is the owner of the entire right, title, and interest in
 9 and to United States Patent No. 8,375,957 (“the ’957 Patent”) and Fontem Ventures
 10 is the exclusive licensee of the ’957 Patent. The ’957 Patent was duly and legally
 11 issued by the United States Patent Office on February 19, 2013 and is valid,
 12 subsisting, and in full force and effect. A copy of the ’957 Patent is attached to the
 13 Complaint as Exhibit B.

14 19. The Plaintiffs are informed and believe that: Defendant has had
 15 knowledge of the ’957 Patent, and of the Plaintiffs’ rights therein, at least as of
 16 February 13, 2014. On that date, a Joint Status Report containing an assignment
 17 document identifying Plaintiff Fontem Holdings as the owner of the ’957 Patent
 18 was filed in a related case.⁵ The Joint Status Report was reviewed and signed by
 19 Defendant’s counsel. Defendant shall have additional knowledge of the ’957 Patent
 20 as of the date of service for the present Complaint.

21 20. The Plaintiffs are informed and believe that: Defendant has directly
 22 infringed the ’957 Patent in violation of at least 35 U.S.C. § 271(a) by, itself and/or
 23 through its agents, unlawfully and wrongfully making, using, importing, offering to
 24 _____

25 ⁵See Joint Status Report filed February 13, 2014 (Dkt. No. 63, Exh. A) in
 26 *Ruyan Investment Holdings Limited v. Sottera, Inc.*, Case No. CV 12-05454 GAF
 27 (FFMx) (C.D. Cal.), which is consolidated for purposes of discovery with Case
 28 Nos. CV 12-05455 GAF (FFMx), CV 12-05456 GAF (FFMx), CV 12-05462 GAF
 (FFMx), CV 12-05466 GAF (FFMx), CV 12-05468 GAF (FFMx), CV 12-05472
 GAF (FFMx), CV 12-05477 GAF (FFMx), CV 12-05482 GAF (FFMx), and CV
 12-06268 GAF (FFMx).

1 sell, and/or selling electronic cigarette products embodying one or more of the
2 inventions claimed in the '957 Patent, within and/or from the United States without
3 permission or license from the Plaintiffs, and will continue to do so unless enjoined
4 by this Court. Examples of electronic cigarette products that directly infringe the
5 '957 Patent include, but are not limited to, (1) NJOY Rechargeable Express Kits;
6 (2) NJOY Cartridge Refills for use with NJOY Rechargeable Electronic Cigarette
7 Batteries purchased separately or as part of an NJOY Rechargeable Express Kit;
8 and (3) NJOY Rechargeable Electronic Cigarette Batteries. Such products infringe
9 at least claims 1, 10, and 23 of the '957 Patent.

10 21. The Plaintiffs are informed and believe that: Defendant has contributed
11 to the infringement of the '957 Patent in violation of at least 35 U.S.C. § 271(c) by,
12 itself and/or through its agents, contributing to the direct infringement of the '957
13 Patent by its customers by unlawfully and wrongfully making, using, importing,
14 offering to sell, and/or selling electronic cigarette components having no
15 substantially non-infringing use, which, when purchased and/or used by its
16 customers, result in direct infringement of one or more embodiments of the
17 inventions claimed in the '957 Patent, within and/or from the United States without
18 permission or license from the Plaintiffs, and will continue to do so unless enjoined
19 by this Court. Examples of electronic cigarette components that have no substantial
20 noninfringing uses and that contribute to the direct infringement of the '957 Patent
21 include, but are not limited to, (1) NJOY Cartridge Refills ("NJOY E-Cig
22 Cartridges") for use with NJOY Rechargeable Electronic Cigarette Batteries
23 purchased separately or as part of an NJOY Rechargeable Express Kit; and (2)
24 NJOY Rechargeable Electronic Cigarette Batteries ("NJOY E-Cig Batteries").

25 22. The Plaintiffs are informed and believe that: Having knowledge of the
26 '957 Patent, Defendant has been aware that its NJOY E-Cig Cartridges and NJOY
27 E-Cig Batteries, when purchased and/or used by its customers, result in direct
28 infringement of one or more embodiments of the inventions claimed in the '957

1 Patent. Defendant states on its website that when a rechargeable NJOY product is
 2 being used “and the vapor volume is reduced below a satisfactory level or is no
 3 longer visible, immediately discontinue use of that cartridge and replace it with a
 4 new NJOY cartridge.”⁶ It also instructs users that an NJOY battery “will last 1-3
 5 days before needing re-charging, depending on the intensity and quantity of puffs;”
 6 and encourages users to carry “an extra, charged battery.”⁷ Moreover, according to
 7 NJOY, “the only maintenance required [for its rechargeable product] is charging
 8 and replacing batteries as well as attaching fresh cartridges.”⁸ As such, Defendant
 9 knows that its NJOY E-Cig Cartridges and NJOY E-Cig Batteries that are sold
 10 separately from its Starter Kits have no substantial non-infringing uses other than to
 11 provide users with the ability to assemble and use an electronic cigarette that
 12 infringes at least claims 1, 10, and 23 of the ’957 Patent, and therefore that they are
 13 especially made or adapted for use in infringement of the ’957 Patent.

14 23. As a direct and proximate result of the foregoing acts of Defendant, the
 15 Plaintiffs have suffered, and are entitled to, monetary damages in an amount not yet
 16 determined. The Plaintiffs are also entitled to their costs of suit and interest.

17 24. Defendant’s continuing infringement has inflicted and, unless
 18 restrained by this court, will continue to inflict great and irreparable harm upon the
 19 Plaintiffs. The Plaintiffs have no adequate remedy at law. The Plaintiffs are
 20 entitled to preliminary and permanent injunctions enjoining Defendant from
 21 engaging in further acts of infringement.

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25 ⁶ See, e.g., Frequently Asked Question (FAQ) No. 7, found at
 26 <http://www.njoy.com/faqs> (last visited March 5, 2014).

27 ⁷ See, e.g., Frequently Asked Question (FAQ) No. 8, found at
 28 <http://www.njoy.com/faqs> (last visited March 5, 2014).

⁸ See, e.g., Frequently Asked Question (FAQ) No. 13, found at
<http://www.njoy.com/faqs> (last visited March 5, 2014).

THIRD CAUSE OF ACTION

(Infringement of U.S. Patent No. 8,393,331)

25. The Plaintiffs incorporate by reference the allegations contained in paragraphs 1-8 above.

26. Fontem Holdings is the owner of the entire right, title, and interest in and to United States Patent No. 8,393,331 (“the ’331 Patent”) and Fontem Ventures is the exclusive licensee of the ’331 Patent. The ’331 Patent was duly and legally issued by the United States Patent Office on March 12, 2013 and is valid, subsisting, and in full force and effect. A copy of the ’331 Patent is attached to the Complaint as Exhibit C.

27. The Plaintiffs are informed and believe that: Defendant has had knowledge of the ’331 Patent, and of the Plaintiffs’ rights therein, at least as of February 13, 2014. On that date, a Joint Status Report containing an assignment document identifying Plaintiff Fontem Holdings as the owner of the ’331 Patent was filed in a related case.⁹ The Joint Status Report was reviewed and signed by Defendant’s counsel. Defendant shall have additional knowledge of the ’331 Patent as of the date of service for the present Complaint.

28. The Plaintiffs are informed and believe that: Defendant has directly infringed the ’331 Patent in violation of at least 35 U.S.C. § 271(a) by, itself and/or through its agents, unlawfully and wrongfully making, using, importing, offering to sell, and/or selling electronic cigarette products embodying one or more of the inventions claimed in the ’331 Patent, within and/or from the United States without permission or license from the Plaintiffs, and will continue to do so unless enjoined

⁹See Joint Status Report filed February 13, 2014 (Dkt. No. 63, Exh. A) in *Ruyan Investment Holdings Limited v. Sottera, Inc.*, Case No. CV 12-05454 GAF (FFMx) (C.D. Cal.), which is consolidated for purposes of discovery with Case Nos. CV 12-05455 GAF (FFMx), CV 12-05456 GAF (FFMx), CV 12-05462 GAF (FFMx), CV 12-05466 GAF (FFMx), CV 12-05468 GAF (FFMx), CV 12-05472 GAF (FFMx), CV 12-05477 GAF (FFMx), CV 12-05482 GAF (FFMx), and CV 12-06268 GAF (FFMx).

1 by this Court. Examples of electronic cigarette products that directly infringe the
2 '331 Patent include, but are not limited to, (1) NJOY Rechargeable Express Kits;
3 (2) NJOY Cartridge Refills for use with NJOY Rechargeable Electronic Cigarette
4 Batteries purchased separately or as part of an NJOY Rechargeable Express Kit; (3)
5 NJOY Rechargeable Electronic Cigarette Batteries; (4) NJOY OneJoy Non
6 Rechargeable Electronic Cigarettes; and (5) NJOY King Disposable Electronic
7 Cigarettes. Such products infringe at least claims 1 and 2 of the '331 Patent.

8 29. The Plaintiffs are informed and believe that: Defendant has contributed
9 to the infringement of the '331 Patent in violation of at least 35 U.S.C. § 271(c) by,
10 itself and/or through its agents, contributing to the direct infringement of the '331
11 Patent by its customers by unlawfully and wrongfully making, using, importing,
12 offering to sell, and/or selling electronic cigarette components having no
13 substantially non-infringing use, which, when purchased and/or used by its
14 customers, result in direct infringement of one or more embodiments of the
15 inventions claimed in the '331 Patent, within and/or from the United States without
16 permission or license from the Plaintiffs, and will continue to do so unless enjoined
17 by this Court. Examples of electronic cigarette components that have no substantial
18 noninfringing uses and that contribute to the direct infringement of the '331 Patent
19 include, but are not limited to, (1) NJOY Cartridge Refills ("NJOY E-Cig
20 Cartridges") for use with NJOY Rechargeable Electronic Cigarette Batteries
21 purchased separately or as part of an NJOY Rechargeable Express Kit; and (2)
22 NJOY Rechargeable Electronic Cigarette Batteries ("NJOY E-Cig Batteries").

23 30. The Plaintiffs are informed and believe that: Having knowledge of the
24 '331 Patent, Defendant has been aware that its NJOY E-Cig Cartridges and NJOY
25 E-Cig Batteries, when purchased and/or used by its customers, result in direct
26 infringement of one or more embodiments of the inventions claimed in the '331
27 Patent. Defendant states on its website that when a rechargeable NJOY product is
28 being used "and the vapor volume is reduced below a satisfactory level or is no

1 longer visible, immediately discontinue use of that cartridge and replace it with a
 2 new NJOY cartridge.”¹⁰ It also instructs users that an NJOY battery “will last 1-3
 3 days before needing re-charging, depending on the intensity and quantity of puffs;”
 4 and encourages users to carry “an extra, charged battery.”¹¹ Moreover, according to
 5 NJOY, “the only maintenance required [for its rechargeable product] is charging
 6 and replacing batteries as well as attaching fresh cartridges.”¹² As such, Defendant
 7 knows that its NJOY E-Cig Cartridges and NJOY E-Cig Batteries that are sold
 8 separately from its Starter Kits have no substantial non-infringing uses other than to
 9 provide users with the ability to assemble and use an electronic cigarette that
 10 infringes at least at least claims 1 and 2 of the ’331 Patent, and therefore that they
 11 are especially made or adapted for use in infringement of the ’331 Patent.

12 31. As a direct and proximate result of the foregoing acts of Defendant, the
 13 Plaintiffs have suffered, and are entitled to, monetary damages in an amount not yet
 14 determined. The Plaintiffs are also entitled to their costs of suit and interest.

15 32. Defendant’s continuing infringement has inflicted and, unless
 16 restrained by this court, will continue to inflict great and irreparable harm upon the
 17 Plaintiffs. The Plaintiffs have no adequate remedy at law. The Plaintiffs are
 18 entitled to preliminary and permanent injunctions enjoining Defendant from
 19 engaging in further acts of infringement.

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25 ¹⁰ See, e.g., Frequently Asked Question (FAQ) No. 7, found at
 26 <http://www.njoy.com/faqs> (last visited March 5, 2014).

27 ¹¹ See, e.g., Frequently Asked Question (FAQ) No. 8, found at
 28 <http://www.njoy.com/faqs> (last visited March 5, 2014).

¹² See, e.g., Frequently Asked Question (FAQ) No. 13, found at
<http://www.njoy.com/faqs> (last visited March 5, 2014).

FOURTH CAUSE OF ACTION

(Infringement of U.S. Patent No. 8,490,628)

33. The Plaintiffs incorporate by reference the allegations contained in paragraphs 1-8 above.

34. Fontem Holdings is the owner of the entire right, title, and interest in and to United States Patent No. 8,490,628 (“the ’628 Patent”) and Fontem Ventures is the exclusive licensee of the ’628 Patent. The ’628 Patent was duly and legally issued by the United States Patent Office on July 23, 2013 and is valid, subsisting, and in full force and effect. A copy of the ’628 Patent is attached to the Complaint as Exhibit D.

35. The Plaintiffs are informed and believe that: Defendant has had knowledge of the ’628 Patent, and of the Plaintiffs’ rights therein, at least as of February 13, 2014. On that date, a Joint Status Report containing an assignment document identifying Plaintiff Fontem Holdings as the owner of the ’628 Patent was filed in a related case.¹³ The Joint Status Report was reviewed and signed by Defendant’s counsel. Defendant shall have additional knowledge of the ’628 Patent as of the date of service for the present Complaint.

36. The Plaintiffs are informed and believe that: Defendant has directly infringed the ’628 Patent in violation of at least 35 U.S.C. § 271(a) by, itself and/or through its agents, unlawfully and wrongfully making, using, importing, offering to sell, and/or selling electronic cigarette products embodying one or more of the inventions claimed in the ’628 Patent, within and/or from the United States without permission or license from the Plaintiffs, and will continue to do so unless enjoined

¹³See Joint Status Report filed February 13, 2014 (Dkt. No. 63, Exh. A) in *Ruyan Investment Holdings Limited v. Sottera, Inc.*, Case No. CV 12-05454 GAF (FFMx) (C.D. Cal.), which is consolidated for purposes of discovery with Case Nos. CV 12-05455 GAF (FFMx), CV 12-05456 GAF (FFMx), CV 12-05462 GAF (FFMx), CV 12-05466 GAF (FFMx), CV 12-05468 GAF (FFMx), CV 12-05472 GAF (FFMx), CV 12-05477 GAF (FFMx), CV 12-05482 GAF (FFMx), and CV 12-06268 GAF (FFMx).

1 by this Court. Examples of electronic cigarette products that directly infringe the
2 '628 Patent include, but are not limited to, (1) NJOY OneJoy Non Rechargeable
3 Electronic Cigarettes; and (2) NJOY King Disposable Electronic Cigarettes. Such
4 products infringe at least claims 1, 7, and 8 of the '628 Patent.

5 37. As a direct and proximate result of the foregoing acts of Defendant, the
6 Plaintiffs have suffered, and are entitled to, monetary damages in an amount not yet
7 determined. The Plaintiffs are also entitled to their costs of suit and interest.

8 38. Defendant's continuing infringement has inflicted and, unless
9 restrained by this court, will continue to inflict great and irreparable harm upon the
10 Plaintiffs. The Plaintiffs have no adequate remedy at law. The Plaintiffs are
11 entitled to preliminary and permanent injunctions enjoining Defendant from
12 engaging in further acts of infringement.

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PRAYER FOR RELIEF

The Plaintiffs request entry of judgment that:

A. The '742 Patent, the '957 Patent, the '331 Patent, and the '628 Patent are valid and enforceable;

B. Defendant is liable for infringement of the '742 Patent, the '957 Patent, the '331 Patent, and the '628 Patent under at least the provisions of 35 U.S.C. § 271(a) and/or (c);

C. Defendant and all affiliates, subsidiaries, officers, employees, agents, representatives, licensees, successors, assigns, and all those acting in concert with, or for or on behalf of Defendant, shall be enjoined from infringing the '742 Patent, the '957 Patent, the '331 Patent, and the '628 Patent;

D. Defendant shall pay damages to the Plaintiffs resulting from Defendant's patent infringement pursuant to 35 U.S.C. § 284;

E. The Plaintiffs be entitled to prejudgment interest and post-judgment interest on the damages; and

F. The Plaintiffs be awarded such other and further relief, in law or in equity, as the Court deems just, equitable or appropriate.

DATED: March 5, 2014

Respectfully submitted,

PERKINS COIE LLP

By: /s/Michael J. Wise
Michael J. Wise

Attorneys for Plaintiff
FONTEM VENTURES B.V. and
FONTEM HOLDINGS 1 B.V.

DEMAND FOR JURY TRIAL

Plaintiffs Fontem Ventures and Fontem Holdings hereby demand a trial by jury of all issues triable by a jury.

DATED: March 5, 2014

PERKINS COIE LLP

By: /s/Michael J. Wise
Michael J. Wise

Attorneys for Plaintiff
Fontem Ventures B.V. and
Fontem Holdings 1 B.V.