UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HTC CORPORATION,
23 Xinghua Rd., Taoyuan 330,
Taiwan, R.O.C.

and

HTC AMERICA, INC.,
13920 SE Eastgate Way, Suite 400
Bellevue, WA 98005, U.S.A.

Plaintiffs,

v.

IPCOM GMBH & CO., KG,
Zugspitzstrasse 15
Pullach, Germany 82049

Defendant.

CIV. A. NO: _____

PLAINTIFFS' COMPLAINT FOR DECLARATORY JUDGMENT

PARTIES

1. Plaintiff HTC Corporation ("HTC") is a Taiwanese corporation with its principal place of business at 23 Xinghua Rd., Taoyuan 330, Taiwan, R.O.C.

2. Plaintiff HTC America, Inc. ("HTC America") is a Texas corporation with its principal place of business at 13920 SE Eastgate Way, Suite 400, Bellevue, WA 98005, U.S.A.

3. On information and belief, Defendant IPCom GmbH & Co., KG ("IPCom") is a German company with its principal place of business at Zugspitzstrasse 15, Pullach, Germany 82049. On information and belief, IPCom is an assignee of U.S. Patent No. 5,390,216 ("'216 Patent").

JURISDICTION AND VENUE

4. This is a civil action arising under the Patent Laws of the United States, 35 U.S.C. §§ 101, et seq., seeking a declaratory judgment that no valid and enforceable claim of the '216 Patent is infringed by Plaintiffs. This Court has subject matter jurisdiction under the Declaratory Judgment Act, 28 U.S.C. §§ 2201, 2202, and under 28 U.S.C. §§ 1331, 1338(a).

5. IPCom is not a United States resident and, on information and belief, has not filed a written designation of an agent for service of process pursuant to 35 U.S.C. § 293. Accordingly, pursuant to 35 U.S.C. § 293, venue is proper in this district, and this Court has personal jurisdiction over IPCom.

BACKGROUND

6. There is an actual controversy within the jurisdiction of this Court under 28 U.S.C. §§ 2201 and 2202. In April 2008, IPCom initiated a patent lawsuit in Germany against HTC based on the German counterpart of the '216 Patent. IPCom has also threatened to initiate patent litigation against Plaintiffs in the United States. For example, in a recent e-mail sent to HTC, IPCom indicated that it will initiate litigation in the United States if Plaintiffs do not enter into a license on IPCom's terms.

7. Efforts to resolve the dispute between Plaintiffs and IPCom have failed. Plaintiffs believe they do not infringe any valid claim of the '216 Patent. Accordingly, there is an actual and justiciable controversy under 28 U.S.C. §§ 2201 and 2202.

DECLARATORY JUDGMENT REGARDING THE '216 PATENT

8. Plaintiffs hereby restate and reallege the allegations set forth in the preceding paragraphs and incorporate them herein by reference.

9. No valid and enforceable claim of the '216 Patent is infringed by Plaintiffs.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs pray for judgment as follows:

1. Declaring that no valid and enforceable claim of the '216 Patent is infringed by the Plaintiffs;

2. Declaring that IPCom and each of its officers, employees, agents, alter egos, attorneys, and any persons in active concert or participation with them be restrained and enjoined from further prosecuting or instituting any action against Plaintiffs claiming that the '216 Patent is valid, enforceable, or infringed, or from representing that the products or services of the Plaintiffs infringe the '216 Patent;

3. Declaring this case exceptional under 35 U.S.C. § 285, and awarding the Plaintiffs their attorneys' fees and costs in connection with this case; and

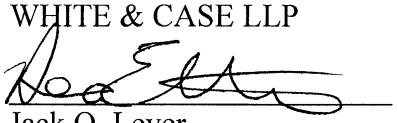
4. Awarding the Plaintiffs such other and further relief as the Court deems just and proper.

JURY TRIAL DEMAND

Plaintiffs demand a trial by jury on all issues so triable.

Dated: November 3, 2008

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