FILED: SEPTEMBER 11, 2008
08CV5190
JUDGE BUCKLO
MAGISTRATE JUDGE COX
MHN

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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

HELFERICH PATENT LICENSING, L.L.C., an Illinois Limited Liability Company, Plaintiff, vs. I-MATE P.L.C., a Scottish Corporation; and I-MATE USA, INC.a Delaware Corporation, Defendants.	No. _____ **COMPLAINT** (Jury Trial Demanded)

Plaintiff Helferich Patent Licensing, L.L.C. ("HPL") complains against defendants I-mate plc and I-mate USA, Inc. (hereinafter, collectively, "I-mate") as follows:

1. This action arises under the Patent Laws of the United States, 35 United States Code. This Court has jurisdiction of this action under 28 U.S.C. § 1338(a).

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2. Helferich Patent Licensing, L.L.C. is an Illinois limited liability company and the exclusive licensee of a portfolio of patents duly and legally issued to Richard J. Helferich for the inventions claimed therein, and relating to wireless communication and messaging, and the provision of media and content to wireless subscribers. Relevant issued patents include (collectively, the "Subject Patents"):

- U.S. Patent No. 7,403,787, titled "Paging Transceivers and Methods for Selectively Retrieving Messages," issued on July 22, 2008;
- U.S. Patent No. 7,376,432, titled "Paging Transceivers and Methods for Selectively Retrieving Messages," issued on May 20, 2008;
- U.S. Patent No. 7,280,838, titled "Paging Transceivers and Methods for Selectively Retrieving Messages," issued October 9, 2007;
- U.S. Patent No. 7,277,716, titled "Systems and Methods for Delivering Information to a Communication Device," issued October 2, 2007;
- U.S. Patent No. 7,242,951, titled "Paging Transceivers and Methods for Selectively Retrieving Messages," issued July 10, 2007;
- U.S. Patent No. 7,155,241, titled "Systems and Methods for Enabling a User of a Communication Device to Manage Remote Information," issued December 26, 2006;
- U.S. Patent No. 7,146,157, titled "Systems and Methods for Downloading Information to a Mobile Device," issued December 5, 2006;
- U.S. Patent No. 7,039,428, titled "System and Method for Delivering

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Information to a Transmitting and Receiving Device," issued May 2, 2006;

- U.S. Patent No. 7,003,304, titled "Paging Transceivers and Methods for Selectively Retrieving Messages," issued February 21, 2006;
- U.S. Patent No. 6,983,138, titled "User Interface for Message Access," issued January 3, 2006;
- U.S. Patent No. 6,826,407, titled "System and Method For Integrating Audio and Visual Messaging," issued November 30, 2004;
- U.S. Patent No. 6,696,921, titled "Transmitting and Receiving Devices and Methods for Transmitting Data to and Receiving Data from a Communications System," issued February 24, 2004;.
- U.S. Patent No. 6,636,733, titled "Wireless Messaging System," issued October 21, 2003;
- U.S. Patent No. 6,462,646, titled "Transmitting and Receiving Devices and Methods for Transmitting Data to and Receiving Data from a Communication System," issued October 8, 2002;
- U.S. Patent No. 6,459,360, titled "Paging Transceivers and Methods for Selectively Erasing Information," issued October 1, 2002;
- U.S. Patent No. 6,259,892, titled "Pager Transceivers and Methods for Performing Action on Information at Desired Times," issued July 10, 2001;
- U.S. Patent No. 6,253,061, titled "Systems and Methods for Delivering Information to a Transmitting and Receiving Device," issued June 26,

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2001;

- U.S. Patent No. 6,233,430, titled "Paging Transceivers and Methods for Selectively Retrieving Messages," issued May 15, 2001;
- U.S. Patent No. 6,097,941, titled "User Interface for Voice Message Access," issued August 1, 2000;
- U.S. Patent No. 6,087,956, titled "Paging Transceivers and Methods for Selectively Erasing Information," issued July 11, 2000.

U.S. Patent Nos. 6,087,956, 6,233,430, 7,146,157, 7,280,838 and 7,376,432 are, collectively, the "Asserted Patents."

Helferich Patent Licensing, L.L.C. is also the exclusive licensee of a portfolio of patent applications naming Richard J. Helferich as inventor relating to wireless communication and messaging. The relevant pending applications include (collectively, the "Subject Applications"):

- U.S. Patent Application No. 12/167,971, titled "System and Method for Delivering Information to a Transmitting and Receiving Device;"
- U.S. Patent Application No. 11/635,781, titled "Paging Transceivers and Methods for Selectively Retrieving Messages;"
- U.S. Patent Application No. 11/598,832, titled "Systems and Methods for Downloading Information to a Mobile Device;"
- U.S. Patent Application No. 11/598,202, titled "Wireless Messaging System;"

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- Allowed U.S. Patent Application No. 11/399,513, titled "System and Method for Delivering Information to a Transmitting and Receiving Device;"
- U.S. Patent Application No. 11/105,441, titled "Systems and Methods for Adding Information to a Directory Stored in a Mobile Device;"
- U.S. Patent Application No. 10/958,731, titled "System and Method for Integrating Audio and Visual Messaging."

HPL is the exclusive licensee of all right, title and interest in the Subject Patents and Applications, including the right to sue for past damages.

3. Defendant I-mate plc is a corporation established under the laws of Scotland and based in Dubai, United Arab Emirates. Defendant I-mate USA, Inc. is a corporation established under the laws of the State of Delaware and based in Redmond, Washington, and is a wholly owned subsidiary of I-mate plc. I-mate plc, including through its subsidiary I-mate USA, Inc., manufactures or sells wireless electronic devices such as cellular telephones, including selling or offering to sell such devices (including the accused devices) within this judicial district and by conducting other business within this judicial district or elsewhere in the United States that impacts this jurisdiction.

4. Within the United States, I-mate has manufactured, used, sold or offered for sale devices used for short message service ("SMS") messaging, web browsing, and multimedia (e.g., picture) messaging ("MMS") and covered by at least claims 44 and 46 of the '956 Patent, claims 19, 44 and 45 of the '430 Patent, claims 2 and 3 of the '157

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Patent, claims 34 and 35 of the '838 Patent, and claims 1 and 8 of the '432 Patent, including, for example, the models known as JASJAR, JASJAM, K-JAM, JAMin, JAM, Ultimate 8150, PDA2, PDA2k, Pocket PC, SP5, SP3, SP3i, Ultimate 6150, JAMA, SP5m, JAQ, SPL, SPJAS, JAQ3, Smartphone, and SP4m.

5. In the six-year period preceding the filing of this action, defendants have infringed the Asserted Patent in violation of 35 U.S.C. § 271 with resultant damage to HPL, in an amount to be proven at trial.

6. HPL gave written notice to I-mate of the Asserted Patents by letter dated May 9, 2008, which letter included a detailed explanation of the Asserted Patents and the manner in which they were infringed by exemplary I-mate products. In response to HPL's notice letters and infringement assertions sent to other manufacturers of cellular phones, one major manufacturer of wireless electronic technology, LG Electronics, Inc., entered into a license agreement with HPL. HPL also offered to meet face to face with I-mate in Chicago, Phoenix, Los Angeles and Hawaii to address the issues raised by this Complaint, but I-mate refused. HPL did engage in a telephonic discussion with I-mate regarding the patents in June 2008, but was unable to resolve the issues raised by this Complaint. During these discussions, I-mate presented no substantive defense to HPL's allegation that I-mate infringed the Asserted Patents. I-mate's last communication to HPL was on August 5, 2008, in which it informed HPL that the main contact at I-mate was leaving the company. Repeated requests for an update on the status of negotiations in light of her departure have gone unanswered. To date, no further response from I-mate has been received.

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7. Thus, Defendants, with actual knowledge of the Asserted Patents and without lawful justification, willfully and deliberately infringed the Asserted Patents.

WHEREFORE, HPL PRAYS FOR:

(a) Judgment on the Complaint that Defendants have infringed, contributed to the infringement of, or actively induced others to infringe U.S. Patent Nos. 6,087,956, 6,233,430, 7,146,157, 7,280,838 and 7,376,432;

(b) A permanent injunction to be issued enjoining and restraining Defendants, and their officers, directors, agents, servants, employees, attorneys, licensees, successors, assigns, and those in active concert and participation with them, and each of them, from making, using, selling, offering for sale, or importing any products which fall within the scope of any or all claims of the Asserted Patents, and from inducing or contributing to the infringement of any such claims by others;

(c) An award of damages against Defendants adequate to compensate HPL for past infringement of the Asserted Patents, together with interest and costs as fixed by the Court, such damages to be trebled because of the willful and deliberate character of the infringement;

(d) Judgment that this case is "exceptional" in the sense of 35 U.S.C. § 285, and that HPL is entitled to an award of its reasonable attorneys' fees in the prosecution of this action; and

(e) Such other and further relief as the Court may deem just and proper.

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DEMAND FOR JURY TRIAL

Plaintiff hereby makes a demand for a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedures as to all issues in this lawsuit.

RESPECTFULLY SUBMITTED this 11th day of September, 2008.

VICTORIA GRUVER CURTIN, P.L.C.

By: */s/ Victoria Curtin*
Victoria Curtin
Attorneys for Plaintiff

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