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11 Attorneys for Plaintiff
12 NAZOMI COMMUNICATIONS, INC.

13
14 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
15 **SAN JOSE DIVISION**

16 Nazomi Communications, Inc.,

17 Plaintiff,

18 v.

19 Samsung Telecommunications, Inc., et al.

20 Defendants.

Case No. 5:10-cv-05545-JF

**STIPULATION FOR FILING OF
AMENDED COMPLAINT**

21
22 IT IS HEREBY STIPULATED by and between the undersigned parties, through their
23 respective attorneys of record, that Plaintiff may file an Amended Complaint, a copy of which is
24 attached hereto.

25 IT IS FURTHER STIPULATED that the HTC, Samsung, Kyocera entities, and Defendant
26 LG Electronics, Inc. waive notice and service of the amended complaint, shall not be required to
27 answer the amendment, and that all denials, responses, counterclaims, and affirmative defenses

28 **Nazomi Communications, Inc. vs. Samsung**
Telecommunications, Inc., et al. Case No. 5:10-cv-
05545-JF

1.

STIPULATION FOR FILING OF AMENDED
COMPLAINT

1 contained in their respective answers to the original complaint shall be responsive to the amended
2 complaint.

3 Dated: May 26, 2011

4 /s/ Matthew Durell
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13 Attorney for Plaintiff Nazomi Communications, Inc.

14 Dated: May 26, 2011

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22 Attorney for the Samsung Defendants

23 Dated: May 26, 2011

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Attorney for the LG Defendants

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Dated: May 26, 2011

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Dated: May 26, 2011

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Attorney for the HTC Defendants

ECF CERTIFICATION

Pursuant to General Order No. 45, § X.B., the filing attorney attests that he has obtained concurrence regarding the filing of this document from the signatories to the document.

DATED: May 26, 2011

BY: /s/Matthew Durell

IT IS SO ORDERED

Dated: 6/30/11



Jeremy Fogel, U.S. District Judge

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11 Attorneys for Plaintiff
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12

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN JOSE DIVISION**

16 Nazomi Communications, Inc.,
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18 Plaintiff,
19 v.

20 Samsung Telecommunications America, LLC,
21 Samsung Electronics Co., Ltd., Samsung
22 Electronics America, Inc., HTC Corp., HTC
23 America, Inc., LG Electronics, Inc., LG
24 Electronics Mobilecomm U.S.A., Inc., and
Kyocera Communications Inc.
25
26 Defendants.
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Case No. CV-10-5545-JF

**FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

JURY TRIAL DEMANDED

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1 Plaintiff Nazomi Communications, Inc. (“Nazomi”), by and through its undersigned
2 counsel, complains as follows:

3 **JURISDICTION AND VENUE**

4 1. This infringement action arises under the patent laws of the United States, Title 35
5 of the United States Code, including but not limited to 35 U.S.C. § 271.

6 2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and
7 1338(a).

8 3. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), 1391(c),
9 and 1400(b).

10 **THE PARTIES**

11 4. Plaintiff Nazomi Communications, Inc. is a corporation organized and existing
12 under the laws of the State of Delaware with its principal place of business at 3561 Homestead
13 Road, Suite 571, Santa Clara, California 95051.

14 5. LG Electronics, Inc. is a foreign corporation organized and existing under the laws
15 of Korea, with its principal place of business at LG Twin Towers 20, Yeouido-dong,
16 Yeongdeungpo-gu, Seoul 150-721, South Korea. On information and belief, Defendant LG
17 Electronics Mobilecomm U.S.A., Inc. is a corporation organized and existing under the laws of
18 the State of California, with its principal place of business located at 10101 Old Grove Rd, San
19 Diego, CA 92131. LG Electronics, Inc. and LG Electronics Mobilecomm U.S.A., Inc. are
20 referred to collectively herein as “LG.”

21 6. On information and belief, Defendant Samsung Electronics Co., Ltd. is a foreign
22 corporation organized and existing under the laws of Korea, with its global headquarters located
23 at 250, Taepyeongno 2-ga, Jung-gu, Seoul 100-742 Korea. Defendant Samsung Electronics
24 America, Inc., is a corporation organized and existing under the laws of the State of New York,
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1 with its principal place of business located at 105 Challenger Road, Ridgefield Park, NJ 07660.
2 Samsung Telecommunications America, LLC is a corporation organized and existing under the
3 laws of the State of Delaware, with its principal place of business located at 1301 Lookout Dr.,
4 Richardson, TX 75082. Samsung Electronics Co., Ltd., Samsung Electronics America, Inc. and
5 Samsung Telecommunications America, LLC are referred to collectively herein as “Samsung.”
6

7 7. On information and belief, HTC Corp. is a foreign corporation organized and
8 existing under the laws of Taiwan, with its principal place of business at 23 Hsin Hua Rd.,
9 Taoyuan, 330, Taiwan. On information and belief, HTC America, Inc. is a corporation organized
10 and existing under the laws of the State of Washington, with its principle place of business
11 located at 13920 S.E. Eastgate Way, Suite 400, Bellevue, WA 98005. HTC Corp. and HTC
12 America, Inc. are referred to collectively herein as “HTC.”
13

14 8. On information and belief, Defendant Kyocera Communications, Inc. (“Kyocera”)
15 is a corporation organized and existing under the laws of the State of Delaware, with its principal
16 place of business located at 9520 Towne Centre Drive, San Diego, California, 92121.
17

17 **BACKGROUND**

18 9. Nazomi Communications, Inc. was founded in September 1998 by three Java
19 technology and embedded systems veterans for the purpose of enhancing the performance of
20 applications that run on the Java platform and other universal runtime platforms. Nazomi’s
21 pioneering technologies included the JSTAR Java Coprocessor technology and the JA108 Java
22 and Multimedia Application Processor, which were targeted at wireless mobile devices, internet
23 appliances, and embedded systems. Nazomi’s technology and products were adopted by leading
24 phone manufacturers and incorporated into millions of smart phones. In the years since Nazomi’s
25 introduction of the JSTAR and JA108 products, Java hardware and software acceleration has
26 been widely adopted for wireless mobile and embedded systems applications. Java is now used
27
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1 as a platform on hundreds of millions of devices.

2 10. On July 18, 2006, the United States Patent and Trademark Office duly and legally
3 issued United States Patent No. 7,080,362 entitled “Java Virtual Machine Hardware for RISC and
4 CISC Processors” (“the ‘362 patent”). A true and correct copy of the ‘362 patent is attached as
5 Exhibit 1.

6
7 11. On May 29, 2007, the United States Patent and Trademark Office duly and legally
8 issued United States Patent No. 7,225,436 entitled “Java Hardware Accelerator Using Microcode
9 Engine” (“the ‘436 patent”). A true and correct copy of the ‘436 patent is attached as Exhibit 2.

10 12. On January 8, 2002, the United States Patent and Trademark Office duly and
11 legally issued United States Patent No. 6,338,160 entitled “Constant Pool Reference Resolution
12 Method” (“the ‘160 patent”). A true and correct copy of the ‘160 patent is attached as Exhibit 3.

13 13. Nazomi is the owner and possessor of all rights, title, and interest in the ‘362, ‘436,
14 and ‘160 patents.

15
16 14. Defendant Samsung makes, uses, sells, and/or offers for sale within the United
17 States and this judicial district consumer electronic devices containing processor cores capable of
18 Java hardware acceleration including, but not limited to, the Instinct s30 (SPH-M810) mobile
19 phone. Upon information and belief, the Instinct s30 (SPH-M810) mobile phone incorporates an
20 ARM926EJ-S processor core capable of Java hardware acceleration.

21
22 15. Defendant Samsung likewise makes, uses, sells, and/or offers for sale within the
23 United States and this judicial district consumer electronic devices that use a virtual machine
24 (“VM”) to resolve constant pool references including, but not limited to, the Captivate (SGH-
25 I897) mobile phone. Upon information and belief, the Captivate (SGH-I897) mobile phone uses
26 a VM to resolve constant pool references.

27 16. Defendant HTC makes, uses, sells, and/or offers for sale within the United States
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1 and this judicial district consumer electronic devices that use a VM to resolve constant pool
2 references including, but not limited to, the Droid Incredible mobile phone. Upon information
3 and belief, the Droid Incredible mobile phone uses a VM to resolve constant pool references.

4 17. Defendant LG makes, uses, sells, and/or offers for sale within the United States
5 and this judicial district consumer electronic devices containing processor cores capable of Java
6 hardware acceleration including, but not limited to, the LX370 mobile phone. Upon information
7 and belief, the LX370 mobile phone incorporates an ARM926EJ-S processor core capable of Java
8 hardware acceleration.
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10 18. Defendant LG likewise makes, uses, sells, and/or offers for sale within the United
11 States and this judicial district consumer electronic devices that use a VM to resolve constant pool
12 references including, but not limited to, the Ally (VS740) mobile phone. Upon information and
13 belief, the Ally (VS740) mobile phone uses a VM to resolve constant pool references.
14

15 19. Defendant Kyocera makes, uses, sells, and/or offers for sale within the United
16 States and this judicial district consumer electronic devices containing processor cores capable of
17 Java hardware acceleration including, but not limited to, the PRO-700 mobile phone. Upon
18 information and belief, the PRO-700 mobile phone incorporates an ARM926EJ-S processor core
19 capable of Java hardware acceleration.
20

21 20. Defendant Kyocera likewise makes, uses, sells, and/or offers for sale within the
22 United States and this judicial district consumer electronic devices that use a VM to resolve
23 constant pool references including, but not limited to, the Zio (M6000) mobile phone. Upon
24 information and belief, the Zio (M6000) mobile phone uses a VM to resolve constant pool
25 references.
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COUNT I
INFRINGEMENT OF THE '362 PATENT

21. Plaintiff incorporates each of the preceding paragraphs 1-20 as if fully set forth herein.

22. Defendants Samsung, LG, and Kyocera have been and are directly infringing the '362 patent by making, using, selling, and/or offering for sale within the United States and this judicial district the products identified in paragraphs 14-15 and 17-20.

23. The infringement by Defendants of the '362 patent has injured Plaintiff and will cause irreparable injury and damage in the future unless Defendants are enjoined from infringing the '362 patent.

COUNT II
INFRINGEMENT OF THE '436 PATENT

24. Plaintiff incorporates each of the preceding paragraphs 1-23 as if fully set forth herein.

25. Defendants Samsung, LG, and Kyocera have been and are directly infringing the '436 patent by making, using, selling, and/or offering for sale within the United States and this judicial district the products identified in paragraphs 14-15 and 17-20.

26. The infringement by Defendants of the '436 patent has injured Plaintiff and will cause irreparable injury and damage in the future unless Defendants are enjoined from infringing the '436 patent.

COUNT III
INFRINGEMENT OF THE '160 PATENT

27. Plaintiff incorporates each of the preceding paragraphs 1-26 as if fully set forth herein.

28. Defendants Samsung, HTC, LG, and Kyocera have been and are directly infringing the '160 patent by making, using, selling, and/or offering for sale within the United

1 States and this judicial district the products identified in paragraphs 14-20.

2 29. The infringement by Defendants of the '160 patent has injured Plaintiff and will
3 cause irreparable injury and damage in the future unless Defendants are enjoined from infringing
4 the '160 patent.

5 **PRAYER FOR RELIEF**

6
7 WHEREFORE, Nazomi prays for judgment against all Defendants as follows:

8 a) That the Court find that Defendants have each infringed and are each presently
9 infringing, United States Patent Nos. 7,080,362, 7,225,436, and 6,338,160;

10 b) That the Court find the '362, '436, '160 patents valid and enforceable;

11 c) That the Court award Nazomi damages or other monetary relief, including
12 prejudgment interest, for Defendants' infringement;

13 d) That the Court find this to be an exceptional case entitling Nazomi to an award of
14 attorney's fees, expenses, and costs pursuant to 35 U.S.C. § 285;

15 e) That the Court enjoin Defendants and their officers, directors, agents, and
16 employees, from infringing, directly or indirectly, the '362, '436 and '160 patents;

17 f) That the Court award Nazomi such other and further relief as the Court deems just
18 and appropriate.

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20 **DEMAND FOR JURY TRIAL**

21 Plaintiff respectfully requests a jury trial on all issues so triable.
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Dated: May 27, _____, 2011

PEPPER HAMILTON LLP

Respectfully submitted,

/s/ Harry P. "Hap" Weitzel

Harry P. Weitzel

Attorney for Plaintiff
NAZOMI COMMUNICATIONS, INC.