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MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

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

WILLIAM REBER, L.L.C.

Plaintiff,

v.

HELIO L.L.C.

Defendants.

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)  
) 07CV2382  
) JUDGE DARRAH  
) MAGISTRATE JUDGE COLE  
)  
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**COMPLAINT**

Plaintiff, William Reber, L.L.C. ("Reber"), complains of defendant, Helio L.L.C. ("Helio" or "defendant"), as follows:

**NATURE OF LAWSUIT**

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. § 1338(a).

**PARTIES**

2. Reber is an Illinois limited liability company having a principal place of business in this judicial district at 2812 Deerfield Lane, Rolling Meadows, Illinois 60008.

3. Reber owns and has standing to sue for infringement of United States Patent No. 5,701,258 (the "Reber Patent").

4. Helio L.L.C. is a Delaware limited liability company having a principal place of business at 10960 Wilshire Boulevard, 6<sup>th</sup> Floor, Los Angeles, California 90024.

**VENUE**

6. Venue is proper in this judicial district under 28 U.S.C. §1400(b). The

defendant transacts business in this judicial district by selling infringing products in such a way as to directly reach and interact with customers in this judicial district. The defendant sells the Helio Kickflip camera cell phones in this judicial district.

**CLAIM**

7. Defendant has infringed and continues to infringe United States Patent No. 5,701,258 through among other activities, the manufacture, use, importation, sale and/or offer for sale of cellular telephones covered by at least one claim of United States Patent No. 5,701,258. Defendant has also infringed and continues to infringe United States Patent No. 5,701,258 by actively inducing others to infringe with specific intent and by contributing to the infringement by others by the importation, use, sale and/or offer for sale of the infringing cellular telephones. The infringement that has occurred is at least of the following claims through commercialization of at least the following model phone:

<b><u>Model Nos.</u></b>	<b><u>Claims of '258 Patent</u></b>
Helio Kickflip	1, 2, 4, 9, 11, 12, 13, 15, 33

8. The defendant's infringement, contributory infringement and/or inducement to infringe has injured Reber, and Reber is entitled to recover damages adequate to compensate Reber for such infringement, but in no event less than a reasonable royalty.

9. The defendant's infringement, contributory infringement and/or inducement to infringe has injured and will continue to injure Reber, unless and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining

further importation, manufacture, use, sale and/or offer for sale of products that are within the scope of the Reber Patent.

**NOTICE AND WILLFULNESS**

10. Defendant has had actual notice of their infringement of the Reber patent, including actual pre-complaint notice. Defendant's infringement has been willful and deliberate as to the Reber patent and has occurred with knowledge of this patent in violation of 35 U.S.C. §§ 284.

**RELATED CIVIL ACTIONS**

11. Reber brought four lawsuits in this district for infringement of the Reber patent, including: Civil Action No. 03 C 4174 against Samsung Electronics America, Inc., Samsung Electronics Co., Ltd., Nokia Inc., Nokia Corporation, Sanyo North America Corporation, Sanyo Electric Co., Ltd., Matsushita Electric Corporation of America, Matsushita Electric Industrial Co., Ltd., Sony Ericsson Mobile Communications (USA) Inc., Sony Ericsson Mobile Communications AB, LG Electronics U.S.A., Inc., LG Electronics Inc., and LG InfoComm U.S.A., Inc.; Civil Action No. 04 C 6640 against, NEC USA, Inc., NEC Corporation, Sharp Electronics Corporation, Sharp Corporation, Toshiba America, Inc., Toshiba Corporation, Kyocera Wireless Corp., Kyocera Corporation, and Curitel Communications, Inc.; Civil Action No. 05 C 4351 against Siemens Information and Communication Mobile LLC and Siemens AG; and Civil Action No. 06 C 4940 against High Tech Computer Corporation. Reber settled with each one of those defendants, and the four prior actions are dismissed.

**RELIEF**

WHEREFORE, Reber asks this Court to enter judgment against the defendant, and against its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with it, granting the following relief:

A. An award of damages adequate to compensate Reber for the infringement that has occurred, together with prejudgment interest from the date infringement of the Reber Patent began;

B. An award to Reber of all remedies available to it under 35 U.S.C. §§ 284 and 285;

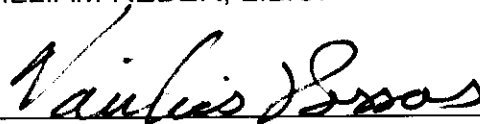
C. A permanent injunction prohibiting further infringement of the Reber Patent; and

D. Such other and further relief as this Court or jury may deem proper and just.

**JURY DEMAND**

Plaintiff Reber demands a trial by jury on all issues presented in this Complaint.

WILLIAM REBER, L.L.C.



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