

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

INTELLECT WIRELESS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.
	)	
APPLE, INC.	)	
	)	
Defendant.	)	<b>JURY TRIAL DEMANDED</b>

**COMPLAINT**

Plaintiff, Intellect Wireless, Inc. (“Intellect Wireless”) complains of defendant Apple, Inc. (“Apple”) as follows:

**NATURE OF THE SUIT**

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

**PARTIES**

2. Intellect Wireless is a Texas corporation with offices in Fort Worth, Texas and Reston, Virginia.

3. Daniel Henderson is the founder of Intellect Wireless, and the sole inventor of the patents-in-suit. Mr. Henderson has been awarded 25 United States patents with several more pending that relate to picture / video messaging in wireless devices such as PDA's, portable computers and cellular phones. Mr. Henderson's prototype for a wireless picture phone device was received as part of the permanent collection of the Smithsonian Institution in the National Museum of American History. The Honorable Senator Gordon H. Smith, (OR), declared that Mr. Henderson has “truly blazed new trails in the fields of wireless

technology and digital convergence” and called him a “true visionary.”

4. Intellect Wireless owns all right, title, interest in and has standing to sue for the infringement of United States Patent No. 7,266,186 entitled “Method and Apparatus for Improved Paging Receiver and System” which issued on September 4, 2007 (“the ‘186 Patent”).

5. Intellect Wireless owns all right, title, interest in and has standing to sue for the infringement of United States Patent No. 7,310,416 entitled “Method and Apparatus for Improved Personal Communication Devices and Systems” which issued on December 18, 2007 (“the ‘416 Patent”).

6. Apple, Inc. (“Apple”) is a California corporation that has its principal offices at 1 Infinite Loop, Cupertino California 95014.

7. Apple transacts business in this judicial district and has committed acts of infringement in this judicial district, including the marketing, sale, offering for sale, and importation of cellular telephone devices which are accused of patent infringement in this case. Such products and services are sold and/or offered for sale at numerous Apple Retail Stores located within this judicial district, including, for example, stores located at 679 North Michigan Ave. Chicago, IL 60611, 402 Oakbrook Center Oak Brook, IL 60523, 4999 Old Orchard Center Skokie, IL 60077, and K303 Woodfield Mall Schaumburg, IL 60173, and through Apple’s on-line store at [www.Apple.com](http://www.Apple.com).

#### **JURISDICTION AND VENUE**

8. This Court has exclusive jurisdiction over the subject matter of this case under 28 U.S.C. § 1338(a).

9. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b). Apple transacts business in this district and has committed acts of infringement in this judicial district, at least by offering to sell or selling infringing cellular telephones through its own stores and cellular service provider retail stores such as those operated by AT&T Wireless, and websites operated by both Apple and AT&T that are designed to reach Illinois customers and are used by customers in this judicial district. Apple transacts business in this district and has committed acts of infringement in this judicial district, at least by offering to sell or selling infringing cellular telephones and cellular telephone services to Illinois customers in this judicial district and through Internet websites that are designed to reach Illinois customers and are, in fact, used by customers in this judicial district.

### **PATENT INFRINGEMENT**

10. Apple has directly and/or indirectly infringed at least one claim of the '186 patent and '416 patent by making, using, selling and/or offering to sell wireless portable communication devices, namely the iPhone 3G using iPhone OS 3.0 software or later and iPhone 3Gs, that receive and display caller ID information, non-facsimile pictures, video messages and/or Multimedia Messaging Service.

11. Apple has contributorily infringed or induced infringement of at least one claim of the '186 patent and '416 patent in violation of 35 U.S.C. § 271 (b) and/or (c) through, among other activities, by providing wireless portable communication devices, namely the iPhone 3G using iPhone OS 3.0 software or

later and iPhone 3Gs, that receive and display caller ID information, non-facsimile pictures, video messages and/or Multimedia Messaging Service and demonstrating and instructing users of its wireless portable communication devices how to utilize its picture and video messages service and/or Multimedia Messaging Service.

12. Apple's infringement, contributory infringement and/or inducement to infringe has injured Intellect Wireless and it is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

13. Intellect Wireless has complied with the applicable provisions of 35 U.S.C. § 287. Apple was given actual notice of the '186 patent and the '416 patent on or about July 9, 2009 when Intellect Wireless sent a package of materials regarding the Intellect Wireless patents to Apple.

**PRAYER FOR RELIEF**

WHEREFORE, plaintiff, Intellect Wireless, Inc., respectfully requests this Court enter judgment against Apple and against its subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

- A. The entry of judgment in favor of Intellect Wireless;
- B. An award of damages adequate to compensate Intellect Wireless for the infringement that has occurred (together with prejudgment interest from the date the infringement began), but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284;

C. A finding that this case is exceptional and an award to Intellect Wireless of its attorneys' fees and costs as provided by 35 U.S.C. § 285;

D. Such other relief that Intellect Wireless is entitled to under law and any other relief that this Court or a jury may deem just and proper.

**JURY DEMAND**

Intellect Wireless demands a trial by jury on all issues presented in this complaint.

INTELLECT WIRELESS INC.

/s/ Raymond P. Niro

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