

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

INNOVATIVE SONIC LIMITED, a Mauritian
Corporation,

Plaintiff,

v.

RESEARCH IN MOTION LTD., a Canadian
Corporation, and RESEARCH IN MOTION
CORPORATION, a Delaware Corporation,

Defendants.

§ CIVIL ACTION NO. 6:10-CV-455

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JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Innovative Sonic Limited (“Innovative Sonic”) for its complaint against
Defendants Research In Motion Limited and Research In Motion Corporation (collectively,
“RIM”) alleges as follows:

THE PARTIES

1. Plaintiff Innovative Sonic Limited is a corporation organized and existing under
the laws of the Republic of Mauritius having its principal place of business at 3F., No. 58,
Jhouzih Street, Neihu District, Taipei City 114, Taiwan, Republic of China.

2. On information and belief, Defendant Research In Motion Limited is a
corporation organized and existing under the laws of Canada having its principal place of
business at 295 Phillip Street, Waterloo, Ontario, Canada N2L 3W8.

3. On information and belief, Defendant Research in Motion Corporation is a Delaware corporation having its principal place of business at 122 West John Carpenter Parkway, Suite 430, Irving, Texas 75039. Research In Motion Corporation's registered agent for service of process in Texas is CT Corporation System, 350 North Saint Paul Street, Suite 2900, Dallas, Texas 75201.

4. Upon information and belief, RIM designs, markets and sells smartphone devices under the BlackBerry brand, including but not limited to BlackBerry smartphone models Storm, Storm 2, Tour 9630, Bold 9000, and Bold 9700.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.

6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

7. Venue is proper in the Eastern District of Texas under 28 U.S.C. §§ 1391 and 1400(b).

8. This Court has personal jurisdiction over Defendants. Defendants have conducted and do conduct, and have solicited and do solicit business within the State of Texas and specifically within this judicial district.

9. Defendants, directly or through intermediaries, make, distribute, offer for sale or license, sell or license, advertise, and/or import their products and technology in the United States, the State of Texas, and specifically within this District.

FIRST CAUSE OF ACTION

(Infringement of U.S. Patent No. 6,925,183)

10. Innovative Sonic incorporates by reference the allegations set forth in paragraphs 1 through 9, above, in their entirety.

11. On August 2, 2005, United States Patent No. 6,925,183 (the “’183 Patent”) entitled “Preventing Shortened Lifetimes of Security Keys in a Wireless Communications Security System” issued. Innovative Sonic is the owner by assignment of all right, title, and interest in and to the ‘183 Patent. A true and correct copy of the ‘183 Patent is attached hereto as Exhibit A.

12. Upon information and belief, Defendants have infringed and continue to infringe, literally and/or under the doctrine of equivalents, the ‘183 Patent by making, using, selling, importing into the U.S. or offering for sale certain BlackBerry brand smartphones, including but not limited to BlackBerry smartphone models Storm, Storm 2, Tour 9630, Bold 9000, and Bold 9700 and components thereof. Defendants have also induced and contributed to the infringement of the ‘183 Patent by purchasers, licensees, and users of BlackBerry brand smartphones, including but not limited to BlackBerry smartphone models Storm, Storm 2, Tour 9630, Bold 9000, and Bold 9700. Defendants’ acts of infringement have been and continue to be willful, deliberate, and in reckless disregard of Innovative Sonic’s patent rights. Defendants are thus liable to Innovative Sonic for infringement of the ‘183 Patent pursuant to 35 U.S.C. § 271.

13. Defendants’ acts of infringement have caused damage to Innovative Sonic and Innovative Sonic is entitled to recover the damages sustained as a result of Defendants’ wrongful acts in an amount to be determined at trial.

SECOND CAUSE OF ACTION

(Infringement of U.S. Patent No. RE 40,077)

14. Innovative Sonic incorporates by reference the allegations set forth in paragraphs 1 through 13, above, in their entirety.

15. On February 19, 2008, United States Patent No. RE 40,077 (the “’077 Patent”) entitled “Window-Based Polling Scheme for a Wireless Communications Protocol” issued. Innovative Sonic is the owner by assignment of all right, title, and interest in and to the ’077 Patent. A true and correct copy of the ’077 Patent is attached hereto as Exhibit B.

16. Upon information and belief, Defendants have infringed and continue to infringe, literally and/or under the doctrine of equivalents, the ’077 Patent by making, using, selling, importing into the U.S. or offering for sale certain BlackBerry brand smartphones, including but not limited to BlackBerry smartphone models Storm, Storm 2, Tour 9630, Bold 9000, and Bold 9700 and components thereof. Defendants have also induced and contributed to the infringement of the ’077 Patent by purchasers, licensees, and users of BlackBerry brand smartphones, including but not limited to BlackBerry smartphone models Storm, Storm 2, Tour 9630, Bold 9000, and Bold 9700. Defendants’ acts of infringement have been and continue to be willful, deliberate, and in reckless disregard of Innovative Sonic’s patent rights. Defendants are thus liable to Innovative Sonic for infringement of the ’077 Patent pursuant to 35 U.S.C. § 271.

17. Defendants’ acts of infringement have caused damage to Innovative Sonic and Innovative Sonic is entitled to recover the damages sustained as a result of Defendants’ wrongful acts in an amount to be determined at trial.

THIRD CAUSE OF ACTION

(Infringement of U.S. Patent No. 7,436,795)

18. Innovative Sonic incorporates by reference the allegations set forth in paragraphs 1 through 17, above, in their entirety.

23. On October 14, 2008, United States Patent No. 7,436,795 (the “’795 Patent”) entitled “Timer Based Stall Avoidance Mechanism for High Speed Wireless Communication System” issued. Innovative Sonic is the owner by assignment of all right, title, and interest in and to the ’795 Patent. A true and correct copy of the ’795 Patent is attached hereto as Exhibit C.

24. Upon information and belief, Defendants have infringed and continue to infringe, literally and/or under the doctrine of equivalents, the ’795 Patent by making, using, selling, importing or offering for sale certain BlackBerry brand smartphones, including but not limited to BlackBerry smartphone models Storm, Storm 2, Tour 9630, Bold 9000, and “Bold 9700 and components thereof. Defendants have also induced and contributed to the infringement of the ’795 Patent by purchasers, licensees, and users of BlackBerry brand smartphones, including but not limited to BlackBerry smartphone models called Storm, Storm 2, Tour 9630, Bold 9000, and Bold 9700. Defendants’ acts of infringement have been and continue to be willful, deliberate, and in reckless disregard of Innovative Sonic’s patent rights. Defendants are thus liable to Innovative Sonic for infringement of the ’795 Patent pursuant to 35 U.S.C. § 271.

19. Defendants’ acts of infringement have caused damage to Innovative Sonic and Innovative Sonic is entitled to recover the damages sustained as a result of Defendants’ wrongful acts in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Innovative Sonic respectfully prays for judgment as follows:

- A. Entry of judgment holding Defendants liable for infringement of one or more claims of United States Patent Nos. 6,925,183, RE 40,077, and 7,436,795;
- B. An order permanently enjoining Defendants, its officers, agents, servants, employees, attorneys, affiliated companies, its assigns and successors in interest, and those acting in privity, active concert, or in participation with them, from continued acts of infringement, contributory infringement and/or inducing infringement of United States Patent Nos. 6,925,183, RE 40,077, and 7,436,795;
- C. An order awarding Innovative Sonic damages resulting from Defendants' infringement of United States Patent Nos. 6,925,183, RE 40,077, and 7,436,795, together with prejudgment and post-judgment interest, in an amount according to proof;
- D. Trebling of damages under 35 U.S.C. § 284 in view of the willful and deliberate nature of Defendants' infringement of United States Patent Nos. 6,925,183, RE 40,077, and 7,436,795;
- E. An order awarding Innovative Sonic its costs and attorneys fees under 35 U.S.C. § 285; and
- F. Any and all other legal and equitable relief as may be available under the law and which the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Innovative Sonic respectfully demands a trial by jury as to all issues so triable.

Dated: September 2, 2010

By: /s/ Otis Carroll

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