

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

WASHINGTON RESEARCH
FOUNDATION, a Washington Corporation,
Plaintiff,

NO. 12-2092

VS.

APPLE INC., a California Corporation; D-LINK SYSTEMS, INC., a California Corporation; HEWLETT-PACKARD COMPANY, a Delaware Corporation; LOGITECH INTERNATIONAL S.A., a Swiss Corporation; LOGITECH INC., a California Corporation; MICROSOFT CORPORATION, a Washington Corporation; PARROT SA, a French Corporation; PARROT, INC., a New York Corporation; SAMSUNG ELECTRONICS COMPANY, LIMITED, a Republic of Korea Corporation; and SAMSUNG ELECTRONICS AMERICA, INCORPORATED, a New York Corporation.
Defendants.

COMPLAINT

JURY DEMAND

COMPLAINT - 1

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1 Plaintiff Washington Research Foundation complains against defendants Apple, Inc.
2 (“Apple”); D-Link Systems, Inc. (“D-Link”), Hewlett-Packard Company (“HP”), Logitech
3 International S.A. and Logitech Inc. (collectively, “Logitech”); Microsoft Corporation
4 (“Microsoft”); Parrot SA and Parrot, Inc. (collectively, “Parrot”); Samsung Electronics
5 Company, Limited and Samsung Electronics America, Incorporated (collectively, “Samsung”)
6 as follows:

7 **I. PARTIES, JURISDICTION AND VENUE**

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

10 2. Washington Research Foundation (also referred to as “WRF”) is an independent
11 nonprofit Washington State 501(c)(3) organization based in Seattle, Washington. Washington
12 Research Foundation was created in 1981 and is mandated by federal statute to review
13 technology disclosures by the University of Washington and other Washington research
14 institutions, obtain protection for such technology through patents, copyrights, or other means,
15 and provide for the license, sale, or other exploitation of such technology. The activities of the
16 Washington Research Foundation are funded by revenue from technology licensing and the
17 investment of retained funds. Washington Research Foundation has benefited Washington State
18 research institutions by licensing a variety of technologies to industry, including the basis for a
19 hepatitis B virus vaccine, blood clotting factors, recombinant insulin, and wireless technology
20 supporting the “Bluetooth” and other wireless technologies.

21 3. Washington Research Foundation provides support through gifts and grants for
22 scholarship and research. Washington Research Foundation has made gifts and licensing
23 disbursements to the University of Washington totaling more than \$370 million, thus providing
24 a substantial return on investment to the taxpayers whose dollars support this institution. The

1 gifts from the Washington Research Foundation have supported the creation of over 100
2 endowments for chairs, professorships, research fellowships and graduate stipends in science,
3 medicine and engineering, all at reduced or no cost to the taxpayer. Educational programs
4 created and supported by the Washington Research Foundation include the Center for
5 Technology Entrepreneurship (University of Washington Business School) and the Program for
6 Technology Commercialization (University of Washington Bioengineering), all of which
7 substantially benefit society and improve the human condition. The Washington Research
8 Foundation was a founding supporter of technology “gap” funding programs at the University of
9 Washington, the Fred Hutchinson Cancer Research Center, and Washington State University.

10 4. Defendant Apple Inc. is a corporation established under the laws of California and
11 based in California. Apple Inc. manufactures and sells electronic devices such as cell phones
12 and notebook computers, including selling or offering to sell such devices (including the accused
13 devices) within this judicial district and by conducting other business within this judicial district
14 or elsewhere in the United States that impacts this jurisdiction.

15 5. Apple has manufactured, used, imported into the United States, sold and/or
16 offered for sale devices which infringe, or the use of which infringes, at least the Asserted
17 Patents. Specifically, and by way of example, Apple has manufactured, used, imported into the
18 United States, sold and/or offered for sale products employing unlicensed chipsets that are made
19 by third party semiconductor manufacturers Atheros, Qualcomm, and/or Qualcomm-Atheros.

20 6. Defendant D-Link Systems, Inc. is a corporation established under the laws of
21 California and based in California. D-Link manufactures, sells electronic devices such as
22 wireless routers, including selling or offering to sell such devices (including the accused
23 devices) within this judicial district, and conducts other business within this judicial district or
24 elsewhere in the United States that impacts this jurisdiction.

1 7. D-Link has manufactured, used, imported into the United States, sold and/or
2 offered for sale devices which infringe, or the use of which infringes, at least the Asserted
3 Patents. Specifically, and by way of example, D-Link has manufactured, used, imported into the
4 United States, sold and/or offered for sale products employing unlicensed chipsets that are made
5 by third party semiconductor manufacturers Atheros, Qualcomm, and/or Qualcomm-Atheros.

6 8. Defendant Hewlett-Packard is a corporation established under the laws of
7 Delaware and based in Palo Alto, California. Hewlett-Packard manufactures, sells electronic
8 devices such as notebook computers, including selling or offering to sell such devices (including
9 the accused devices) within this judicial district, and conducts other business within this judicial
10 district or elsewhere in the United States that impacts this jurisdiction.

11 9. Hewlett-Packard has manufactured, used, imported into the United States, sold
12 and/or offered for sale devices which infringe, or the use of which infringes, at least the
13 Asserted Patents. Specifically, and by way of example, Hewlett-Packard has manufactured,
14 used, imported into the United States, sold and/or offered for sale products employing
15 unlicensed chipsets that are made by third party semiconductor manufacturers Atheros,
16 Qualcomm, and/or Qualcomm-Atheros.

17 10. Defendant Logitech International S.A. is a corporation established under the laws
18 of Switzerland and based in Switzerland. Defendant Logitech Inc. is a corporation established
19 under the laws of the State of California and based in the United States, and is a wholly owned
20 subsidiary of Logitech International S.A. Logitech International S.A., including through its
21 subsidiary Logitech Inc., manufactures and sells electronic devices such as wireless mice,
22 keyboards and hubs, including selling or offering to sell such devices (including the accused
23 devices) within this judicial district and by conducting other business within this judicial district
24 or elsewhere in the United States that impacts this jurisdiction.

1 11. Logitech has manufactured, used, imported into the United States, sold and/or
2 offered for sale devices which infringe, or the use of which infringes, at least the Asserted
3 Patents. Specifically, and by way of example, Logitech has manufactured, used, imported into
4 the United States, sold and/or offered for sale products employing unlicensed chipsets that are
5 made by third party semiconductor manufacturers Atheros, Qualcomm, and/or Qualcomm-
6 Atheros.

7 12. Defendant Microsoft Corporation is a corporation established under the laws of
8 the State of Washington and based in Washington. Microsoft manufactures, sells electronic
9 devices, including selling or offering to sell such devices (including the accused devices) within
10 this judicial district, and conducts other business within this judicial district or elsewhere in the
11 United States that impacts this jurisdiction.

12 13. Microsoft has manufactured, used, imported into the United States, sold and/or
13 offered for sale devices which infringe, or the use of which infringes, at least the Asserted
14 Patents. Specifically, and by way of example, Microsoft has manufactured, used, imported into
15 the United States, sold and/or offered for sale products employing unlicensed chipsets that are
16 made by third party semiconductor manufacturer manufacturers Atheros, Qualcomm, and/or
17 Qualcomm-Atheros.

18 14. Defendant Parrot SA is a corporation established under the laws of France and
19 based in France . Defendant Parrot, Inc. is a corporation established under the laws of New
20 York, and based in Michigan, and is a wholly owned subsidiary of Parrot. Parrot, SA including
21 through its subsidiary Parrot, Inc., manufactures, sells electronic devices, including selling or
22 offering to sell such devices (including the accused devices) within this judicial district, and
23 conducts other business within this judicial district or elsewhere in the United States that
24 impacts this jurisdiction.

1 15. Parrot has manufactured, used, imported into the United States, sold and/or
2 offered for sale devices which infringe, or the use of which infringes, at least the Asserted
3 Patents. Specifically, and by way of example, Parrot has manufactured, used, imported into the
4 United States, sold and/or offered for sale products employing unlicensed chipsets that are made
5 by third party semiconductor manufacturers Atheros, Qualcomm, and/or Qualcomm-Atheros.

6 16. Defendant Samsung Electronics Company, Limited is a corporation established
7 under the laws of the Republic of Korea and based in Seoul, Korea. Defendant Samsung
8 Electronics America, Incorporated is a corporation established under the laws of the State of
9 New York and based in Ridgefield Park, New Jersey, and is a wholly owned subsidiary of
10 Samsung Electronics Company, Limited. Samsung Electronics Company, Limited, including
11 through its subsidiary Samsung Electronics America, Inc., manufactures, sells electronic devices
12 such as cell phones and notebook computers, including selling or offering to sell such devices
13 (including the accused devices) within this judicial district, and conducts other business within
14 this judicial district or elsewhere in the United States that impacts this jurisdiction.

15 17. Samsung has manufactured, used, imported into the United States, sold and/or
16 offered for sale devices which infringe, or the use of which infringes, at least the Asserted
17 Patents. Specifically, and by way of example, Samsung has manufactured, used, imported into
18 the United States, sold and/or offered for sale products employing unlicensed chipsets that are
19 made by third party semiconductor manufacturers Atheros, Qualcomm, and/or Qualcomm-
20 Atheros.

21 18. In accordance with 35 U.S.C. § 299(a)(1)-(2), these defendants have been named
22 in a common complaint because they purchase the infringing radios from the same common
23 supplier, and on information and belief, to the extent relevant to the asserted claims, the
24

1 infringement arises out of the “same accused product or process,” and therefore the issues of
2 claim construction, validity, and infringement are common to all of the defendants.

3 **II. WASHINGTON RESEARCH FOUNDATION’S LOW IF PATENT
4 PORTFOLIO**

5 19. The University of Washington is the assignee of a portfolio of patents duly and
6 legally issued to Edwin A. Suominen for the inventions claimed therein relating to radio
7 frequency (RF) receiver technology used in commercially significant Bluetooth®, FM, GSM,
8 Wi-Fi, and other Low IF radio data communication systems. Relevant issued patents include
9 (collectively, the “Subject Patents”):

- 10 • U.S. Patent 5,937,341, titled “Simplified high frequency tuner and tuning
11 method,” filed September 13, 1996, and issued August 10, 1999;
- 12 • U.S. Patent 6,427,068, titled “Simplified high frequency tuner and tuning
13 method,” filed May 24, 1999, as a division of the ‘341 Patent, issued July 30,
14 2002;
- 15 • U.S. Patent 6,631,256, titled “Simplified high frequency tuner and tuning
16 method,” filed October 27, 2001, as a continuation of the ‘068 Patent, issued
17 October 7, 2003;
- 18 • U.S. Patent 7,116,963, titled “Simplified high frequency tuner and tuning
19 method,” filed August 25, 2003, as a continuation of the ‘256 Patent, issued
20 October 3, 2006;
- 21 • U.S. Patent 7,606,542, titled “Simplified high frequency tuner and tuning
22 method,” filed June 15, 2005, issued October 20, 2009;
- 23 • U.S. Patent 7,606,549, titled “Selective channel tuner and tuning method,” filed
24 August 23, 2006, issued October 20, 2009;

- U.S. Patent 7,639,996, titled “Simplified high frequency tuner and tuning method,” filed July 10, 2008, as a divisional of the ‘542 Patent, issued December 29, 2009;
- U. S. Patent 7,853,225, titled “Simplified high frequency tuner and tuning method,” filed), filed on November 9, 2009, is a divisional of the ‘996 patent, issued December 14, 2010;
- U.S. Patent 7,853,239, titled “Simplified high frequency tuner and tuning method,” filed November 9, 2009 as a divisional of the ‘996 Patent, issued December 14, 2010;
- U.S. Patent 7,860,482, titled “Simplified high frequency tuner and tuning method,” filed November 9, 2009, as a divisional of the ‘996 Patent, issued December 28, 2010;
- U.S. Patent 7,925,238, titled “Simplified high frequency tuner and tuning method,” filed July 10, 2008, issued April 12, 2011;
- U.S. Patent 8,005,450, titled “Simplified high frequency tuner and tuning method,” filed June 12, 2009, issued August 23, 2011;
- U.S. Patent 8,116,705, titled “Simplified high frequency tuner and tuning method,” filed November 9, 2009, issued February 14, 2012; and,
- U.S. Patent 8,140,043, titled “Simplified high frequency tuner and tuning method,” filed April 11, 2011, issued March 20, 2012.

The ‘068, ‘256, ‘963, ‘542, ‘225, and ‘238 Patents are hereinafter referred to as “the Asserted Patents.”

20. The University of Washington is also the assignee of a portfolio of patent applications naming Edwin A. Suominen as inventor relating to radio frequency (RF) receiver technology, including certain radio frequency receiver technology used in commercially

1 significant radio data communication systems. The relevant pending application is U.S.
2 Application Serial No. 12/749,742, filed March 30, 2010 (the “Pending Application”).
3 Hereinafter, the Subject Patents and the Pending Application may be referred to jointly as the
4 “Subject Patents and Application.”

5 21. Mr. Suominen assigned all right, title and interest in the Subject Patents and
6 Application to the University of Washington, including the right to sue for past damages. The
7 University of Washington, in turn, exclusively licensed the Subject Patents and Application to
8 the Washington Research Foundation to include in its patent licensing program and, if
9 necessary, to enforce in the name of the Washington Research Foundation all rights available in
10 law and equity under the Subject Patents and Application including the right to sue and collect
11 for past infringement.

12 22. Two of WRF’s Subject Patents have been reconfirmed over two separate
13 reexamination requests. An anonymous third-party Requester initially filed a Request for *Ex*
14 *Parte* Reexamination with the USPTO identifying Claims 1 – 55 of Patentee’s Asserted ‘542
15 Patent (90/011,063). Later, the same anonymous third-party Requester filed a second Request
16 for Ex Parte Reexamination identifying Claims 18 – 20 of WRF’s ‘341 Patent (90/011,107).

17 23. As part of its ongoing patent prosecution of related cases, WRF promptly filed
18 copies of the reexamination requests in each of its pending cases, as well as copies of its
19 responses. WRF encouraged the Examiners of the pending cases to review the arguments
20 therein. Seven of those pending applications were subsequently allowed by two independent
21 Examiners, and are now issued as patents (the ‘225, ‘239, ‘482, ‘238, ‘450, ‘623, and ‘029
22 Patents).

23 24. On March 4, 2011, the USPTO terminated both of the reexamination requests in
24 WRF’s favor. Reexamination certificates published on May 17, 2011. Thus, nine patents and
25

1 applications have been issued or confirmed valid over all of the art and arguments presented to
2 WRF (and then submitted to the USPTO) during the course of enforcing the patents and in the
3 two ex parte requests for reexamination.

4 **III. THE LICENSING PROGRAM**

5 25. The Washington Research Foundation has for several years engaged in a program
6 to license the Subject Patents and Application. In accordance with that program, WRF provided
7 notice of the Subject Patents and Application (in their various stages of issuance and pendency)
8 to numerous companies that manufactured, imported, sold and/or offered for sale in the United
9 States electronic devices believed to practice the inventions described and claimed in the Subject
10 Patents and Application. More specifically, WRF advised major companies in several industries
11 that the use of certain unlicensed radio chipsets in products that they manufactured, imported,
12 sold and/or offered for sale in the United States would or could result in direct infringement of
13 various claims of the Subject Patents and Application. WRF provided notice to these
14 companies, and not to the chipset manufacturers, because these companies are the direct
15 infringers; that is, these companies import, sell or offer for sale in the United States products
16 that either infringe device claims, or the use of which infringes method claims of WRF's issued
17 patents. Thus, WRF provided notice of the Subject Patents and Application to (among others)
18 major corporations in the following industries:

- 19 • Automotive industry;
- 20 • Cellular Handset industry;
- 21 • Computer/Electronics industry,
- 22 • Electronics and Consumer Retailers / Distributors, and
- 23 • Wireless Module Manufacturers.

1 These major companies placed on notice by the Washington Research Foundation are referred to
2 collectively as “the Alleged Direct Infringers.”

3 26. On information and belief, a number of the Alleged Direct Infringers have
4 indemnity agreements with their suppliers of radio chipsets and intend to rely on those
5 indemnity obligations to address any infringement of the Subject Patents and Application. As a
6 result, numerous of the Alleged Direct Infringers declined to accept a license from WRF. On
7 information and belief, a number of the Alleged Direct Infringers provided notice to their
8 respective radio chipset suppliers of WRF’s infringement allegations.

9 27. Thereafter, several radio chipset suppliers contacted WRF to discuss the merits of
10 WRF’s infringement allegations and the possibility of acquiring a license under the Subject
11 Patents and Application. In addition, WRF initiated discussion with other radio chipset
12 suppliers.

13 28. As a result of its licensing efforts, Washington Research Foundation was able to
14 conclude licenses under the Subject Patents and Application with several radio chipset
15 companies, including:

- 16 • Airoha Technology Corp.
- 17 • Broadcom Corp.
- 18 • CSR plc
- 19 • Ericsson AB with rights extending to two of its licensees:
 - 20 ◦ National Semiconductor
 - 21 ◦ Winbond
- 22 • Infineon
- 23 • Marvell Semiconductor, Inc.
- 24 • Silicon Laboratories

- SiTel Semiconductor BV
 - ST-Ericsson and ST-NXP, with limited rights extending to:
 - STMicroelectronics (for STMicroelectronics non-automotive Bluetooth products made or sold prior to August 2, 2008),
 - TOSHIBA Corp
 - NXP Semiconductors N.V.

These licensed companies are hereinafter referred to as “Licensed Chipset Suppliers.” The specific terms and conditions of each license signed with the Licensed Chipset Suppliers are confidential. In general, however, each of the Licensed Chipset Suppliers obtained a license that, among other things, enables its customers to make, import, use, sell or offer for sale in the United States products that include licensed radio chipsets (as defined by the respective Licensed Fields of each agreement). As a result of these licenses, many of the Alleged Direct Infringers are now indirectly licensed for the subset of their products that use chipsets from the Licensed Chipset Suppliers.

29. In addition, as a result of the refusal of certain chipset companies to acquire licenses to avoid subjecting their customers to litigation, WRF successfully licensed the Subject Patents and Application to several of the Alleged Direct Infringers, including at least:

- Cisco Systems, Inc.,
 - GN Netcom A/S,
 - Harman International Industries, Inc., and
 - VTech Communications, Inc.

These companies are hereinafter referred to as “Licensed Integrators.” The terms and conditions of the licenses signed with the Licensed Integrators are confidential. However, in general, these licenses allow Licensed Integrators to employ in their products infringing chipsets without

1 regard to whether the chipsets are licensed by the manufacturer under the Subject Patents and
2 Application.

3 30. Products manufactured by the Licensed Chipset Suppliers or the Licensed
4 Integrators within the scope of their respective license agreements with WRF are hereinafter
5 referred to as “Licensed Products.” WRF does not assert that use of a Licensed Product by any
6 company (including any named Defendant or Alleged Direct Infringer) constitutes infringement
7 of any of the Subject Patents or Applications. Due to the existence of numerous Licensed
8 Products manufactured by the Licensed Chipset Suppliers and Licensed Integrators, each
9 Defendant had and continues to have the ability to avoid infringement of WRF’s Asserted
10 Patents.

11 31. WRF is informed and believes that other Alleged Direct Infringers manufactured,
12 used, imported, sold or offered for sale in the United States products that included certain
13 chipsets of at least Atheros, Qualcomm, or Qualcomm-Atheros, that are not licensed under the
14 Subject Patents or Applications. To avoid continuing loss of potential damages caused by the
15 applicable six year statutory damage limitation, WRF will seek the Court’s assistance in
16 discovery to promptly identify those additional direct infringers, as appropriate.

17 32. Over the last several years WRF has engaged in negotiations with Atheros and
18 Qualcomm (who acquired Atheros which is now Qualcomm-Atheros). During these
19 negotiations, WRF explained its infringement contentions with respect to at least the following
20 Atheros, Qualcomm, and Qualcomm-Atheros radios: AR6002, AR6003, AR6102, AR6103,
21 AR9002, AR9271, AR9280, AR9285, AR9287, AR9380, AR9382, AR9390 and AR9392.
22 WRF believes that additional Atheros, Qualcomm, and Qualcomm-Atheros radios similarly
23 infringe WRF’s Asserted Patents. WRF has offered both Atheros and Qualcomm a license
24 under WRF’s Asserted Patents on terms substantially similar to those signed by other Licensed

1 Chipset Suppliers listed above. To date, Atheros, Qualcomm, and Qualcomm-Atheros have
2 failed to take a license on terms that are consistent with WRF's prior licenses and that would
3 cover the past and present infringing activities of the OEM and integrator companies (such as
4 the Defendants) for the manufacture, use, importation, sale and/or offer for sale in the United
5 States of products employing its infringing chipsets.

6 **IV. DEFENDANTS' INFRINGEMENT**

7 32. Apple manufactures, uses, imports, sells and/or offers for sale in the United
8 States products employing certain Wi-Fi radio chipsets (including at least the AR9280 radio)
9 manufactured or sold by Atheros, Qualcomm, or Qualcomm-Atheros. Specifically, at least the
10 27" iMac EMC 2309 and 2374 made by Apple, and likely others, are believed to use an
11 infringing radio supplied by Atheros, Qualcomm, or Qualcomm-Atheros. The manufacture, use,
12 importation, sale and/or offer for sale in the United States of products by Apple that employ at
13 least the identified chips are believed to infringe numerous claims of WRF's patents, including
14 WRF's Asserted '068 Patent, '256 Patent, '963 Patent, '542 Patent; '225 Patent, and, '238
15 Patent. WRF placed Apple on notice of the 11/649,305 and 11/154,272 Applications at least as
16 early as September 1, 2005. The '305 Application has since issued as the '963 Patent. The
17 '272 Application has since issued as the '542 Patent. The relevant claims are in substantially the
18 same form as they were published. Accordingly, WRF is entitled to provisional damages
19 against Apple under 35 U.S.C. § 154(d).

20 33. D-Link manufactures, uses, imports, sells and/or offers for sale in the United
21 States products employing certain Wi-Fi radio chipsets (including at least the AR9285 and
22 AR9287 radios) manufactured or sold by Atheros, Qualcomm, or Qualcomm-Atheros.
23 Specifically, at least the following products made by D-Link, and likely others, are believed to
24 use an infringing radio supplied by Atheros, Qualcomm, or Qualcomm-Atheros:

- 1 a. D-Link's DIR-600 Router;
- 2 b. D-Link's DIR-601 Router;
- 3 c. D-Link's DIR-615 Router; and,
- 4 d. D-Link's DIR-632 Router.

5 The manufacture, use, importation, sale and/or offer for sale in the United States of products by
6 D-Link that employ at least the identified chips infringe numerous claims of WRF's patents,
7 including (without limitation) WRF's Asserted '068 Patent, '256 Patent, '963 Patent, '542
8 Patent, '225 Patent, and '238 Patent. WRF placed D-Link on notice of the 11/649,305 and
9 11/154,272 Applications at least as early as September 1, 2005. The '305 Application has since
10 issued as the '963 Patent. The '272 Application has since issued as the '542 Patent. The
11 relevant claims are in substantially the same form as they were published. Accordingly, WRF is
12 entitled to provisional damages against D-Link under 35 U.S.C. § 154(d).

13 34. Hewlett-Packard manufactures, uses, imports, sells and/or offers for sale in the
14 United States products employing certain Wi-Fi radio chipsets (including at least the AR9285
15 radio) manufactured or sold by Atheros, Qualcomm, or Qualcomm-Atheros. Specifically, at
16 least the following products made by Hewlett-Packard, and likely others, are believed to use an
17 infringing radio supplied by Atheros, Qualcomm, or Qualcomm-Atheros:

- 18 a. HP's DV5-2040BR Pavilion Entertainment Notebook PC; and,
- 19 b. HP's ProBook 4520s Notebook PC.

20 The manufacture, use, importation, sale and/or offer for sale in the United States of products by
21 Hewlett-Packard that employ at least the identified chips infringe numerous claims of WRF's
22 patents, including (without limitation) WRF's Asserted '068 Patent, '256 Patent, '963 Patent,
23 '542 Patent, '225 Patent, and '238 Patent. WRF placed Hewlett-Packard on notice of the
24 11/649,305 Application at least as early as October 29, 2004. The '305 Application has since

1 issued as the ‘963 Patent. WRF placed Hewlett-Packard on notice of the 11/154,272
2 Application at least as early as September 1, 2005. The ‘272 Application has since issued as the
3 ‘542 Patent. The relevant claims are in substantially the same form as they were published.
4 Accordingly, WRF is entitled to provisional damages against Hewlett-Packard under 35 U.S.C.
5 § 154(d).

6 35. Logitech manufactures, uses, imports, sells and/or offers for sale in the United
7 States products employing certain Wi-Fi radio chipsets (including at least the AR9271 radio)
8 manufactured or sold by Atheros, Qualcomm, or Qualcomm-Atheros. Specifically, at least the
9 Revue made by Logitech, and likely others, are believed to use an infringing radio supplied by
10 Atheros, Qualcomm, or Qualcomm-Atheros. The manufacture, use, importation, sale and/or
11 offer for sale in the United States of products by Logitech that employ at least the identified
12 chips infringe numerous claims of WRF’s patents, including (without limitation) WRF’s
13 Asserted ‘068 Patent, ‘256 Patent, ‘963 Patent, ‘542 Patent, ‘225 Patent, and ‘238 Patent. WRF
14 placed Logitech on notice of the 11/649,305 and 11/154,272 Applications at least as early as
15 September 1, 2006. The ‘305 Application has since issued as the ‘963 Patent. The ‘272
16 Application has since issued as the ‘542 Patent. The relevant claims are in substantially the
17 same form as they were published. Accordingly, WRF is entitled to provisional damages
18 against Logitech under 35 U.S.C. § 154(d).

19 36. Microsoft manufactures, uses, imports, sells and/or offers for sale in the United
20 States products employing certain Wi-Fi radio chipsets (including at least the AR6002 radio)
21 manufactured or sold by Atheros, Qualcomm, or Qualcomm-Atheros. Specifically, at least the
22 Zune HD made by Microsoft, and likely others, are believed to use an infringing radio supplied
23 by Atheros, Qualcomm, or Qualcomm-Atheros. The manufacture, use, importation, sale and/or
24 offer for sale in the United States of products by Microsoft that employ at least the identified
25

1 chips infringe numerous claims of WRF's patents, including (without limitation) WRF's
2 Asserted '068 Patent, '256 Patent, '963 Patent, '542 Patent, '225 Patent, and '238 Patent. WRF
3 placed Microsoft on notice of the 11/649,305 and 11/154,272 Applications at least as early as
4 October 29, 2004. The '305 Application has since issued as the '963 Patent. The '272
5 Application has since issued as the '542 Patent. The relevant claims are in substantially the
6 same form as they were published. Accordingly, WRF is entitled to provisional damages
7 against Logitech under 35 U.S.C. § 154(d).

8 37. Parrot manufactures, uses, imports, sells and/or offers for sale in the United
9 States products employing certain Wi-Fi radio chipsets (including at least the AR102 radio)
10 manufactured or sold by Atheros, Qualcomm, or Qualcomm-Atheros. Specifically, at least the
11 AR Drone made by Parrot, and likely others, are believed to use an infringing radio supplied by
12 Atheros, Qualcomm, or Qualcomm-Atheros. The manufacture, use, importation, sale and/or
13 offer for sale in the United States of products by Parrot that employ at least the identified chips
14 infringe numerous claims of WRF's patents, including (without limitation) WRF's Asserted
15 '068 Patent, '256 Patent, '963 Patent, '542 Patent, '225 Patent, and '238 Patent. WRF placed
16 Parrot on notice of the 11/154,272 Application at least as early as December 4, 2007. The '272
17 Application has since issued as the '542 Patent. The relevant claims are in substantially the
18 same form as they were published. Accordingly, WRF is entitled to provisional damages
19 against Parrot under 35 U.S.C. § 154(d).

20 38. Samsung manufactures, uses, imports, sells and/or offers for sale in the United
21 States products employing certain Wi-Fi radio chipsets (including at least the AR6002 and
22 AR9382 radios) manufactured or sold by Atheros, Qualcomm, or Qualcomm-Atheros.
23 Specifically, at least the following products made by Samsung, and likely others, are believed to
24 use an infringing radio supplied by Atheros, Qualcomm, or Qualcomm-Atheros:

- 1 a. Samsung's Jack phone;
2 b. Samsung's Propel Pro phone; and
3 c. Samsung's Series 5 3G Chromebook.

4 The manufacture, use, importation, sale and/or offer for sale in the United States of products by
5 Samsung that employ at least the identified chips infringe numerous claims of WRF's patents,
6 including (without limitation) WRF's Asserted '068 Patent, '256 Patent, '963 Patent, '542
7 Patent, '225 Patent, and '238 Patent. WRF placed Samsung on notice of the 11/649,305 and
8 11/154,272 Applications at least as early as December 27, 2006. The '305 Application has since
9 issued as the '963 Patent. The '272 Application has since issued as the '542 Patent. The
10 relevant claims are in substantially the same form as they were published. Accordingly, WRF is
11 entitled to provisional damages against Samsung under 35 U.S.C. § 154(d).

12 39. WRF will employ the tools of discovery to determine what, if any, other products
13 of the Alleged Direct infringers in the past six years use infringing chipsets manufactured or
14 sold by Atheros, Qualcomm, or Qualcomm-Atheros.

15 40. Defendants' use of chipsets that include inventions claimed in WRF's Asserted
16 Patents significantly increases the sales price and revenue associated with those products. For
17 example, the infringing Wi-Fi chipsets enable Defendants' products to communicate on Wi-Fi
18 networks. Without the infringing Wi-Fi chipsets, Defendants' products would not be able to
19 communicate over wireless networks.

20 41. Since at least the issuance of the Asserted Patents, Defendants have infringed the
21 Asserted Patents, in violation of 35 U.S.C. § 271(a), with resultant damage to Washington
22 Research Foundation, in an amount to be proven at trial.

23 42. In the alternative, Defendants have been on notice of the patents and applications
24 which issued as the Asserted Patents. Nevertheless, Defendants affirmatively sell, offer to sell,

1 encourage and intend for their customers to use their products in a manner that infringes on the
2 claimed methods of the Asserted Patents. Defendants' conduct amounts to active inducement of
3 infringement in violation of 35 U.S.C. § 271(b), with resultant damage to Washington Research
4 Foundation, in an amount to be proven at trial.

5 43. Moreover, Defendants, with actual knowledge of the Subject Patents and
6 Application, and without lawful justification, willfully and deliberately infringed at least the
7 Asserted Patents.

8 **WHEREFORE, WASHINGTON RESEARCH FOUNDATION PRAYS FOR**

9 43. Judgment on the Complaint that Defendants, and each of them, have infringed,
10 or actively induced others to infringe U.S. Patents 6,427,068; 6,631,256; 7,116,963; 7,606,542;
11 7,853,225; and 7,925,238.

12 44. An award of damages against Defendants, and each of them, adequate to
13 compensate Washington Research Foundation for past infringement of at least the Asserted
14 Patents, together with interest and costs as fixed by the Court, such damages to be trebled
15 because of the willful and deliberate character of the infringement;

16 45. Judgment that this case is "exceptional" in the sense of 35 U.S.C. § 285, and that
17 Washington Research Foundation is entitled to an award of its reasonable attorneys' fees in the
18 prosecution of this action; and

19 46. Such other and further relief as the Court may deem just and proper.

20 **DEMAND FOR JURY TRIAL**

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

23 RESPECTFULLY SUBMITTED this 30th day of November, 2012.

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