

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BLUEBONNET
TELECOMMUNICATIONS L.L.C.,

Plaintiff,

v.

NOKIA INC. AND
NOKIA CORPORATION,

Defendants.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Bluebonnet Telecommunications, L.L.C. (“Bluebonnet”) files this original complaint against Nokia, Inc. and Nokia Corporation alleging, based on its own knowledge as to itself and its own actions and based on information and belief as to all other matters, as follows:

PARTIES

1. Bluebonnet is a corporation formed under the laws of the State of Texas, with a principal place of business in Longview, Texas.
2. Defendant Nokia, Inc. (“Nokia Inc.”) is a corporation organized under the laws of the state of Delaware, with a principal place of business in White Plains, New York. Nokia Inc. can be served with process by serving its registered agent: 1021 Main Street, Suite 1150, Houston, TX 77002.
3. Defendant Nokia Corporation (“Nokia Corp.”) is a corporation organized under the laws of Finland, with a principal place of business in Espoo, Finland. Nokia

Corp. may be served at its principal place of business at Keilahadentie 2-4, FI-02150 Espoo, Finland.

JURISDICTION AND VENUE

4. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. §1331 and §1338(a).

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, the defendants have transacted business in this district and have committed, by itself or in concert with others, acts of patent infringement in this district.

6. The defendants are subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to Defendants’ substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and/or (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this district.

JOINDER

7. Defendants are properly joined under 35 U.S.C. § 299(a)(1) because a right to relief is asserted against the parties jointly, severally, and in the alternative with respect to the same transaction, occurrence, or series of transactions or occurrences relating to the making, using, importing into the United States, offering for sale, and/or selling the same accused products. Specifically, as alleged in detail below, defendants are alleged to

infringe the patent in suit with respect to a large number of overlapping smartphone products.

8. Defendants are properly joined under 35 U.S.C. § 299(a)(2). Questions of fact will arise that are common to all defendants, including for example, whether the overlapping smartphone products alleged to infringe have features that meet the limitations of one or more claims of the patent-in-suit, and what reasonable royalty will be adequate to compensate the owner of the patent-in-suit for its infringement.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 5,485,511

9. On June 16, 1996, United States Patent No. 5,485,511 (“the 511 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention entitled “Method and Apparatus for Determining the Telephony Features Assigned to a Telephone.”

10. Bluebonnet is the owner of the 511 patent with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the 511 patent against infringers, and to collect damages for all relevant times.

11. Nokia Inc. and Nokia Corp. (collectively “Nokia”) directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold and/or offered for sale products and/or systems (including at least the N97) that infringed one or more claims of the 511 patent.

12. Nokia has and is directly infringing the 511 patent.

ADDITIONAL ALLEGATIONS REGARDING INDIRECT INFRINGEMENT

13. Nokia has and is indirectly infringing the 511 patent, both as an inducer of infringement and as a contributory infringer.

14. The direct infringement underlying Nokia's indirect infringement consists of the use of the accused smartphones by end-user customers.

15. Nokia induces end-user customers to use the accused smartphones, and specifically to use them in a manner that infringes the 511 patent. They do so by (1) providing instructions to their customers that explain how to use the features of the accused devices that are accused of infringement (specifically those features that allow call forwarding and the display of whether the feature is activated); and (2) by touting the accused features of the smartphones.

16. Nokia has contributed to the infringement of the 511 patent by end-user customer by making and selling the accused smartphones. The accused features of the accused smartphones have no substantial use other than infringing the 511 patent. In particular, the accused features that allow call forwarding have no practical use other than uses that infringe the 511 patent. The use of these features of the accused smartphones for their intended purpose necessarily results in infringement of the 511 patent.

17. Nokia has or will have knowledge of the 511 patent, as well as the fact that its customer's use of its smartphones infringes the 511 patent, since at least as early as the filing of this lawsuit. Additionally, when it launched its smartphones, Nokia took inadequate steps to determine whether it would be infringing the intellectual property rights of others, such as Bluebonnet, and thus was willfully blind to the existence of the

511 patent. Nokia thus induces/induced and contributes/contributed to acts of direct infringement with the specific intent that others would infringe the 511 patent.

18. For the same reasons, Nokia's infringement has been or will be willful.

PRAYER FOR RELIEF

Bluebonnet requests that the Court find in its favor and against Nokia, and that the Court grant Bluebonnet the following relief:

a. Judgment that one or more claims of the 511 patent have been infringed, either literally and/or under the doctrine of equivalents, by Nokia and/or all others acting in concert therewith;

b. A permanent injunction enjoining defendants and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert therewith from infringement of the 511 patent;

c. Judgment that Nokia accounts for and pays to Bluebonnet all damages to and costs incurred by Bluebonnet because of Nokia's infringing activities and other conduct complained of herein;

d. That Bluebonnet be granted pre-judgment and post-judgment interest on the damages caused by Nokia's infringing activities and other conduct complained of herein;

e. That this Court declare this an exceptional case and award Bluebonnet its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and

f. That Bluebonnet be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: June 18, 2013

Respectfully submitted,

/s/ Califf T. Cooper by permission Elizabeth L. DeRieux

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