

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

WI-LAN USA, INC. AND WI-LAN INC.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. _____
	§	
HTC CORPORATION, HTC AMERICA,	§	JURY TRIAL DEMANDED
INC., and CELLCO PARTNERSHIP D/B/A/	§	
VERIZON WIRELESS	§	
	§	
Defendants.	§	

ORIGINAL COMPLAINT

Plaintiffs Wi-LAN USA, Inc. and Wi-LAN Inc. (“Wi-LAN”) file this Original Complaint for patent infringement against Defendants HTC Corporation and HTC America, Inc. (individually and collectively, “Defendants”) for infringement of U.S. Patent No. 8,259,688 (the “’688 Patent” or “Patent-in-Suit”) pursuant to 35 U.S.C. § 271. A copy of the ’688 Patent is attached hereto as Exhibit A.

PARTIES

1. Plaintiff Wi-LAN USA, Inc. is a corporation organized and existing under the laws of the state of Florida with its principal place of business at 175 S.W. 7th Street, No. 1803, Miami, Florida 33130. Plaintiff Wi-LAN, Inc. is a corporation organized and existing under the laws of Canada with its principal place of business at 11 Holland Ave., Suite 608, Ottawa, Ontario, Canada K1Y 4S1. Wi-LAN USA, Inc. is a wholly owned subsidiary of Wi-LAN Inc. Plaintiffs will be collectively referred to herein as “Wi-LAN.”

2. Upon information and belief, Defendant HTC Corporation (“HTC”) is a foreign corporation organized and existing under the laws of the country of Taiwan, R.O.C. with its principal place of business headquarters at 23 Xinghua Road, Taoyuan 330, Taiwan, R.O.C.

3. Upon information and belief, Defendant HTC America, Inc. (“HTCA”) is a corporation organized under the laws of the state of Washington with a principal place of business at 13920 SE Eastgate Way, Ste. 400, Bellevue, WA 98005. On information and belief, HTC America has been registered to do business in Texas and has paid Texas franchise taxes since at least 2010. HTC can be served with process by serving its registered agent: National Registered Agents, Inc., 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201-4234.

4. Upon information and belief, Defendant HTCA is a subsidiary of Defendant HTC.

5. Upon information and belief, Defendant Cellco Partnership d/b/a/ Verizon Wireless (“Verizon Wireless”) is a Delaware corporation with its principal place of business at One Verizon Way, Basking Ridge, New Jersey 07920.

6. Upon information and belief, Verizon Wireless operates numerous retail stores in the State of Texas, including several retail stores in this District. Verizon Wireless operates a retail store at 6874 S Broadway Avenue, Tyler TX 75703.

7. Upon information and belief, HTCA, HTC, and Verizon Wireless (collectively, “Defendants”) manufacture for sale, sell, and/or offer for sale wireless communication products, including but not limited to products compliant with the 3GPP LTE standard, in the United States and, more particularly, in the Eastern District of Texas.

JURISDICTION AND VENUE

8. This is an action for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 271.

9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10. On information and belief, each of 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 their substantial business in this State and judicial district, including: (A) at least part of their infringing activities alleged herein; and (B) regularly doing or soliciting business, engaging in other persistent conduct, and/or deriving substantial revenue from goods sold and services provided to Texas residents.

11. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b).

THE PATENT-IN-SUIT

12. On September 4, 2012, the United States Patent and Trademark Office ("USPTO") duly and legally issued the '688 Patent, entitled "Pre-Allocated Random Access Identifiers" after a full and fair examination. Wi-LAN Inc. is the sole owner of the '688 Patent. Wi-LAN USA, Inc. holds certain rights under the '688 Patent, including the right to license Defendants. A true and correct copy of the '688 Patent is attached hereto as Exhibit A.

13. The Patent-in-Suit is valid and enforceable.

COUNT I: INFRINGEMENT OF THE '688 PATENT

14. Upon information and belief, HTC and HTCA make, uses, offers for sale, imports, and/or sells products compliant with the 3GPP LTE standard, including but not limited to the HTC Droid Incredible 4G LTE.

15. Upon information and belief, Verizon Wireless makes, uses, offers for sale, imports, and/or sells products compliant with the 3GPP LTE standard, including but not limited to the HTC Droid Incredible 4G LTE.

16. Upon information and belief, Defendants have been and are now directly infringing, literally and/or under the doctrine of equivalents, the '688 Patent in this District and elsewhere by making, using, offering for sale, importing, and/or selling, without authority from

Wi-LAN, products compliant with the 3GPP LTE standard that fall within the scope of one or more of the claims of the '688 Patent.

DEMAND FOR JURY TRIAL

Wi-LAN demands a trial by jury for any and all issues triable of right before a jury.

PRAYER FOR RELIEF

WHEREFORE, Wi-LAN requests entry of judgment in its favor and against Defendants as follows:

- A. Declaring that Defendants have infringed one or more of U.S. Patent No. 8,259,688;
- B. Permanently enjoining Defendants and their officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with any of them from infringing U.S. Patent No. 8,259,688;
- C. Awarding to Wi-LAN damages arising out of Defendants' infringement of U.S. Patent No. 8,259,688;
- D. Awarding to Wi-LAN its costs in connection with this action; and
- E. Such other and further relief in law or in equity to which Wi-LAN may be justly entitled.

Dated: June 28, 2013

Respectfully submitted,

By: /s/ David B. Weaver

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