

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO.: 13-cv-61358-ROSENBAUM/HUNT**

Intellectual Ventures I LLC and  
Intellectual Ventures II LLC,

Plaintiffs,

v.

Motorola Mobility LLC,

Defendant.

---

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs Intellectual Ventures I LLC and Intellectual Ventures II LLC hereby sue  
Motorola Mobility LLC (“Motorola Mobility”) and allege as follows:

**THE PARTIES**

1. Intellectual Ventures I LLC (“Intellectual Ventures I”) is a Delaware limited liability company having its principal place of business located at 3150 139th Avenue SE, Bellevue, Washington, 98005.

2. Intellectual Ventures II LLC (“Intellectual Ventures II”) is a Delaware limited liability company having its principal place of business located at 3150 139th Avenue SE, Bellevue, Washington, 98005.

3. Upon information and belief, Motorola Mobility is a Delaware limited liability company with its principal place of business at 600 North U.S. Highway 45, Libertyville, Illinois 60048 as well as substantial operations at 8000 W. Sunrise Blvd., Plantation, Florida 33322. On information and belief, Motorola Mobility has substantial ties to this district. *See, e.g., Motorola*

*Mobility, Inc. v. Apple Inc.*, Case No. 10-CV-23580, Dkt. No. 47, which details Motorola Mobility's substantial ties to the district.

### **JURISDICTION AND VENUE**

4. This is a civil action for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 1 *et. seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§1331 and 1138(a).

5. This Court has general personal jurisdiction over Motorola Mobility because it is engaged in substantial and not isolated activity in this judicial district. This Court has specific jurisdiction over Motorola Mobility because it has committed acts giving rise to this action and has established minimum contacts within this judicial district such that the exercise of jurisdiction over Motorola Mobility would not offend traditional notions of fair play and substantial justice.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§1391(b)-(c) and 1400(b) because Motorola Mobility has conducted business in this district and/or provided services to its customers within this judicial district, and has committed acts of patent infringement within this district giving rise to this action.

### **INTELLECTUAL VENTURES AND THE PATENTS-IN-SUIT**

7. Intellectual Ventures Management, LLC ("Intellectual Ventures") was founded in 2000. Since its founding, Intellectual Ventures has been deeply involved in the business of invention. Intellectual Ventures creates inventions and files patent applications for those inventions; collaborates with others to develop and patent inventions; and acquires and licenses patents from individual inventors, universities and other institutions. A significant aspect of

Intellectual Ventures' business is managing the Plaintiffs in this case, Intellectual Ventures I and Intellectual Ventures II.

8. Intellectual Ventures' business includes purchasing important inventions from individual inventors and institutions and then licensing the inventions to those who need them. Through this business, Intellectual Ventures allows inventors to reap a financial reward from their innovations, which is frequently difficult for individual inventors to do. To date, Intellectual Ventures has acquired more than 70,000 IP assets and, in the process, has paid individual inventors hundreds of millions of dollars for their inventions. Intellectual Ventures, in turn, has earned more than \$3 billion by licensing these patents to some of the world's most innovative and successful technology companies who continue to use them to make computer equipment, software, semiconductor devices, and a host of other products.

9. Intellectual Ventures also creates inventions. Intellectual Ventures has a staff of scientists and engineers who develop ideas in a broad range of fields, including agriculture, computer hardware, life sciences, medical devices, semiconductors, and software. Intellectual Ventures has invested millions of dollars developing such ideas and has filed hundreds of patent applications on its inventions every year, making it one of the top patent filers in the world. Intellectual Ventures has also invested in laboratory facilities to assist with the development and testing of new ideas.

10. Intellectual Ventures also creates inventions by collaborating with inventors and research institutions around the world. For example, Intellectual Ventures has developed inventions by selecting a technical challenge, requesting proposals for inventions to solve the challenge from inventors and institutions, selecting the most promising ideas, rewarding the inventors and institutions for their contributions, and filing patent applications on the ideas.

Intellectual Ventures has invested millions of dollars in this way and has created a network of more than 4,000 inventors worldwide.

11. On August 4, 1998, U.S. Patent No. 5,790,793 (“the ’793 Patent”), titled “Method and System To Create, Transmit, Receive and Process Information, Including An Address To Further Information,” was duly and lawfully issued by the United States patent and Trademark Office (“PTO”). A copy of the ’793 Patent is attached hereto as Exhibit A.

12. Intellectual Ventures I is the owner and assignee of all right, title and interest in and to the ’793 Patent and holds the right to sue and recover damages for infringement thereof, including past damages.

13. On November 14, 2006, U. S. Patent No. 7,136,392 (“the ’392 Patent”), titled “System and Method For Ordering Data Messages Having Differing Levels of Priority For Transmission Over A Shared Communication Channel,” was duly and lawfully issued by the PTO. A copy of the ’392 Patent is attached hereto as Exhibit B.

14. Intellectual Ventures I is the owner and assignee of all right, title and interest in and to the ’392 Patent and holds the right to sue and recover damages for infringement thereof, including past damages.

15. On September 19, 2000, U.S. Patent No. 6,121,960, (“the ’960 Patent”), titled “Touch Screen Systems and Methods,” was duly and lawfully issued by the PTO. A copy of the ’960 Patent is attached hereto as Exhibit C.

16. Intellectual Ventures II is the owner and assignee of all right, title and interest in and to the ’960 Patent and holds the right to sue and recover damages for infringement thereof, including past damages.

17. On June 3, 2008, U.S. Patent No. 7,382,771 (“the ’771 Patent”), titled “Mobile Wireless Hotspot System,” was duly and lawfully issued by the PTO. A copy of the ’771 Patent is attached hereto as Exhibit D.

18. Intellectual Ventures II is the owner and assignee of all right, title and interest in and to the ’771 Patent and holds the right to sue and recover damages for infringement thereof, including past damages.

19. On July 21, 2009, U.S. Patent No. 7,564,784 (“the ’784 Patent”), titled “Method and Arrangement For Transferring Information In A Packet Radio Service,” was duly and lawfully issued by the PTO. A copy of the ’784 Patent is attached hereto as Exhibit E.

20. Intellectual Ventures I is the owner and assignee of all right, title and interest in and to the ’784 Patent and holds the right to sue and recover damages for infringement thereof, including past damages.

21. On January 2, 2001, U.S. Patent No. 6,170,073 (“the ’073 Patent”), titled “Method And Apparatus For Error Detection In Digital Communications,” was duly and lawfully issued by the PTO. A copy of the ’073 Patent is attached hereto as Exhibit F.

22. Intellectual Ventures I is the owner and assignee of all right, title and interest in and to the ’073 Patent and holds the right to sue and recover damages for infringement thereof, including past damages.

23. On December 7, 2010, U.S. Patent No. 7,848,353 (“the ’353 Patent”), titled “Method, Communication System And Communication Unit For Synchronization For Multi-Rate Communication,” was duly and lawfully issued by the PTO. A copy of the ’353 Patent is attached hereto as Exhibit G.

CASE NO.: 13-cv-61358-ROSENBAUM/HUNT

24. Intellectual Ventures II is the owner and assignee of all right, title and interest in and to the '353 Patent and holds the right to sue and recover damages for infringement thereof, including past damages.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 5,790,793**

25. Paragraphs 1-24 are reincorporated by reference as if fully set forth herein.

26. Intellectual Ventures I is informed and believes, and thereon alleges, that Motorola Mobility has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, at least claim 30 of the '793 Patent by making, using, selling, offering to sell and/or importing products that contain dedicated circuitry and/or software especially adapted to implement the creation and transmission of a text / MMS messages to a remote server at a known location, retrieving a text / MMS message from a remote server, and decoding such a message without user interaction ("MMS functionality"), including but not limited to the Photon Q 4G LTE, Atrix HD, Electrify M and products that use the iDEN operating system (the "'793 Accused Products").

27. Intellectual Ventures I is informed and believes, and thereon alleges, that Motorola Mobility had actual knowledge of the '793 Patent at least by (a) having received written notice from Intellectual Ventures I via a letter dated June 18, 2013 from counsel for Intellectual Ventures I to Renny Hwang and Brett Roesslein that was transmitted by electronic mail as well as by hard copy mail advising Motorola Mobility of its infringement of at least claim 30; and (b) receipt of the original complaint in this Action.

28. Intellectual Ventures I is informed and believes, and thereon alleges, that at least since it knew of the '793 Patent, Motorola Mobility has induced and continues to induce others,

including at least users of the '793 Accused Products in this judicial district and elsewhere in the United States, to infringe at least claim 30 of the '793 Patent (the "'793 Direct Infringers").

29. Intellectual Ventures I is informed and believes, and thereon alleges, that at least since it knew of the '793 Patent, Motorola Mobility specifically intended to induce the '793 Direct Infringers to use the MMS functionality in a manner that directly infringes at least claim 30 of the '793 Patent because, among other things, it instructs users on the use of the '793 Accused Products to provide MMS functionality at least through its website at <https://www.motorola.com>, its online user manuals, marketing materials and help materials.

30. Intellectual Ventures I is informed and believes, and thereon alleges, that as a result of Motorola's inducement, the '793 Direct Infringers directly infringed and continue to directly infringe at least claim 30 of the '793 Patent at least by using the '793 Accused Products to provide MMS functionality.

31. Intellectual Ventures I is informed and believes, and thereon alleges, that at least since it knew of the '793 Patent, Motorola knew or was willfully blind to knowing that the '793 Direct Infringers were using the '793 Accused Products to provide MMS functionality that directly infringes at least claim 30 of the '793 Patent as a result of its inducement of infringement.

32. Intellectual Ventures I is informed and believes, and thereon alleges, that at least since it knew of the '793 Patent, Motorola Mobility has contributorily infringed and continues to contributorily infringe at least claim 30 of the '793 Patent by selling within the United States the '793 Accused Products.

33. Intellectual Ventures I is informed and believes, and thereon alleges, that the '793 Accused Products constitute a material part of the claimed invention, are especially made or

CASE NO.: 13-cv-61358-ROSENBAUM/HUNT

especially adapted for use in infringement of the '793 Patent, are not staple articles of commerce, and have no substantial non-infringing use at least to the extent that the Accused Products are used to provide MMS functionality.

34. Intellectual Ventures I is informed and believes, and thereon alleges, that at least for the foregoing reasons at least since it knew of the '793 Patent, Motorola knew that the '793 Accused Products are especially made or especially adapted for use in infringement of the '793 Patent.

35. Intellectual Ventures I has suffered damages as a result of Motorola Mobility's infringement of the '793 Patent in an amount to be proven at trial.

**COUNT II**  
**INFRINGEMENT OF U.S. PATENT NO. 7,136,392**

36. Paragraphs 1-24 are reincorporated by reference as if fully set forth herein.

37. Intellectual Ventures I is informed and believes, and thereon alleges, that Motorola Mobility has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, at least claim 9 of the '392 Patent at least by making, using, selling, offering to sell and/or importing products that contain dedicated circuitry and/or software especially adapted to provide Quality of Service by prioritizing traffic in accordance with IEEE 802.11 specifications ("802.11 QoS functionality"), including but not limited to the Photon Q 4G LTE, Atrix HD and Electrify M (the '392 Accused Products).

38. Intellectual Ventures I is informed and believes, and thereon alleges, that Motorola Mobility had actual knowledge of the '392 Patent at least by (a) having received written notice from Intellectual Ventures I via a letter dated June 18, 2013 from counsel for Intellectual Ventures I to Renny Hwang and Brett Roesslein that was transmitted by electronic



mail as well as by hard copy mail advising Motorola Mobility of its infringement of at least claim 9; and (b) receipt of the original complaint in this Action.

39. Intellectual Ventures I is informed and believes, and thereon alleges, that at least since it knew of the '392 Patent, Motorola Mobility has induced and continues to induce others, including at least users of the '392 Accused Products in this judicial district and elsewhere in the United States, to infringe at least claim 9 of the '392 Patent (the "'392 Direct Infringers").

40. Intellectual Ventures I is informed and believes, and thereon alleges, that at least since it knew of the '392 Patent, Motorola Mobility specifically intended to induce the '392 Direct Infringers to use the 802.11 QoS functionality in a manner that directly infringes at least claim 9 of the '392 Patent because, among other things, it instructs users on the use of the '392 Accused Products in a manner which uses the 802.11 QoS functionality at least through its website at <https://www.motorola.com>, its online user manuals, marketing materials and help materials.

41. Intellectual Ventures I is informed and believes, and thereon alleges, that as a result of Motorola's inducement, the '392 Direct Infringers directly infringed and continue to directly infringe at least claim 9 of the '392 Patent at least by using the '392 Accused Products in a manner that uses 802.11 QoS functionality.

42. Intellectual Ventures I is informed and believes, and thereon alleges, that at least since it knew of the '392 Patent, Motorola knew or was willfully blind to knowing that the '392 Direct Infringers were using the '392 Accused Products in a manner that uses 802.11 QoS functionality that directly infringes at least claim 9 of the '392 Patent as a result of its inducement of infringement.

CASE NO.: 13-cv-61358-ROSENBAUM/HUNT

43. Intellectual Ventures I is informed and believes, and thereon alleges, that at least since it knew of the '392 Patent, Motorola Mobility has contributorily infringed and continues to contributorily infringe at least claim 9 of the '392 Patent by selling within the United States the '392 Accused Products.

44. Intellectual Ventures I is informed and believes, and thereon alleges, that the '392 Accused Products constitute a material part of the claimed invention, are especially made or especially adapted for use in infringement of the '392 Patent, are not staple articles of commerce, and have no substantial non-infringing use at least to the extent that the Accused Products provide 802.11 QoS functionality.

45. Intellectual Ventures I is informed and believes, and thereon alleges, that at least for the foregoing reasons at least since it knew of the '392 Patent, Motorola knew that the '392 Accused Products are especially made or especially adapted for use in infringement of the '392 Patent.

46. Intellectual Ventures II has suffered damages as a result of Motorola Mobility's infringement of the '392 Patent in an amount to be proven at trial.

**COUNT III**  
**INFRINGEMENT OF U.S. PATENT NO. 6,121,960**

47. Paragraphs 1-24 are reincorporated by reference as if fully set forth herein.

48. Intellectual Ventures II is informed and believes, and thereon alleges, that Motorola Mobility has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, at least claim 19 of the '960 Patent by making, using, selling, offering to sell and/or importing products that contain dedicated circuitry and/or software especially adapted for displaying on a touchscreen user interface input elements using variable pixel control to lay one or more elements over main images to form composite images

compatible with the Android operating system (“Android functionality”), including but not limited to the Photon Q 4G LTE, Atrix HD and Electrify M (‘960 Accused Products”).

49. Intellectual Ventures II is informed and believes, and thereon alleges, that Motorola Mobility had actual knowledge of the ‘960 Patent at least by (a) having received written notice from Intellectual Ventures II via a letter dated June 18, 2013 from counsel for Intellectual Ventures II to Renny Hwang and Brett Roesslein that was transmitted by electronic mail as well as by hard copy mail advising Motorola Mobility of its infringement of at least claim 19; and (b) receipt of the original complaint in this Action.

50. Intellectual Ventures II is informed and believes, and thereon alleges, that at least since it knew of the ‘960 Patent, Motorola Mobility has induced and continues to induce others, including at least users of the ‘960 Accused Products in this judicial district and elsewhere in the United States, to infringe at least claim 19 of the ‘960 Patent (the “‘960 Direct Infringers”).

51. Intellectual Ventures II is informed and believes, and thereon alleges, that at least since it knew of the ‘960 Patent, Motorola Mobility specifically intended to induce the ‘960 Direct Infringers to use the Android functionality in a manner that directly infringes at least claim 19 of the ‘960 Patent because, among other things, it instructs users on the use of the ‘960 Accused Products in a manner which makes use of Android functionality at least through its website at <https://www.motorola.com>, its online user manuals, marketing materials and help materials.

52. Intellectual Ventures II is informed and believes, and thereon alleges, that as a result of Motorola’s inducement, the ‘960 Direct Infringers directly infringed and continue to directly infringe at least claim 19 of the ‘960 Patent at least by using the ‘960 Accused Products in a manner which makes use of Android functionality.

53. Intellectual Ventures II is informed and believes, and thereon alleges, that at least since it knew of the '960 Patent, Motorola knew or was willfully blind to knowing that the '960 Direct Infringers were using the '960 Accused Products in a manner which makes use of Android functionality that directly infringes at least claim 19 of the '960 Patent as a result of its inducement of infringement.

54. Intellectual Ventures II is informed and believes, and thereon alleges, that at least since it knew of the '960 Patent, Motorola Mobility has contributorily infringed and continues to contributorily infringe at least claim 19 of the '960 Patent by selling within the United States the '960 Accused Products.

55. Intellectual Ventures II is informed and believes, and thereon alleges, that the '960 Accused Products constitute a material part of the claimed invention, are especially made or especially adapted for use in infringement of the '960 Patent, are not staple articles of commerce, and have no substantial non-infringing use at least to the extent that the Accused Products are used to provide Android functionality.

56. Intellectual Ventures II is informed and believes, and thereon alleges, that at least for the foregoing reasons at least since it knew of the '960 Patent, Motorola knew that the '960 Accused Products are especially made or especially adapted for use in infringement of the '960 Patent.

57. Intellectual Ventures II has suffered damages as a result of Motorola Mobility's infringement of the '960 Patent in an amount to be proven at trial.

**COUNT IV**  
**INFRINGEMENT OF U.S. PATENT NO. 7,382,771**

58. Paragraphs 1-24 are reincorporated by reference as if fully set forth herein.

59. Intellectual Ventures II is informed and believes, and thereon alleges, that Motorola Mobility has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, at least claim 1 of the '771 Patent by making, using, selling, offering to sell and/or importing products that contain dedicated circuitry and/or software especially adapted to provide Wi-Fi Internet with an 802.11 access point that have specialized functionality of a Local Area Network (LAN) routing system that manages the data path between the wireless access point and provides Internet access to multiple devices over the handset's cellular connection with the mobile network operator to other short range client devices ("mobile hotspot functionality"), including but not limited to the Photon Q 4G LTE, Atrix HD and Electrify M ('771 Accused Products").

60. Intellectual Ventures II is informed and believes, and thereon alleges, that Motorola Mobility had actual knowledge of the '771 Patent at least by (a) having received written notice from Intellectual Ventures II via a letter dated June 18, 2013 from counsel for Intellectual Ventures II to Renny Hwang and Brett Roesslein that was transmitted by electronic mail as well as by hard copy mail advising Motorola Mobility of its infringement of at least claim 1; and (b) receipt of the original complaint in this Action.

61. Intellectual Ventures II is informed and believes, and thereon alleges, that at least since it knew of the '771 Patent, Motorola Mobility has induced and continues to induce others, including at least users of the '771 Accused Products in this judicial district and elsewhere in the United States, to infringe at least claim 1 of the '771 Patent (the "'771 Direct Infringers").

62. Intellectual Ventures II is informed and believes, and thereon alleges, that at least since it knew of the '771 Patent, Motorola Mobility specifically intended to induce the '771 Direct Infringers to use the mobile hotspot functionality in a manner that directly infringes at

least claim 1 of the '771 Patent because, among other things, it instructs users on the use of the '771 Accused Products on the use of mobile hotspot functionality at least through its website at <https://www.motorola.com>, its online user manuals, marketing materials and help materials.

63. Intellectual Ventures II is informed and believes, and thereon alleges, that as a result of Motorola's inducement, the '771 Direct Infringers directly infringed and continue to directly infringe at least claim 1 of the '771 Patent at least by using the '771 Accused Products to provide mobile hotspot functionality.

64. Intellectual Ventures II is informed and believes, and thereon alleges, that at least since it knew of the '771 Patent, Motorola knew or was willfully blind to knowing that the '771 Direct Infringers were using the '771 Accused Products to provide mobile hotspot functionality in a manner that directly infringes at least claim 1 of the '771 Patent as a result of its inducement of infringement.

65. Intellectual Ventures II is informed and believes, and thereon alleges, that at least since it knew of the '771 Patent, Motorola Mobility has contributorily infringed and continues to contributorily infringe at least claim 1 of the '771 Patent by selling within the United States the '771 Accused Products.

66. Intellectual Ventures II is informed and believes, and thereon alleges, that the '771 Accused Products constitute a material part of the claimed invention, are especially made or especially adapted for use in infringement of the '771 Patent, are not staple articles of commerce, and have no substantial non-infringing use at least to the extent that the Accused Products provide mobile hotspot functionality.

67. Intellectual Ventures II is informed and believes, and thereon alleges, that at least for the foregoing reasons at least since it knew of the '771 Patent, Motorola knew that the '771

CASE NO.: 13-cv-61358-ROSENBAUM/HUNT

Accused Products are especially made or especially adapted for use in infringement of the '771 Patent.

68. Intellectual Ventures II has suffered damages as a result of Motorola Mobility's infringement of the '771 Patent in an amount to be proven at trial.

**COUNT V**  
**INFRINGEMENT OF U.S. PATENT NO. 7,564,784**

69. Paragraphs 1-24 are reincorporated by reference as if fully set forth herein.

70. Intellectual Ventures I is informed and believes, and thereon alleges, that Motorola Mobility has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, at least claims 1 and 7 of the '784 Patent by making, using, selling, offering to sell and/or importing products that contain dedicated circuitry and/or software especially adapted to control transmission of radio link control data blocks to a radio resource entity via a transceiver during a first active data transfer period using the uplink TBF connection and to maintain the uplink TBF connection during a passive period that follows the first active data transfer period, and to not send RLC data blocks to the radio resource entity during the passive period necessary to maintain an extended temporary block flow implementing GPRS and/or compliant with 3GPP GPRS specifications ("GPRS functionality"), including but not limited to the Photon Q 4G GPRS and Atrix HD ('784 Accused Products').

71. Intellectual Ventures I is informed and believes, and thereon alleges, that Motorola Mobility had actual knowledge of the '784 Patent at least by (a) having received written notice from Intellectual Ventures I via a letter dated June 18, 2013 from counsel for Intellectual Ventures I to Renny Hwang and Brett Roesslein that was transmitted by electronic mail as well as by hard copy mail advising Motorola Mobility of its infringement of at least claims 1 and 7; and (b) receipt of the original complaint in this Action.

72. Intellectual Ventures I is informed and believes, and thereon alleges, that at least since it knew of the '784 Patent, Motorola Mobility has induced and continues to induce others, including at least users of the '784 Accused Products in this judicial district and elsewhere in the United States, to infringe at least claims 1 and 7 of the '784 Patent (the "'784 Direct Infringers").

73. Intellectual Ventures I is informed and believes, and thereon alleges, that at least since it knew of the '784 Patent, Motorola Mobility specifically intended to induce the '784 Direct Infringers to use the GPRS functionality in a manner that directly infringes at least claims 1 and 7 of the '784 Patent because, among other things, it instructs users on the use of the '784 Accused Products in a manner which makes use of GPRS functionality at least through its website at <https://www.motorola.com>, its online user manuals, marketing materials and help materials.

74. Intellectual Ventures I is informed and believes, and thereon alleges, that as a result of Motorola's inducement, the '784 Direct Infringers directly infringed and continue to directly infringe at least claims 1 and 7 of the '784 Patent at least by using the '784 Accused Products in a manner which makes use of GPRS functionality.

75. Intellectual Ventures I is informed and believes, and thereon alleges, that at least since it knew of the '784 Patent, Motorola knew or was willfully blind to knowing that the '784 Direct Infringers were using the '784 Accused Products in a manner which makes use of GPRS functionality that directly infringes at least claims 1 and 7 of the '784 Patent as a result of its inducement of infringement.

76. Intellectual Ventures I is informed and believes, and thereon alleges, that at least since it knew of the '784 Patent, Motorola Mobility has contributorily infringed and continues to



contributorily infringe at least claims 1 and 7 of the '784 Patent by selling within the United States the '784 Accused Products.

77. Intellectual Ventures I is informed and believes, and thereon alleges, that the '784 Accused Products constitute a material part of the claimed invention, are especially made or especially adapted for use in infringement of the '784 Patent, are not staple articles of commerce, and have no substantial non-infringing use at least to the extent that the Accused Products are used to provide GPRS functionality.

78. Intellectual Ventures I is informed and believes, and thereon alleges, that at least for the foregoing reasons at least since it knew of the '784 Patent, Motorola knew that the '784 Accused Products are especially made or especially adapted for use in infringement of the '784 Patent.

79. Intellectual Ventures I has suffered damages as a result of Motorola Mobility's infringement of the '784 Patent in an amount to be proven at trial.

**COUNT VI**  
**INFRINGEMENT OF U.S. PATENT NO. 6,170,073**

80. Paragraphs 1-24 are reincorporated by reference as if fully set forth herein.

81. Intellectual Ventures I is informed and believes, and thereon alleges, that Motorola Mobility has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, at least claim 35 of the '073 Patent by making, using, selling, offering for sale and/or importing products that contain dedicated circuitry and/or software especially adapted to implement the EFR or similar codecs that encodes/decodes and classifies data into first and second classes according to their influence on data quality, and generates error detection codes corresponding to the classes as part of their 3G/3GPP/4GLTE or similar cellular

functionality (“codec functionality”), including but not limited to the Photon Q 4G LTE, Atrix HD and Electrify M (‘073 Accused Products’).

82. Intellectual Ventures I is informed and believes, and thereon alleges, that Motorola Mobility had actual knowledge of the ‘073 Patent at least by (a) having received written notice from Intellectual Ventures I via a letter dated June 18, 2013 from counsel for Intellectual Ventures I to Renny Hwang and Brett Roesslein that was transmitted by electronic mail as well as by hard copy mail advising Motorola Mobility of its infringement of at least claim 35; and (b) receipt of the original complaint in this Action.

83. Intellectual Ventures I is informed and believes, and thereon alleges, that at least since it knew of the ‘073 Patent, Motorola Mobility has induced and continues to induce others, including at least users of the ‘073 Accused Products in this judicial district and elsewhere in the United States, to infringe at least claim 35 of the ‘073 Patent (the “‘073 Direct Infringers”).

84. Intellectual Ventures I is informed and believes, and thereon alleges, that at least since it knew of the ‘073 Patent, Motorola Mobility specifically intended to induce the ‘073 Direct Infringers to use the 802.11 QoS in a manner that directly infringes at least claim 35 of the ‘073 Patent because, among other things, it instructs users on the use of the ‘073 Accused Products in a manner which makes use of codec functionality at least through its website at <https://www.motorola.com>, its online user manuals, marketing materials and help materials.

85. Intellectual Ventures I is informed and believes, and thereon alleges, that as a result of Motorola’s inducement, the ‘073 Direct Infringers directly infringed and continue to directly infringe at least claim 35 of the ‘073 Patent at least by using the ‘073 Accused Products in a manner which makes use of codec functionality.

86. Intellectual Ventures I is informed and believes, and thereon alleges, that at least since it knew of the '073 Patent, Motorola knew or was willfully blind to knowing that the '073 Direct Infringers were using the '073 Accused Products in a manner which makes use of codec functionality that directly infringes at least claim 35 of the '073 Patent as a result of its inducement of infringement.

87. Intellectual Ventures I is informed and believes, and thereon alleges, that at least since it knew of the '073 Patent, Motorola Mobility has contributorily infringed and continues to contributorily infringe at least claim 35 of the '073 Patent by selling within the United States the '073 Accused Products.

88. Intellectual Ventures I is informed and believes, and thereon alleges, that the '073 Accused Products constitute a material part of the claimed invention, are especially made or especially adapted for use in infringement of the '073 Patent, are not staple articles of commerce, and have no substantial non-infringing use at least to the extent that the Accused Products are used to provide codec functionality.

89. Intellectual Ventures I is informed and believes, and thereon alleges, that at least for the foregoing reasons at least since it knew of the '073 Patent, Motorola knew that the '073 Accused Products are especially made or especially adapted for use in infringement of the '073 Patent.

90. Intellectual Ventures I has suffered damages as a result of Motorola Mobility's infringement of the '073 Patent in an amount to be proven at trial.

**COUNT VII**  
**INFRINGEMENT OF U.S. PATENT NO. 7,848,353**

91. Paragraphs 1-24 are reincorporated by reference as if fully set forth herein.

92. Intellectual Ventures II is informed and believes, and thereon alleges, that Motorola Mobility has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, at least claims 1 and 21 of the '353 Patent by making, using, selling, offering to sell and/or importing products that contain dedicated circuitry and/or software especially adapted to implement portions of an LTE standard (e.g., 3GPP, Release 8) that relate to implementing an operating bandwidth determination system and method for use with a multi-bandwidth communication system (i.e., an LTE network) to recover information from a multi-bandwidth communication system at a remote unit (i.e., a Motorola handset) ("LTE functionality"), including but not limited to the Photon Q 4G LTE, Atrix HD and Electrify M (the '353 Accused Products").

93. Intellectual Ventures II is informed and believes, and thereon alleges, that Motorola Mobility had actual knowledge of the '353 Patent at least by (a) having received written notice from Intellectual Ventures II via a letter dated June 18, 2013 from counsel for Intellectual Ventures II to Renny Hwang and Brett Roesslein that was transmitted by electronic mail as well as by hard copy mail advising Motorola Mobility of its infringement of at least claims 1 and 21; and (b) receipt of the original complaint in this Action.

94. Intellectual Ventures II is informed and believes, and thereon alleges, that at least since it knew of the '353 Patent, Motorola Mobility has induced and continues to induce others, including at least users of the '353 Accused Products in this judicial district and elsewhere in the United States, to infringe at least claims 1 and 21 of the '353 Patent (the "'353 Direct Infringers").

95. Intellectual Ventures II is informed and believes, and thereon alleges, that at least since it knew of the '353 Patent, Motorola Mobility specifically intended to induce the '353

Direct Infringers to use the LTE functionality in a manner that directly infringes at least claim 1 and 21 of the '353 Patent because, among other things, it instructs users on the use of the '353 Accused Products in a manner which makes use of LTE functionality at least through its website at <https://www.motorola.com>, its online user manuals, marketing materials and help materials.

96. Intellectual Ventures II is informed and believes, and thereon alleges, that as a result of Motorola's inducement, the '353 Direct Infringers directly infringed and continue to directly infringe at least claims 1 and 21 of the '353 Patent at least by using the '353 Accused Products in a manner which makes use of LTE functionality.

97. Intellectual Ventures II is informed and believes, and thereon alleges, that at least since it knew of the '353 Patent, Motorola knew or was willfully blind to knowing that the '353 Direct Infringers were using the '353 Accused Products in a manner which makes use of LTE functionality that directly infringes at least claims 1 and 21 of the '353 Patent as a result of its inducement of infringement.

98. Intellectual Ventures II is informed and believes, and thereon alleges, that at least since it knew of the '353 Patent, Motorola Mobility has contributorily infringed and continues to contributorily infringe at least claims 1 and 21 of the '353 Patent by selling within the United States the '353 Accused Products.

99. Intellectual Ventures II is informed and believes, and thereon alleges, that the '353 Accused Products constitute a material part of the claimed invention, are especially made or especially adapted for use in infringement of the '353 Patent, are not staple articles of commerce, and have no substantial non-infringing use at least to the extent that the Accused Products are used to provide LTE functionality.

100. Intellectual Ventures II is informed and believes, and thereon alleges, that at least for the foregoing reasons at least since it knew of the '353 Patent, Motorola knew that the '353 Accused Products are especially made or especially adapted for use in infringement of the '353 Patent.

101. Intellectual Ventures II has suffered damages as a result of Motorola Mobility's infringement of the '353 Patent in an amount to be proven at trial.

**PRAYER FOR RELIEF**

WHEREFORE, Intellectual Ventures I and Intellectual Ventures II respectfully pray that this Court:

A. Enter judgment in favor of Intellectual Ventures I that Motorola Mobility has infringed the '793 Patent;

B. Enter judgment in favor of Intellectual Ventures I that Motorola Mobility has infringed the '392 Patent;

C. Enter judgment in favor of Intellectual Ventures II that Motorola Mobility has infringed the '960 Patent;

D. Enter judgment in favor of Intellectual Ventures II that Motorola Mobility has infringed the '771 Patent;

E. Enter judgment in favor of Intellectual Ventures I that Motorola Mobility has infringed the '784 Patent;

F. Enter judgment in favor of Intellectual Ventures I that Motorola Mobility has infringed the '073 Patent;

G. Enter judgment in favor of Intellectual Ventures II that Motorola Mobility has infringed the '353 Patent;

CASE NO.: 13-cv-61358-ROSENBAUM/HUNT

H. Enter judgment that Intellectual Ventures I and Intellectual Ventures II be awarded damages adequate to compensate them for Motorola Mobility's past infringement and any continuing or future infringement of the Patents-in-Suit up until the date such judgment is entered, including pre-judgment and post-judgment interest, costs and disbursements as justified under 35 U.S.C. § 284 and, if necessary, to adequately compensate Intellectual Ventures I and Intellectual Ventures II for Motorola Mobility's infringement, an accounting;

I. Enter judgment that Intellectual Ventures I and Intellectual Ventures II be awarded attorney fees, costs and expenses incurred in prosecuting this action; and

J. Order that Intellectual Ventures I and Intellectual Ventures II be granted such other, different, and additional relief as this Court deems equitable and proper under the circumstances.

**DEMAND FOR JURY TRIAL**

Plaintiffs Intellectual Ventures I and Intellectual Ventures II hereby demand trial by jury as to all issues so triable in this civil action.

Date: August 26, 2013

Respectfully submitted,

s/ Lance A. Harke

Lance A. Harke, P.A.

Florida Bar No. 863599

[lharke@harkeclasby.com](mailto:lharke@harkeclasby.com)

Sarah Clasby Engel, P.A.

Florida Bar No. 991030

[sengel@harkeclasby.com](mailto:sengel@harkeclasby.com)

Howard M. Bushman, P.A.

Florida Bar No. 0364230

[hbushman@harkeclasby.com](mailto:hbushman@harkeclasby.com)

**HARKE CLASBY & BUSHMAN LLP**

9699 NE Second Avenue

Miami Shores, FL 33138

Telephone: (305) 536-8220

Facsimile: (305) 536-8229

OF COUNSEL:

CASE NO.: 13-cv-61358-ROSENBAUM/HUNT

Elizabeth Day, Esq. (*pro hac vice*)

[eday@feinday.com](mailto:eday@feinday.com)

Marc Belloli, Esq. (*pro hac vice*)

[mbelloli@feinday.com](mailto:mbelloli@feinday.com)

**FEINBERG DAY ALBERTI & THOMPSON  
LLP**

1600 El Camino Real, Suite 280

Menlo Park, CA 94025

Telephone: 650-618-4360

Facsimile: 650-618-4368

*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 26<sup>th</sup> day of August, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing documents is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic filing

s/ Lance A. Harke



**SERVICE LIST**

Edward M. Mullins  
[emullins@astidavis.com](mailto:emullins@astidavis.com)  
Regan N. Kruse  
[rkruse@astidavis.com](mailto:rkruse@astidavis.com)  
**ASTIGARRAGA DAVIS MULLINS &  
GROSSMAN, P.A.**  
701 Brickell Avenue, 16th Floor  
Miami, Florida 33131  
Telephone: (305) 372-8282  
Facsimile: (305) 372-8202

*Served Via CM/ECF Transmission*

Mitchell G. Stockwell  
[mstockwell@kilpatricktownsend.com](mailto:mstockwell@kilpatricktownsend.com)  
William H. Boice  
[bboice@kilpatricktownsend.com](mailto:bboice@kilpatricktownsend.com)  
**KILPATRICK TOWNSEND &  
STOCKTON LLP**  
1100 Peachtree Street, NE  
Suite 2800  
Atlanta, GA 30309-4528  
Telephone: 404-815-6214

*Served Via CM/ECF Transmission*

Taylor Ludlam  
[taludlam@kilpatricktownsend.com](mailto:taludlam@kilpatricktownsend.com)  
**KILPATRICK TOWNSEND &  
STOCKTON LLP**  
4208 Six Forks Road, Suite 1400  
Raleigh, NC 27609  
Telephone: 919-420-1705

*Served Via CM/ECF Transmission*

Christopher Schenck  
[cschenck@kilpatricktownsend.com](mailto:cschenck@kilpatricktownsend.com)  
**KILPATRICK TOWNSEND &  
STOCKTON LLP**  
1420 Fifth Avenue, Suite 4400  
Seattle, Washington 98101  
Telephone: (206) 467-9600  
Facsimile: (206) 623-6793

*Served Via CM/ECF Transmission*

Steven D. Moore  
[smoore@kilpatricktownsend.com](mailto:smoore@kilpatricktownsend.com)  
**KILPATRICK TOWNSEND &  
STOCKTON LLP**  
Two Embarcadero, Eight Floor  
San Francisco, CA 94111  
Telephone: 415-273-4741

*Served Via CM/ECF Transmission*

Theodore G. Brown , III  
[tbrown@kilpatricktownsend.com](mailto:tbrown@kilpatricktownsend.com)  
**KILPATRICK TOWNSEND &  
STOCKTON LLP**  
1080 Marsh Toad  
Menlo Park, CA 94025  
Telephone: 650-324-6353

*Served Via CM/ECF Transmission*