

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PRAGMATUS MOBILE, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. _____
	)	
NOKIA CORPORATION;	)	JURY TRIAL DEMANDED
NOKIA INC.,	)	
	)	
Defendants	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Pragmatius Mobile, LLC ("Pragmatius") complains and alleges as follows against Defendants Nokia Corporation and Nokia Inc. (jointly, "Nokia"):

**THE PARTIES**

1. Pragmatius is a limited liability company organized and existing under the laws of the Commonwealth of Virginia with its principal place of business at 601 North King Street, Alexandria, Virginia 22314.

2. Pragmatius is informed and believes that Nokia Corporation is a corporation organized under the laws of Finland and its principal place of business is Keilalahdentie 2-4, FIN-00045 Nokia Group, Espoo, Finland.

3. Pragmatius is informed and believes that Nokia Inc. is a corporation organized under the laws of Delaware and its principal place of business is 102 Corporate Park Drive, White Plains, New York 10604. Upon information and belief, Nokia Inc. is a wholly owned subsidiary of Nokia Corporation.

**JURISDICTION AND VENUE**

4. This is an action for patent infringement arising under the patent laws of the United States, United States Code, 35 U.S.C. § 271 et seq. This Court has subject matter jurisdiction over this action under Title 28 United States Code, §§ 1331 and 1338.

5. Pragmatus is informed and believes that this Court has personal jurisdiction over Nokia because Nokia Inc. is incorporated within this district, because Nokia has committed, and continues to commit, acts of infringement in Delaware, regularly does and solicits business in Delaware and/or because Nokia Corp. has availed itself of the benefits and protections of Delaware law including but not limited to use of this Court through at least the filing of complaints against HTC Corporation and Apple Inc. (1:12-cv-00549-LPS and 1:11-cv-00259-GMS, respectively). Pragmatus is informed and believes that Nokia also maintains a registered agent in Delaware, namely National Registered Agents, Inc., 160 Greentree drive, Suite 101, Dover, Delaware 19904.

6. Venue is proper under 28 U.S.C. §§ 1391 and 1400 because Nokia has committed acts of infringement in this district and/or is deemed to reside in this district.

#### **THE PATENTS-IN-SUIT**

7. On April 3, 2012, the United States Patent and Trademark Office ("USPTO") duly and legally issued United States Patent No. 8,149,124 ("the '124 Patent"), entitled "Personal Security And Tracking System." Pragmatus holds all right, title and interest in and to the '124 Patent. A true and correct copy of the '124 Patent is attached as Exhibit A.

8. On June 18, 2013, the United States Patent and Trademark Office ("USPTO") duly and legally issued United States Patent No. 8,466,795 ("the '795 Patent"), entitled "Personal Security And Tracking System." Pragmatus holds all right, title and interest in and to the '795 Patent. A true and correct copy of the '795 Patent is attached as Exhibit B.

9. On information and belief, Nokia had knowledge of at least the '124 Patent and the '795 Patent no later than October 8, 2013 by virtue of letters sent by Pragmatius to Nokia Corporation's EVP, Chief Legal Officer, Louise Pentland and Nokia Inc.'s EVP, Devices and Services, Stephen Elop.

**COUNT I**

**(INFRINGEMENT OF THE '124 PATENT)**

10. Pragmatius incorporates by reference herein the averments set forth in paragraphs 1 through 9 above.

11. Nokia has and continues to infringe directly one or more claims of the '124 Patent by making, using, offering for sale, selling and/or practicing the inventions covered by at least claim 1 of the '124 Patent, at least by providing the Nokia Lumia 1020 smartphone.

12. Nokia has and continues to infringe indirectly one or more claims of the '124 Patent by inducing others to infringe at least claim 1 of the '124 Patent by knowingly and intentionally encouraging or aiding third parties (e.g., Nokia's users) to use, *inter alia*, the Nokia Lumia 1020 smartphone in a way that infringes and will continue to infringe the '124 Patent. Nokia, through at least its online user manuals, marketing materials and help materials actively induced and continues to induce its users of, *inter alia*, the Nokia Lumia 1020 smartphone to infringe the '124 Patent.

13. Nokia has and continues to contributorily infringe one or more claims of the '124 Patent, including at least claim 1, by offering to users of, *inter alia*, the Nokia Lumia 1020 smartphone components that embody a material part of the inventions described in the '124 Patent that are known by Nokia to be especially made or especially adapted for use in infringement of the '124 Patent and are not staple articles or commodities suitable for substantial, non-infringing use. Pragmatius is informed and believes that the third party users of, *inter alia*,

the Nokia Lumia 1020 smartphone have infringed and will continue to infringe the '124 Patent by using the Nokia Lumia 1020 smartphone.

14. Pragmatus has provided Nokia written notice of Nokia's infringement prior to the filing of this suit, and Nokia also has written notice of its infringement by virtue of the filing and service of this Complaint. Pragmatus is informed and believes that from the time that Nokia received notice of its infringement of the '124 patent on or about October 9, 2013 in letters from William Marino to Louise Pentland and Stephen Elop, Nokia knew that users of, *inter alia*, the Nokia Lumia 1020 smartphone infringed the '124 patent and knew that it facilitated infringement by providing the Nokia Lumia 1020 smartphone to end users and encouraged infringement by providing online user manuals, marketing materials and help materials that explain how to infringe the '124 Patent. In addition to identifying the '124 Patent in the October 8, 2013 letters, Mr. Marino also included representative claim comparisons showing how the '124 Patent reads on the Nokia Lumia 1020 smartphone.

15. Pragmatus is informed and believes that following notice Nokia did nothing to remedy its infringement and continues to infringe to this day. Nokia has continued to infringe despite an objectively high likelihood that its, *inter alia*, Nokia Lumia 1020 smartphone infringes the '124 Patent. Moreover, this risk was either known or so obvious that it should have been known to Nokia. Accordingly, Nokia has willfully infringed the '124 Patent.

16. As a result of Nokia's acts of infringement, Pragmatus has suffered and will continue to suffer damages in an amount to be proved at trial.

## **COUNT II**

### **(INFRINGEMENT OF THE '795 PATENT)**

17. Pragmatus incorporates by reference herein the averments set forth in paragraphs 1 through 9 above.

18. Nokia has and continues to infringe directly one or more claims of the '795 Patent by making, using, offering for sale, selling and/or practicing the inventions covered by at least claim 27 of the '795 Patent, at least by providing the Nokia Lumia 1020 smartphone.

19. Nokia has and continues to infringe indirectly one or more claims of the '795 Patent by inducing others to infringe at least claim 27 of the '795 Patent by knowingly and intentionally encouraging or aiding third parties (e.g., Nokia's users) to use, *inter alia*, the Nokia Lumia 1020 smartphone in a way that infringes and will continue to infringe the '795 Patent. Nokia, through at least its online user manuals, marketing materials and help materials actively induced and continues to induce its users of, *inter alia*, the Nokia Lumia 1020 smartphone to infringe the '795 Patent.

20. Nokia has and continues to contributorily infringe one or more claims of the '795 Patent, including at least claim 27, by offering to users of, *inter alia*, the Nokia Lumia 1020 smartphone components that embody a material part of the inventions described in the '795 Patent that are known by Nokia to be especially made or especially adapted for use in infringement of the '795 Patent and are not staple articles or commodities suitable for substantial, non-infringing use. Pragmatus is informed and believes that the third party users of, *inter alia*, the Nokia Lumia 1020 smartphone have infringed and will continue to infringe the '795 Patent by using the Nokia Lumia 1020 smartphone.

21. Pragmatus has provided Nokia written notice of Nokia's infringement prior to the filing of this suit, and Nokia also has written notice of its infringement by virtue of the filing and service of this Complaint. Pragmatus is informed and believes that from the time that Nokia received notice of its infringement of the '795 patent on or about October 9, 2013 in letters from William Marino to Louise Pentland and Stephen Elop, Nokia knew that users of, *inter alia*, the

Nokia Lumia 1020 smartphone infringed the '795 patent and knew that it facilitated infringement by providing the Nokia Lumia 1020 smartphone to end users and encouraged infringement by providing online user manuals, marketing materials and help materials that explain how to infringe the '795 Patent. In addition to identifying the '795 Patent in the October 8, 2013 letters, Mr. Marino also included representative claim comparisons showing how the '795 Patent reads on the Nokia Lumia 1020 smartphone.

22. Pragmatus is informed and believes that following notice Nokia did nothing to remedy its infringement and continues to infringe to this day. Nokia has continued to infringe despite an objectively high likelihood that its, *inter alia*, Nokia Lumia 1020 smartphone infringes the '795 Patent. Moreover, this risk was either known or so obvious that it should have been known to Nokia. Accordingly, Nokia has willfully infringed the '795 Patent.

23. As a result of Nokia's acts of infringement, Pragmatus has suffered and will continue to suffer damages in an amount to be proved at trial.

#### **PRAYER FOR RELIEF**

WHEREFORE, Pragmatus respectfully requests the following relief:

- a) A judgment that Nokia has infringed one or more claims of United States Patent Nos. 8,149,124 and 8,466,795;
- b) A judgment that United States Patent Nos. 8,149,124 and 8,466,795 are valid and enforceable;
- c) Pragmatus be awarded damages adequate to compensate Pragmatus for Nokia's infringement of United States Patent Nos. 8,149,124 and 8,466,795 up until the date such judgment is entered, including prejudgment and post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary, to adequately compensate Pragmatus for Nokia's infringement, an accounting;

d) A judgment that Pragmatius be awarded attorney fees, costs, and expenses incurred in prosecuting this action;

e) A judgment that Pragmatius be awarded such further relief at law or in equity as the Court deems just and proper; and

f) A judgment permanently enjoining Nokia from further infringement of each of United States Patent Nos. 8,149,124 and 8,466,795.

g) A judgment that Nokia's infringement of United States Patent Nos. 8,149,124 and 8,466,795 was willful and enhancing Pragmatius' damages to three times its actual damages as a result.

**DEMAND FOR JURY TRIAL**

Pragmatius hereby demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: October 10, 2013

PHILLIPS, GOLDMAN & SPENCE, P.A.

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